

LAWS 2020, CONSTITUTIONAL AMENDMENT 2

House Joint Resolution 8, aa

A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 20, SECTION 3 OF THE CONSTITUTION OF NEW MEXICO TO PERMIT THE ADJUSTMENT BY LAW OF TERMS OF NON-STATEWIDE ELECTED OFFICERS AND TO STANDARDIZE THE DATE AN OFFICER BEGINS TO SERVE.

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

Constitutional Amendment 2 Section 1 Laws 2020

SECTION 1. It is proposed to amend Article 20, Section 3 of the constitution of New Mexico to read:

"A. The term of office of every state, county or district officer, except those elected to fill vacancies, shall commence on the first day of January next after the officer's election.

B. A state, county or district officer elected to fill a vacancy in office shall take office on the first day of January next after the officer's election to serve the remainder of the unexpired term for that office.

C. The term of a state, county or district officer may be adjusted by law to align or stagger the election of officers for a particular state, county or district office throughout the state. Any such adjustment shall require a legislative finding that the adjustment is to provide for consistency in the timing of elections for that office or to balance the number of offices appearing on the ballot. The term of any officer affected by such adjustment shall not be shortened or extended by more than two years. An extended term shall be counted as one term for the purposes of any limitation on the number of terms an officer may serve. A shortened term shall not be counted as a term and shall be disregarded for the purposes of any limitation on the number of terms an officer may serve. No statewide elective office may be adjusted pursuant to this subsection."

Constitutional Amendment 2 Section 2 Laws 2020

SECTION 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next general election or at any special election prior to that date that may be called for that purpose.

LAWS 2020, CHAPTER 1

House Bill 1, w/ec
Approved January 23, 2020

AN ACT

RELATING TO THE LEGISLATIVE BRANCH OF GOVERNMENT; APPROPRIATING FUNDS FOR THE EXPENSE OF THE FIFTY-FOURTH LEGISLATURE, SECOND SESSION, 2020, AND FOR OTHER LEGISLATIVE EXPENSES, INCLUDING THE LEGISLATIVE COUNCIL SERVICE, THE LEGISLATIVE FINANCE COMMITTEE, THE LEGISLATIVE EDUCATION STUDY COMMITTEE, THE SENATE RULES COMMITTEE, THE SENATE CHIEF CLERK'S OFFICE, THE HOUSE CHIEF CLERK'S OFFICE AND OTHER EXPENSES OF THE LEGISLATURE; DECLARING AN EMERGENCY.

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

Chapter 1 Section 1 Laws 2020

SECTION 1. SESSION EXPENSES.--

A. There is appropriated from the general fund for the expense of the legislative department of the state of New Mexico for the second session of the fifty-fourth legislature for per diem and mileage of its members, for salaries of employees and for other expenses of the legislature, five million four hundred ninety-four thousand seven hundred dollars (\$5,494,700) or so much thereof as may be necessary for such purposes.

B. The expenditures referred to in Subsection A of this section are as follows:

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| (1) | per diem for members of the senate | \$ 210,420; |
| (2) | per diem for members of the house of representatives | \$ 350,700; |
| (3) | mileage traveled by members of the senate going to and returning from the seat of government by the usually traveled route, one round trip | \$ 6,650; |
| (4) | mileage traveled by members of the house of representatives going to and returning from the seat of government by the usually traveled route, one round trip | \$ 10,620; |

- (5) salaries and employee benefits of senate employees \$ 1,721,308;
- (6) salaries and employee benefits of house of representatives employees \$ 1,557,300;
- (7) for expense of the senate not itemized above, three hundred ninety-five thousand seven hundred twenty-two dollars (\$395,722). No part of this item may be transferred to salaries or employee benefits;
- (8) for expense of the house of representatives not itemized above, four hundred four thousand three hundred eighty dollars (\$404,380). No part of this item may be transferred to salaries or employee benefits; and
- (9) for session expenses of the legislative council service, the joint billroom and mailroom and joint legislative switchboard, eight hundred thirty-seven thousand six hundred dollars (\$837,600) to be disbursed upon vouchers signed by the director of the legislative council service or the director's designee.

C. The expenditures for the senate shall be disbursed on vouchers signed by the chair of the committees' committee and the chief clerk of the senate or the chief clerk's designee. The expenditures for the house of representatives shall be disbursed on vouchers signed by the speaker and chief clerk of the house of representatives or the chief clerk's designee. Following adjournment of the session, expenditures authorized pursuant to Paragraphs (1) through (8) of Subsection B of this section shall be disbursed upon vouchers signed by the director of the legislative council service or the director's designee.

D. Under the printing contracts entered into for the second session of the fifty-fourth legislature, the chair of the committees' committee of the senate, subject to the approval of the committee, and the speaker of the house of representatives are authorized and directed to provide for the printing of all bills, resolutions, joint resolutions, memorials and joint memorials introduced in the senate or house, the printing of the bill locator and the printing of all necessary stationery required for use in the respective houses. They are further directed to provide for the purchase of all supplies necessary for use in the respective houses within the appropriation provided. The orders for printing, stationery and supplies shall be approved by the chair of the committees' committee of the senate or by the speaker of the house of representatives.

Chapter 1 Section 2 Laws 2020

SECTION 2. BILLS AND OTHER PRINTED MATERIALS.--

A. For the second session of the fifty-fourth legislature, bills, resolutions, joint resolutions, memorials and joint memorials delivered to the printer shall be returned by

the printer to the joint billroom within forty-two hours after they are ordered to be printed. The billroom personnel shall supply a complete file of bills, resolutions, joint resolutions, memorials, joint memorials and other printed distribution materials to the following:

- (1) upon request, one copy to each member of the house of representatives and the senate;
- (2) upon written request, one copy to each county clerk, district judge, radio or television station and newspaper and to the general library of each state-supported institution of higher learning; and
- (3) upon written request, one copy to each state department, commission, board, institution or agency, each elected state official, each incorporated municipality, each district attorney, each ex-governor, each member of the New Mexico congressional delegation and each school district in the state.

B. Any person not listed in Subsection A of this section may secure a complete file of the bills, resolutions, joint resolutions, memorials and joint memorials of the legislature by depositing with the legislative council service the amount of four hundred dollars (\$400), which deposit shall be paid to the state treasurer to the credit of the legislative expense fund. Additional single copies of items of legislation shall be sold for two dollars (\$2.00) unless the director of the legislative council service shall, because of its length, assign a higher price not to exceed ten cents (\$.10) per page. Copies of a daily bill locator, other than those copies furnished to each member of the respective houses, shall be supplied by the legislative council service at a charge of one hundred thirty-five dollars (\$135) for the entire session.

Chapter 1 Section 3 Laws 2020

SECTION 3. LEGISLATIVE COUNCIL SERVICE.--There is appropriated from the general fund to the legislative council service for fiscal year 2021, to be disbursed on vouchers signed by the director of the legislative council service or the director's designee, the following:

Personal Services & Employee Benefits	\$4,995,000
Contractual Services	394,400
Other Costs	1,048,000
Total	\$6,437,400.

Chapter 1 Section 4 Laws 2020

SECTION 4. LEGISLATURE.--There is appropriated from the general fund for the expense of the legislative department, not provided for in Section 1 of this act, for fiscal year 2021 unless otherwise indicated, to be disbursed on vouchers signed by the director of the legislative council service or the director's designee, the following:

A. for travel expenses of legislators other than New Mexico legislative council members, on legislative council business, for committee travel, staff and other necessary expenses for other interim committees and for other necessary legislative expenses, one million dollars (\$1,000,000); provided that the New Mexico legislative council may transfer amounts from the appropriation in this subsection, during the fiscal year for which appropriated, to any other legislative appropriation where they may be needed;

B. for pre-session expenditures and for necessary contracts, supplies and personnel for interim session preparation, four hundred twenty-five thousand dollars (\$425,000);

C. for a statewide legislative intern program, forty-seven thousand five hundred dollars (\$47,500);

D. for dues and fees of national organizations of which the legislature is a member, three hundred fifty-one thousand six hundred dollars (\$351,600);

E. for the legislative information system, for fiscal years 2020 and 2021, one million two hundred sixty-four thousand two hundred dollars (\$1,264,200); and

F. for the interim duties of the senate rules committee, nineteen thousand one hundred dollars (\$19,100).

Chapter 1 Section 5 Laws 2020

SECTION 5. LEGISLATIVE FINANCE COMMITTEE.--There is appropriated from the general fund to the legislative finance committee for fiscal year 2021, to be disbursed on vouchers signed by the chair of the committee or the chair's designated representative, the following:

Personal Services & Employee Benefits	\$3,982,000
Contractual Services	299,900
Other Costs	320,000
Total	\$4,601,900.

Chapter 1 Section 6 Laws 2020

SECTION 6. LEGISLATIVE EDUCATION STUDY COMMITTEE.--There is appropriated from the general fund to the legislative education study committee for fiscal year 2021, to be disbursed on vouchers signed by the chair of the committee or the chair's designated representative, the following:

Personal Services & Employee Benefits	\$1,193,200
Contractual Services	55,600
Other Costs	200,200

Total \$1,449,000

Chapter 1 Section 7 Laws 2020

SECTION 7. HOUSE CHIEF CLERK.--There is appropriated from the general fund to the legislative council service for expenditure in fiscal year 2021 for the operation of the house chief clerk's office, to be disbursed on vouchers signed by the director of the legislative council service, the following:

Personal Services & Employee Benefits	\$1,328,200
Contractual Services	174,800
Other Costs	46,900
Total	\$1,549,900.

Chapter 1 Section 8 Laws 2020

SECTION 8. SENATE CHIEF CLERK.--There is appropriated from the general fund to the legislative council service for expenditure in fiscal year 2021 for the operation of the senate chief clerk's office, to be disbursed on vouchers signed by the director of the legislative council service, the following:

Personal Services & Employee Benefits	\$1,376,100
Contractual Services	170,500
Other Costs	56,500
Total	\$1,603,100.

Chapter 1 Section 9 Laws 2020

SECTION 9. OFFICIAL MASTER DATABASE OF LAWS--SELF-PUBLICATION--TRANSITION TO NEW DATABASE TECHNOLOGY.--There is appropriated from the legislative cash balances for the legislative department's share of the continued development required for the master database of official annotated laws of the state, markup language and tagging and its use for legislative document systems and a tagged database of the session laws and for the costs associated in collaborating with the New Mexico compilation commission on the ongoing development and expanding partnership role with the New Mexico compilation commission in the self-publication of the *New Mexico Statutes Annotated 1978*, including completing the transition to new database technology for freely accessible laws and hard-copy publication, four hundred thousand dollars (\$400,000) for expenditure during fiscal years 2020 and 2021.

Chapter 1 Section 10 Laws 2020

SECTION 10. CATEGORY TRANSFER.--Amounts set out in Sections 3 through 8 of this act are provided for informational purposes only and may be transferred among categories.

Chapter 1 Section 11 Laws 2020

SECTION 11. PERFORMANCE MEASURES.--Each legislative agency shall adhere to the performance measures specified in its strategic plan and shall make reports as required in that plan.

Chapter 1 Section 12 Laws 2020

SECTION 12. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

LAWS 2020, CHAPTER 2

Senate Bill 4, w/ec
Approved February 10, 2020

AN ACT

MAKING AN APPROPRIATION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION FOR OUTREACH EFFORTS TO ACHIEVE A STATEWIDE COMPLETE COUNT IN THE 2020 CENSUS; DECLARING AN EMERGENCY.

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

Chapter 2 Section 1 Laws 2020

SECTION 1. APPROPRIATION.--Eight million dollars (\$8,000,000) is appropriated from the general fund to the department of finance and administration for expenditure in fiscal years 2020 and 2021 for the department to conduct outreach efforts to achieve a statewide complete count in the 2020 census. Any unexpended or unencumbered balance remaining at the end of fiscal year 2021 shall revert to the general fund.

Chapter 2 Section 2 Laws 2020

SECTION 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

LAWS 2020, CHAPTER 3

House Bill 83, aa
Approved February 18, 2020

AN ACT

RELATING TO EARLY CHILDHOOD; CREATING THE EARLY CHILDHOOD EDUCATION AND CARE FUND; CREATING THE EARLY CHILDHOOD EDUCATION AND CARE PROGRAM FUND; CREATING THE EXCESS EXTRACTION TAXES SUSPENSE FUND; DISTRIBUTING EXCESS OIL AND GAS EMERGENCY SCHOOL TAX REVENUE TO THE EXCESS EXTRACTION TAXES SUSPENSE FUND; TRANSFERRING REVENUE IN THE EXCESS EXTRACTION TAXES SUSPENSE FUND TO THE TAX STABILIZATION RESERVE AND TO THE EARLY CHILDHOOD EDUCATION AND CARE FUND; DISTRIBUTING CERTAIN REVENUE RECEIVED BY THE STATE PURSUANT TO THE FEDERAL MINERAL LEASING ACT TO THE EARLY CHILDHOOD EDUCATION AND CARE FUND.

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

Chapter 3 Section 1 Laws 2020

SECTION 1. EARLY CHILDHOOD EDUCATION AND CARE FUND.--

A. The "early childhood education and care fund" is created within the state treasury. The fund shall consist of distributions, appropriations, gifts, grants and donations. Income from investment of the fund shall be credited to the fund. Money in the fund shall be expended only as provided in this section.

B. The state investment officer, subject to the approval of the state investment council, shall invest money in the early childhood education and care fund:

(1) in accordance with the prudent investor rule set forth in the Uniform Prudent Investor Act; and

(2) in consultation with the state treasurer.

C. The state investment officer shall report quarterly to the legislative finance committee and the state investment council on the investments made pursuant to this section. Annually, a report shall be submitted no later than October 1 each year to the legislative finance committee, the revenue stabilization and tax policy committee and any other appropriate interim committees.

D. On July 1, 2021, a distribution shall be made from the early childhood education and care fund to the early childhood education and care program fund in the amount of twenty million dollars (\$20,000,000) and on July 1, 2022 and on each July 1 thereafter, a distribution shall be made from the early childhood education and care fund to the early childhood education and care program fund in an amount equal to the greater of five percent of the average of the year-end market values of the fund for the immediately preceding three calendar years or thirty million dollars (\$30,000,000).

E. In addition to the distribution pursuant to Subsection D of this section, money in the early childhood education and care fund may be expended in the event

that general fund balances, including all authorized revenues and transfers to the general fund and balances in the general fund operating reserve, the appropriation contingency fund, the tobacco settlement permanent fund, the state-support reserve fund and the tax stabilization reserve, will not meet the level of appropriations authorized from the general fund for a fiscal year. In that event, to avoid an unconstitutional deficit, the legislature may appropriate from the early childhood education and care fund to the general fund only in the amount necessary to meet general fund appropriations for that fiscal year and only if the legislature has authorized transfers from the appropriation contingency fund, the general fund operating reserve, the tax stabilization reserve and the tobacco settlement permanent fund that exhaust those fund balances.

Chapter 3 Section 2 Laws 2020

SECTION 2. EARLY CHILDHOOD EDUCATION AND CARE PROGRAM FUND.--The "early childhood education and care program fund" is created as a nonreverting fund in the state treasury. The fund consists of distributions, appropriations, gifts, grants, donations and income from investment of the fund. The early childhood education and care department shall administer the fund. Money in the fund is subject to appropriation by the legislature for early childhood education and care services and programs. Expenditures from the fund shall be by warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of early childhood education and care or the secretary's authorized representative.

Chapter 3 Section 3 Laws 2020

SECTION 3. DISTRIBUTION--EARLY CHILDHOOD EDUCATION AND CARE FUND--PAYMENTS PURSUANT TO FEDERAL MINERAL LEASING ACT.--

A. If, by June 30, 2022 and by June 30 of each fiscal year thereafter, the net receipts for that fiscal year of the money received by the state pursuant to the federal Mineral Leasing Act exceed the annual average amount, the excess shall be distributed to the early childhood education and care fund and attributed to that fiscal year. If there is an excess amount, the distribution shall be made as soon as practicable. If there is not an excess amount, no distribution shall be made to the fund. The department of finance and administration shall make the calculation to determine if an excess amount shall be distributed.

B. As used in this section, "annual average amount" means the total net receipts attributable to money received by the state pursuant to the federal Mineral Leasing Act in the immediately preceding five fiscal years, divided by five.

Chapter 3 Section 4 Laws 2020

SECTION 4. A new section of Chapter 6, Article 4 NMSA 1978 is enacted to read:

"EXCESS EXTRACTION TAXES SUSPENSE FUND--TRANSFER OF EXCESS OIL AND GAS EMERGENCY SCHOOL TAX REVENUE--TAX STABILIZATION RESERVE--EARLY CHILDHOOD EDUCATION AND CARE FUND.--

A. The "excess extraction taxes suspense fund" is created as a nonreverting fund in the state treasury. Money in the fund shall only be used to make transfers by the department of finance and administration as required by this section.

B. At the end of each fiscal year, the department of finance and administration shall transfer the balance of the fund attributable to that fiscal year as follows:

(1) to the tax stabilization reserve, the amount necessary to bring the balance of state reserves to a level equal to twenty-five percent of the aggregate recurring appropriations for that fiscal year from the general fund, as determined by the department; provided that, if the balance in the excess extraction taxes suspense fund is not sufficient to meet that level, the entire balance shall be transferred to the tax stabilization reserve; and

(2) to the early childhood education and care fund, the balance remaining in the excess extraction taxes suspense fund, if any, after the transfer is made pursuant to Paragraph (1) of this subsection.

C. As used in this section, "state reserves" means the general fund balances, as determined by the department of finance and administration, including all authorized revenues and transfers to the general fund and balances in the appropriation contingency fund, the general fund operating reserve, the state-support reserve fund, the tax stabilization reserve and the tobacco settlement permanent fund."

Chapter 3 Section 5 Laws 2020

SECTION 5. Section 7-1-6.20 NMSA 1978 (being Laws 1985, Chapter 65, Section 6, as amended) is amended to read:

"7-1-6.20. IDENTIFICATION OF MONEY IN EXTRACTION TAXES SUSPENSE FUND--DISTRIBUTION.--

A. Except as provided in Subsection B of this section, after the necessary disbursements have been made from the extraction taxes suspense fund, the money remaining in the suspense fund as of the last day of the month shall be identified by tax source and distributed or transferred in accordance with the provisions of Sections 7-1-6.21 through 7-1-6.23 and 7-1-6.61 NMSA 1978. After the necessary distributions and transfers, any balance, except for remittances unidentified as to source or disposition, shall be transferred to the general fund.

B. Payments on assessments issued by the department pursuant to the Oil and Gas Conservation Tax Act, the Oil and Gas Emergency School Tax Act, the Oil and Gas Ad Valorem Production Tax Act and the Oil and Gas Severance Tax Act shall be held in the extraction taxes suspense fund until the secretary determines that there is no substantial risk of protest or other litigation, whereupon after the necessary disbursements have been made from the extraction taxes suspense fund, the money remaining in the suspense fund as of the last day of the month attributed to these payments shall be identified by tax source and distributed or transferred in accordance with the provisions of Sections 7-1-6.21 through 7-1-6.23 and 7-1-6.61 NMSA 1978. After the necessary distributions and transfers, any balance, except for remittance unidentified as to source or disposition, shall be transferred to the general fund."

Chapter 3 Section 6 Laws 2020

SECTION 6. Section 7-1-6.61 NMSA 1978 (being Laws 2017 (1st S.S.), Chapter 3, Section 3) is amended to read:

"7-1-6.61. DISTRIBUTION--OIL AND GAS EMERGENCY SCHOOL TAX--EXCESS EXTRACTION TAXES SUSPENSE FUND.--

A. A distribution pursuant to Section 7-1-6.20 NMSA 1978 shall be made to the excess extraction taxes suspense fund in an amount as calculated pursuant to Subsection B of this section.

B. If the year-to-date amount plus the current net receipts exceeds the annual average amount, the excess shall be distributed by the taxation and revenue department to the excess extraction taxes suspense fund. Each month the department of finance and administration shall make the calculation to determine the excess amount to be distributed. If there is not an excess amount, no distribution shall be made.

C. As used in this section:

(1) "annual average amount" means the total net receipts attributable to the tax imposed pursuant to Section 7-31-4 NMSA 1978 and distributed pursuant to Section 7-1-6.20 NMSA 1978 in the immediately preceding five fiscal years, divided by five; and

(2) "year-to-date amount" means the cumulative year-to-date net receipts attributable to the tax imposed pursuant to Section 7-31-4 NMSA 1978 and distributed to the general fund in the prior months of the current fiscal year."

Chapter 3 Section 7 Laws 2020

SECTION 7. Section 22-8-34 NMSA 1978 (being Laws 1967, Chapter 16, Section 90, as amended) is amended to read:

"22-8-34. FEDERAL MINERAL LEASING FUNDS.--

A. Money received by the state pursuant to the provisions of the federal Mineral Leasing Act shall be distributed to the public school fund, except as follows:

- (1) an annual appropriation to the instructional material fund;
- (2) an annual appropriation to the board of regents of the New Mexico institute of mining and technology for the bureau of geology and mineral resources;
- (3) the distribution made pursuant to Subsection B of this section; and
- (4) the distribution made pursuant to Section 3 of this 2020 act.

B. Money received by the state as its share of a prepayment of royalties pursuant to 30 U.S.C. 1726(b), as that section may be amended or renumbered, shall be distributed as follows:

- (1) a portion of the receipts, estimated by the taxation and revenue department to be equal to the amount that the state would have received as its share of royalties in the same fiscal year if the prepayment had not been made, shall be distributed to the public school fund; and
- (2) the remainder shall be distributed to the common school permanent fund."

Chapter 3 Section 8 Laws 2020

SECTION 8. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2020.

LAWS 2020, CHAPTER 4

Senate Bill 139, w/ec
Approved February 20, 2020

AN ACT

RELATING TO MEDICAL CANNABIS; AMENDING A SECTION OF THE LYNN AND ERIN COMPASSIONATE USE ACT TO LIMIT THE DEFINITION OF "QUALIFIED PATIENT" TO RESIDENTS OF NEW MEXICO; DECLARING AN EMERGENCY.

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

Chapter 4 Section 1 Laws 2020

SECTION 1. Section 26-2B-3 NMSA 1978 (being Laws 2007, Chapter 210, Section 3, as amended) is amended to read:

"26-2B-3. DEFINITIONS.--As used in the Lynn and Erin Compassionate Use Act:

A. "adequate supply" means an amount of cannabis, in any form approved by the department, possessed by a qualified patient or collectively possessed by a qualified patient and the qualified patient's primary caregiver that is determined by rule of the department to be no more than reasonably necessary to ensure the uninterrupted availability of cannabis for a period of three months and that is derived solely from an intrastate source;

B. "cannabis":

(1) means all parts of the plant *Cannabis sativa* L. containing a delta-9-tetrahydrocannabinol concentration of more than three-tenths percent on a dry weight basis, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin; and

(2) does not include the mature stalks of the plant; fiber produced from the stalks; oil or cake made from the seeds of the plant; any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake; the sterilized seed of the plant that is incapable of germination; the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink or another product; or hemp;

C. "cannabis consumption area" means an area within a licensed premises approved by the department where cannabis may be consumed that complies with rule as established by the department;

D. "cannabis courier" means a person that is licensed by the department to transport usable cannabis and cannabis products within the state from a cannabis establishment to:

- (1) a qualified patient;
- (2) a primary caregiver; or
- (3) another cannabis establishment;

E. "cannabis establishment" means:

- (1) a licensed cannabis courier;

- (2) a licensed cannabis testing facility;
- (3) a licensed cannabis manufacturer;
- (4) a licensed cannabis producer; or
- (5) such other person that the department may by rule approve for participation in the medical cannabis program;

F. "cannabis manufacturer" means a person that is licensed by the department to:

- (1) manufacture cannabis products;
- (2) package, transport or courier cannabis products;
- (3) have cannabis products tested by a cannabis testing facility;
- (4) purchase, obtain, sell and transport cannabis products to other cannabis establishments; and
- (5) prepare products for personal production license holders;

G. "cannabis producer" means a person that is licensed by the department to possess, produce, dispense, distribute and manufacture cannabis and cannabis products and sell wholesale or by direct sale to qualified patients and primary caregivers;

H. "cannabis product":

- (1) means a product that contains cannabis, including edible or topical products that may also contain other ingredients; and
- (2) does not include the weight of any other ingredient combined with cannabis or cannabis extract to prepare topical or oral administrations, food, drink or another product;

I. "cannabis testing facility" means a person that is licensed by the department to perform tests of cannabis products to analyze the strength or purity of the items and to collect cannabis samples and transport cannabis products to the cannabis testing facility from cannabis establishments;

J. "debilitating medical condition" means:

- (1) cancer;

- (2) glaucoma;
- (3) multiple sclerosis;
- (4) damage to the nervous tissue of the spinal cord, with objective neurological indication of intractable spasticity;
- (5) seizure disorder, including epilepsy;
- (6) positive status for human immunodeficiency virus or acquired immune deficiency syndrome;
- (7) admitted into hospice care in accordance with rules promulgated by the department;
- (8) amyotrophic lateral sclerosis;
- (9) Crohn's disease;
- (10) hepatitis C infection;
- (11) Huntington's disease;
- (12) inclusion body myositis;
- (13) inflammatory autoimmune-mediated arthritis;
- (14) intractable nausea or vomiting;
- (15) obstructive sleep apnea;
- (16) painful peripheral neuropathy;
- (17) Parkinson's disease;
- (18) posttraumatic stress disorder;
- (19) severe chronic pain;
- (20) severe anorexia or cachexia;
- (21) spasmodic torticollis;
- (22) ulcerative colitis; or

(23) any other medical condition, medical treatment or disease as approved by the department;

K. "department" means the department of health;

L. "hemp" means the plant *Cannabis sativa* L. and any part of the plant, whether growing or not, containing a delta-9-tetrahydrocannabinol concentration of no more than three-tenths percent on a dry weight basis;

M. "license" means a license issued pursuant to the Lynn and Erin Compassionate Use Act;

N. "licensee" means a person that holds a license;

O. "licensee representative" means an owner, director, officer, manager, employee, agent or other representative of a licensee, to the extent that person acts in a representative capacity;

P. "manufacture" means to prepare a cannabis product;

Q. "medical cannabis program" means the program established pursuant to the Lynn and Erin Compassionate Use Act for authorization and regulation of the medical use of cannabis in the state;

R. "personal production license" means a license issued to a qualified patient or to a qualified patient's primary caregiver participating in the medical cannabis program to permit the qualified patient or the qualified patient's primary caregiver to produce cannabis for the qualified patient's use at an address approved by the department;

S. "practitioner" means a person licensed in New Mexico to prescribe and administer drugs that are subject to the Controlled Substances Act;

T. "primary caregiver" means a resident of New Mexico who is at least eighteen years of age and who has been designated by the patient's practitioner as being necessary to take responsibility for managing the well-being of a qualified patient with respect to the medical use of cannabis pursuant to the provisions of the Lynn and Erin Compassionate Use Act;

U. "produce" means to engage in any activity related to the planting or cultivation of cannabis;

V. "qualified patient" means a resident of New Mexico who has been diagnosed by a practitioner as having a debilitating medical condition and has received written certification and a registry identification card pursuant to the Lynn and Erin Compassionate Use Act on the basis of having been diagnosed, in person or via

telemedicine, by a practitioner as having a debilitating medical condition; provided that a practitioner may only issue a written certification on the basis of an evaluation conducted via telemedicine if the practitioner has previously examined the patient in person;

W. "reciprocal participant" means an individual who holds proof of authorization to participate in the medical cannabis program of another state of the United States, the District of Columbia, a territory or commonwealth of the United States or a New Mexico Indian nation, tribe or pueblo;

X. "registry identification card" means a document that the department issues:

(1) to a qualified patient that identifies the bearer as a qualified patient and authorizes the qualified patient to use cannabis for a debilitating medical condition; or

(2) to a primary caregiver that identifies the bearer as a primary caregiver authorized to engage in the intrastate possession and administration of cannabis for the sole use of a qualified patient who is identified on the document;

Y. "safety-sensitive position" means a position in which performance by a person under the influence of drugs or alcohol would constitute an immediate or direct threat of injury or death to that person or another;

Z. "telemedicine" means the use of telecommunications and information technology to provide clinical health care from a site apart from the site where the patient is located, in real time or asynchronously, including the use of interactive simultaneous audio and video or store-and-forward technology, or off-site patient monitoring and telecommunications in order to deliver health care services;

AA. "THC" means delta-9-tetrahydrocannabinol, a substance that is the primary psychoactive ingredient in cannabis; and

BB. "written certification" means a statement made on a department-approved form and signed by a patient's practitioner that indicates, in the practitioner's professional opinion, that the patient has a debilitating medical condition and the practitioner believes that the potential health benefits of the medical use of cannabis would likely outweigh the health risks for the patient."

Chapter 4 Section 2 Laws 2020

SECTION 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

LAWS 2020, CHAPTER 5

SJC/Senate Bill 5, aa
Approved February 25, 2020

AN ACT

RELATING TO DOMESTIC AFFAIRS; CREATING THE EXTREME RISK FIREARM PROTECTION ORDER ACT; PROVIDING FOR THE ISSUANCE OF COURT ORDERS TO REQUIRE THE RELINQUISHMENT OF FIREARMS FOR SOME PERIOD UNDER CERTAIN CIRCUMSTANCES; CLARIFYING DUTIES OF A LAW ENFORCEMENT OFFICER IN THE TORT CLAIMS ACT; PROVIDING PENALTIES; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Chapter 5 Section 1 Laws 2020

SECTION 1. SHORT TITLE.--Sections 1 through 13 of this act may be cited as the "Extreme Risk Firearm Protection Order Act".

Chapter 5 Section 2 Laws 2020

SECTION 2. DEFINITIONS.--As used in the Extreme Risk Firearm Protection Order Act:

- A. "court" means the district court in the county in which the respondent resides;
- B. "extreme risk firearm protection order" means either a temporary extreme risk firearm protection order or a one-year extreme risk firearm protection order granted pursuant to the Extreme Risk Firearm Protection Order Act;
- C. "firearm" means any weapon that is designed to expel a projectile by an explosion or the frame or receiver of any such weapon;
- D. "law enforcement agency" means the police department of any city or town, the sheriff's office of any county, the New Mexico state police and a district attorney's office in the state and the office of the attorney general;
- E. "law enforcement officer" means a public official or public officer vested by law with the power to maintain order, to make arrests for crime or to detain persons suspected of committing a crime, whether that duty extends to all crimes or is limited to specific crimes and includes an attorney employed by a district attorney or the attorney general;

F. "one-year extreme risk firearm protection order" means an extreme risk firearm protection order granted for up to one year following a hearing pursuant to the provisions of Section 7 of the Extreme Risk Firearm Protection Order Act;

G. "petitioner" means a law enforcement officer who files an extreme risk firearm protection order petition;

H. "reporting party" means a person who requests that a law enforcement officer file a petition for an extreme risk firearm protection order and includes a spouse, former spouse, parent, present or former stepparent, present or former parent-in-law, grandparent, grandparent-in-law, co-parent of a child, child, person with whom a respondent has or had a continuing personal relationship, employer or public or private school administrator;

I. "respondent" means the person identified in or subject to an extreme risk firearm protection order petition; and

J. "temporary extreme risk firearm protection order" means an extreme risk firearm protection order issued prior to a hearing pursuant to the provisions of Section 6 of the Extreme Risk Firearm Protection Order Act.

Chapter 5 Section 3 Laws 2020

SECTION 3. FORBEARANCE OF COSTS ASSOCIATED WITH EXTREME RISK FIREARM PROTECTION ORDERS.--A reporting party who requests that a petitioner seek an extreme risk firearm protection order shall not be required to bear the cost of:

A. the filing, issuance or service of a petition for an extreme risk firearm protection order;

B. the filing, issuance or service of a warrant;

C. the filing, issuance or service of a witness subpoena;

D. service of an extreme risk firearm protection order;

E. obtaining law enforcement reports or photographs or copies of photographs relating to the allegations in the petition; or

F. any cost associated with the confiscation, storage or destruction of a firearm.

Chapter 5 Section 4 Laws 2020

SECTION 4. EXTREME RISK FIREARM PROTECTION ORDERS--VENUE.--
Proceedings pursuant to the Extreme Risk Firearm Protection Order Act shall be filed, heard and determined in the district court for the county in which the respondent resides.

Chapter 5 Section 5 Laws 2020

SECTION 5. PETITION FOR EXTREME RISK FIREARM PROTECTION ORDER--CONTENTS.--

A. A petition for an extreme risk firearm protection order shall be filed only by a law enforcement officer employed by a law enforcement agency; provided that, if the respondent is a law enforcement officer, the petition shall be filed by the district attorney or the attorney general.

B. A petitioner may file a petition with the court requesting an extreme risk firearm protection order that shall enjoin the respondent from having in the respondent's possession, custody or control any firearm and shall further enjoin the respondent from purchasing, receiving or attempting to purchase, possess or receive any firearm while the order is in effect.

C. If a law enforcement officer declines to file a requested petition for an extreme risk firearm protection order, the law enforcement officer shall file with the sheriff of the county in which the respondent resides a notice that the law enforcement officer is declining to file a petition pursuant to this section.

D. A law enforcement officer shall file a petition for an extreme risk firearm protection order upon receipt of credible information from a reporting party that gives the agency or officer probable cause to believe that a respondent poses a significant danger of causing imminent personal injury to self or others by having in the respondent's custody or control or by purchasing, possessing or receiving a firearm.

E. A petition for an extreme risk firearm protection order shall state the specific statements, actions or facts that support the belief that the respondent poses a significant danger of causing imminent personal injury to self or others by having in the respondent's custody or control or by purchasing, possessing or receiving a firearm.

F. A petition for an extreme risk firearm protection order shall be made under oath and shall be accompanied by a sworn affidavit signed by the reporting party setting forth specific facts supporting the order.

G. A petition for an extreme risk firearm protection order shall include:

- (1) the name and address of the reporting party;

- (2) the name and address of the respondent;
- (3) a description of the number, types and locations of firearms or ammunition that the petitioner believes the respondent has custody of, controls, owns or possesses;
- (4) a description of the relationship between the reporting party and the respondent; and
- (5) a description of any lawsuit, complaint, petition, restraining order, injunction or other legal action between the reporting party and the respondent.

Chapter 5 Section 6 Laws 2020

SECTION 6. PETITION FOR TEMPORARY EXTREME RISK FIREARM PROTECTION ORDER--TEMPORARY ORDERS--PROCEEDINGS.--

A. Upon the filing of a petition pursuant to the Extreme Risk Firearm Protection Order Act, the court may enter a temporary extreme risk firearm protection order if the court finds from specific facts shown by the petition that there is probable cause to believe that the respondent poses a significant danger of causing imminent personal injury to self or others by having in the respondent's custody or control or by purchasing, possessing or receiving a firearm before notice can be served and a hearing held.

B. If the court finds probable cause pursuant to Subsection A of this section, the court shall issue a temporary extreme risk firearm protection order enjoining the respondent from having in the respondent's possession, custody or control a firearm and shall further enjoin the respondent from purchasing, receiving or attempting to purchase or receive a firearm while the order is in effect.

C. The court shall conduct a hearing within ten days of the issuance of a temporary extreme risk firearm protection order to determine if a one-year extreme risk firearm protection order should be issued pursuant to this section.

D. A temporary extreme risk firearm protection order shall include:

- (1) a statement of the grounds supporting the issuance of the order;
- (2) the date and time the order was issued;
- (3) a statement that the order shall continue until the earlier of ten days or such time as a court considers the petition at a hearing, unless an extension is granted at the request of the respondent pursuant to Subsection E of this section;

(4) the address of the court that issued the order and in which any responsive pleading should be filed; and

(5) the date and time of the scheduled hearing, to be held within ten days of the issuance of the order.

E. The court may continue the hearing at the request of the respondent, but the hearing shall be set within thirty days of the respondent's request for continuance.

F. A temporary extreme risk firearm protection order shall be served by the petitioner along with supporting documents that formed the basis of the order, the notice of hearing and the petition for a one-year extreme risk firearm protection order.

G. If the court declines to issue a temporary extreme risk firearm protection order, the court shall enter an order that includes the reasons for the denial.

Chapter 5 Section 7 Laws 2020

SECTION 7. HEARINGS ON PETITION--GROUNDS FOR ISSUANCE--
CONTENTS OF ORDER.--In determining whether grounds for any extreme risk firearm protection order exist, the court shall consider, at a minimum, the following:

A. any recent act or threat of violence by the respondent against self or others, regardless of whether the act or threat involved a firearm;

B. a pattern of acts or threats of violence by the respondent within the past twelve months, including acts or threats of violence against self or others;

C. the respondent's mental health history;

D. the respondent's abuse of controlled substances or alcohol;

E. the respondent's previous violations of any court order;

F. previous extreme risk firearm protection orders issued against the respondent;

G. the respondent's criminal history, including arrests and convictions for violent felony offenses, violent misdemeanor offenses, crimes involving domestic violence or stalking;

H. the respondent's history of the use, attempted use or threatened use of physical violence against another person; of stalking another person; or of cruelty to animals; and

I. any recent acquisition or attempts at acquisition of a firearm by the respondent.

Chapter 5 Section 8 Laws 2020

SECTION 8. ONE-YEAR EXTREME RISK FIREARM PROTECTION ORDER-- GROUNDS FOR ISSUANCE--CONTENTS OF ORDER--TERMINATION-- EXPIRATION--RENEWAL OF ORDERS.--

A. If, after hearing the matter, the court finds by a preponderance of the evidence that the respondent poses a significant danger of causing imminent personal injury to self or others by having in the respondent's custody or control or by purchasing, possessing or receiving a firearm, the court shall issue a one-year extreme risk firearm protection order.

B. A one-year extreme risk firearm protection order shall include:

- (1) a statement of the grounds supporting the issuance of the order;
- (2) the date and time the order was issued;
- (3) the date and time the order expires;
- (4) information pertaining to any recommendation by the court for mental health or substance abuse evaluations, if applicable;
- (5) the address of the court that issued the order; and
- (6) notice that the respondent is entitled to request termination of the order prior to the expiration of the order.

C. If the court declines to issue a one-year extreme risk firearm protection order, the court shall state in writing the reasons for the court's denial and shall order the return of any firearms to the respondent.

D. A respondent may request that the court terminate a one-year extreme risk firearm protection order at any time prior to the expiration of the order.

E. At any time not less than one month prior to the expiration of a one-year extreme risk firearm protection order, a petitioner may petition the court to extend the order. Each extension of the order shall not exceed one year. A petition filed pursuant to this subsection shall comply with the provisions of Subsections E and F of Section 5 of the Extreme Risk Firearm Protection Order Act and shall be served on the respondent as provided in Section 9 of that act.

F. A one-year extreme risk firearm protection order is a final, immediately appealable order.

Chapter 5 Section 9 Laws 2020

SECTION 9. SERVICE OF EXTREME RISK FIREARM PROTECTION ORDERS.--A one-year extreme risk firearm protection order issued pursuant to the Extreme Risk Firearm Protection Order Act shall be personally served upon the respondent by the sheriff's office in the county in which the respondent resides; provided that if the respondent resides in a city or town that has a police department, the police department shall serve the order.

Chapter 5 Section 10 Laws 2020

SECTION 10. RELINQUISHMENT OF FIREARMS.--

A. A respondent who receives a temporary or one-year extreme risk firearm protection order shall relinquish all firearms in the respondent's possession, custody or control or subject to the respondent's possession, custody or control in a safe manner to a law enforcement officer, a law enforcement agency or a federal firearms licensee within forty-eight hours of service of the order or sooner at the discretion of the court.

B. A law enforcement officer, law enforcement agency or federal firearms licensee that takes temporary possession of a firearm pursuant to this section shall:

- (1) prepare a receipt identifying all firearms that have been relinquished or taken;
- (2) provide a copy of the receipt to the respondent;
- (3) provide a copy of the receipt to the petitioner within seventy-two hours of taking possession of the firearms;
- (4) file the original receipt with the court that issued the temporary or one-year extreme risk firearm protection order within seventy-two hours of taking possession of the firearms; and
- (5) ensure that the law enforcement agency retains a copy of the receipt.

Chapter 5 Section 11 Laws 2020

SECTION 11. PENALTIES.--A person who fails to relinquish, or who possesses or has custody or control over, any firearm or who purchases, receives or attempts to purchase, possess or receive any firearm, in violation of a temporary extreme risk

firearm protection order or a one-year extreme risk firearm protection order is guilty of a misdemeanor punishable pursuant to Section 31-19-1 NMSA 1978.

Chapter 5 Section 12 Laws 2020

SECTION 12. EXTREME RISK FIREARM PROTECTION ORDER--REPORTING OF ORDERS--AVAILABILITY OF DATA.--

A. The clerk of the court shall provide a copy of a one-year extreme risk firearm protection order or temporary extreme risk firearm protection order issued pursuant to the Extreme Risk Firearm Protection Order Act to any law enforcement agency designated to provide information to the national instant criminal background check system.

B. The clerk of the court shall forward a copy of any order issued, renewed or terminated pursuant to the Extreme Risk Firearm Protection Order Act to the petitioner and to the law enforcement agency specified in Subsection A of this section.

C. Upon receipt of a copy of a one-year extreme risk firearm protection order or temporary extreme risk firearm protection order, the law enforcement agency specified in Subsection A of this section shall enter the order into:

- (1) the national instant criminal background check system;
- (2) all federal or state computer-based systems and databases used by law enforcement or others to identify prohibited purchasers of firearms; and
- (3) all computer-based criminal intelligence information systems and databases available in this state used by law enforcement agencies.

D. An extreme risk firearm protection order shall remain in each state system for the period stated in the order. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The extreme risk firearm protection order shall be fully enforceable in any county, city or town in the state.

E. Upon the expiration of or upon receiving notice of the termination of an extreme risk firearm protection order issued pursuant to the Extreme Risk Firearm Protection Order Act, the law enforcement agency specified in Subsection A of this section shall promptly remove the order from any state computer-based system into which it was entered pursuant to Subsection C of this section and shall notify the national instant criminal background check system and all federal computer-based systems and databases used by law enforcement or others to identify prohibited purchasers of firearms.

F. Following the expiration or termination of an order issued pursuant to the Extreme Risk Firearm Protection Order Act and upon written request, the law enforcement agency specified in Subsection A of this section shall provide a sworn affidavit to the respondent affirming that the information contained within the order has been removed from all state databases and systems identified in Subsection C of this section and any other state databases into which information about the order was entered and that the law enforcement agency has notified the national instant criminal background check system and all federal computer-based systems and databases used by law enforcement or others to identify prohibited purchasers of firearms. The affidavit shall be provided to the respondent within five days of the receipt of the request.

G. If any extreme risk firearm protection order is terminated before its expiration date, the clerk of the court shall forward a copy of the termination order to the office of the attorney general and the petitioner.

H. Aggregate statistical data indicating the number of extreme risk firearm protection orders issued, renewed, denied or terminated shall be maintained by the issuing court and the administrative office of the courts and shall be available to the public upon request.

Chapter 5 Section 13 Laws 2020

SECTION 13. EXTREME RISK FIREARM PROTECTION ORDERS--FIREARMS RETURN--DISPOSITION.--

A. Any firearm relinquished in accordance with the Extreme Risk Firearm Protection Order Act shall be returned to the respondent within ten days following the expiration or termination of an extreme risk firearm protection order.

B. A respondent shall not be required to acquire any court order granting the return of relinquished firearms.

C. The law enforcement agency in possession of the firearms shall conduct a national criminal records check and shall return the firearms if the agency determines that the respondent is not prohibited from possessing firearms pursuant to state or federal law.

D. Upon written request of the respondent, the law enforcement agency storing a firearm shall transfer possession of the respondent's firearm to a federally licensed firearms dealer or lawful private party purchaser designated by the respondent; provided that the transfer is the result of a sale, that the transferee is the actual owner of the firearm thereafter and, except in the case of a federally licensed firearms dealer, the law enforcement agency has conducted a national criminal records check and determined that the transferee is not prohibited from possessing a firearm pursuant to state or federal law.

E. No fee shall be charged for background checks required pursuant to Subsections C and D of this section.

F. The law enforcement agency transferring possession of a firearm to a transferee shall notify the transferee that it is unlawful to transfer or return the firearm to the respondent while the extreme risk firearm protection order is in effect. A transferee who violates this subsection is guilty of a misdemeanor and may be punished pursuant to Section 31-19-1 NMSA 1978.

Chapter 5 Section 14 Laws 2020

SECTION 14. Section 41-4-12 NMSA 1978 (being Laws 1976, Chapter 58, Section 12, as amended) is amended to read:

"41-4-12. LIABILITY--LAW ENFORCEMENT OFFICERS.--The immunity granted pursuant to Subsection A of Section 41-4-4 NMSA 1978 does not apply to liability for personal injury, bodily injury, wrongful death or property damage resulting from assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, defamation of character, violation of property rights, failure to comply with duties established pursuant to statute or law or deprivation of any rights, privileges or immunities secured by the constitution and laws of the United States or New Mexico when caused by law enforcement officers while acting within the scope of their duties. For purposes of this section, "law enforcement officer" means a public officer vested by law with the power to maintain order, to make arrests for crime or to detain persons suspected of committing a crime, whether that duty extends to all crimes or is limited to specific crimes."

LAWS 2020, CHAPTER 6

House Bill 30, aa
Approved February 26, 2020

AN ACT

RELATING TO LICENSURE; PROVIDING FOR A WAIVER OF FEES FOR AND EXPEDITED ISSUANCE OF TEACHING, PROFESSIONAL AND OCCUPATIONAL LICENSES FOR MILITARY SERVICE MEMBERS, THEIR SPOUSES, THEIR DEPENDENT CHILDREN AND CERTAIN VETERANS.

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

Chapter 6 Section 1 Laws 2020

SECTION 1. Section 22-10A-3 NMSA 1978 (being Laws 2003, Chapter 153, Section 34, as amended) is amended to read:

"22-10A-3. LICENSE OR CERTIFICATE REQUIRED--APPLICATION FEE--
GENERAL DUTIES.--

A. Except as otherwise provided in this subsection, any person teaching, supervising an instructional program or providing instructional support services in a public school; any person administering in a public school; and any person providing health care and administering medications or performing medical procedures in a public school shall hold a valid license or certificate from the department authorizing the person to perform that function. This subsection does not apply to a person performing the functions of a practice teacher or teaching intern as defined by the department.

B. Except as provided in Subsection C of this section, the department shall charge a reasonable fee for each application for or the renewal of a license or certificate. The application fee may be waived if the applicant meets a standard of indigency established by the department.

C. No licensing fee shall be charged for the first three years a license required by this section is valid if the licensee is a military service member or a veteran.

D. A person performing the duties of a licensed school employee who does not hold a valid license or certificate or has not submitted a complete application for licensure or certification within the first three months from beginning employment duties shall not be compensated thereafter for services rendered until the person demonstrates that the person holds a valid license or certificate. This section does not apply to practice teachers or teaching interns as defined by rules of the department.

E. Each licensed school employee shall:

- (1) enforce all laws and rules applicable to the employee's public school;
- (2) if teaching, teach the prescribed courses of instruction;
- (3) exercise supervision over students on public school premises and while the students are under the control of the public school; and
- (4) furnish reports as required.

F. As used in this section:

- (1) "military service member" means a person who is:
 - (a) serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard;

(b) the spouse of a person who is serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard; or

(c) the child of a person who is serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard; provided that child is also a dependent of that person for federal income tax purposes; and

(2) "veteran" means a person who has received an honorable discharge or separation from military service in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard."

Chapter 6 Section 2 Laws 2020

SECTION 2. Section 22-10A-12.1 NMSA 1978 (being Laws 2018, Chapter 8, Section 1) is amended to read:

"22-10A-12.1. EXPEDITED LICENSURE--MILITARY SERVICE MEMBERS, SPOUSES AND DEPENDENTS--WAIVER OF FEES--VETERANS.--

A. The department shall, no later than thirty days after a military service member or a veteran with a valid and current or an expired license from another jurisdiction files an application, and provides all of the documents required for the application, for a license:

(1) process the application; and

(2) issue a license to a qualified applicant who submits satisfactory evidence that demonstrates the required competencies and meets other requirements and qualifications for the license for which the teacher applies, including clearance of the required background check. The local superintendent may require a mentorship period for the licensee if the local superintendent deems it necessary. A teacher who holds an out-of-state license may apply for a lower level license if the teacher does not meet the requirements for the higher level.

B. A license issued pursuant to this section shall not be renewed unless the license holder satisfies the requirements for the issuance and the renewal of the license for which the teacher applies. Upon the issuance of a license pursuant to this section, the department shall notify the license holder of the requirements for renewing the license in writing.

C. A military service member or a veteran who is issued a license pursuant to this section shall not be charged a licensing fee for the first three years a license issued pursuant to this section is valid.

D. A license issued pursuant to this section to an applicant with an expired license shall not be valid for more than one year.

E. As used in this section:

(1) "military service member" means a person who is:

(a) serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard;

(b) the spouse of a person who is serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard; or

(c) the child of a person who is serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard; provided that child is also a dependent of that person for federal income tax purposes; and

(2) "veteran" means a person who has received an honorable discharge or separation from military service in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard."

Chapter 6 Section 3 Laws 2020

SECTION 3. Section 61-1-3 NMSA 1978 (being Laws 1957, Chapter 247, Section 3, as amended) is amended to read:

"61-1-3. OPPORTUNITY FOR LICENSEE OR APPLICANT TO HAVE HEARING.--Every licensee or applicant shall be afforded notice and an opportunity to be heard before the board has authority to take any action that would result in:

A. denial of permission to take an examination for licensing for which application has been properly made as required by board rule;

B. denial of a license after examination for any cause other than failure to pass an examination;

C. denial of a license for which application has been properly made as required by board rule on the basis of reciprocity or endorsement or acceptance of a national certificate of qualification;

D. withholding the renewal of a license for any cause other than:

- (1) failure to pay any required renewal fee;
 - (2) failure to meet continuing education requirements; or
 - (3) issuance of a temporary license extension if authorized by statute;
- E. suspension of a license;
- F. revocation of a license;
- G. restrictions or limitations on the scope of a practice;
- H. the requirement that the applicant complete a program of remedial education or treatment;
- I. monitoring of the practice by a supervisor approved by the board;
- J. the censure or reprimand of the licensee or applicant;
- K. compliance with conditions of probation or suspension for a specific period of time;
- L. payment of a fine for a violation not to exceed one thousand dollars (\$1,000) for each violation, unless a greater amount is provided by law;
- M. corrective action, as specified by the board; or
- N. a refund to the consumer of fees that were billed to and collected from the consumer by the licensee."

Chapter 6 Section 4 Laws 2020

SECTION 4. Section 61-1-31.1 NMSA 1978 (being Laws 2016, Chapter 19, Section 1) is amended to read:

"61-1-31.1. EXPEDITED LICENSURE--ISSUANCE.--

A. A state agency, board or commission that issues an occupational or professional license pursuant to Chapter 61, Articles 2 through 14E, 24, 24A and 31 NMSA 1978 shall, as soon as practicable after a person files an application for a license accompanied by any required fees:

- (1) process the application; and
- (2) issue a license to a qualified applicant who submits satisfactory evidence that the applicant:

(a) holds a license that is current and in good standing issued by another jurisdiction in the United States that has met the minimal licensing requirements that are substantially equivalent to the licensing requirements for the occupational or professional license the applicant applies for pursuant to Chapter 61, Articles 2 through 14E, 24, 24A and 31 NMSA 1978; and

(b) has provided fingerprints and other information necessary for a state and national criminal background check, if required.

B. A license issued pursuant to this section is not a provisional license and confers the same rights, privileges and responsibilities as a license issued pursuant to Chapter 61, Articles 2 through 14E, 24, 24A and 31 NMSA 1978."

Chapter 6 Section 5 Laws 2020

SECTION 5. Section 61-1-34 NMSA 1978 (being Laws 2013, Chapter 33, Section 1) is amended to read:

"61-1-34. EXPEDITED LICENSURE--MILITARY SERVICE MEMBERS, SPOUSES AND DEPENDENTS--WAIVER OF FEES--RECENT VETERANS.--

A. A state agency, board or commission that issues an occupational or professional license pursuant to Chapter 61 NMSA 1978 shall, as soon as practicable but no later than sixty days after a military service member or a recent veteran files an application, and provides all of the documents required for the application, for a license accompanied by the required fees:

(1) process the application; and

(2) issue a license to a qualified applicant who submits satisfactory evidence that the applicant holds a license that is current and in good standing, issued by another jurisdiction, including a branch of the armed forces of the United States, and has met minimal licensing requirements that are substantially equivalent to the licensing requirements for the occupational or professional license that the applicant applies for pursuant to Chapter 61 NMSA 1978.

B. A license issued pursuant to this section is not a provisional license and shall confer the same rights, privileges and responsibilities as a license issued pursuant to Chapter 61 NMSA 1978.

C. A license issued pursuant to this section shall not be renewed unless the license holder satisfies the requirements for the issuance and the renewal of a license pursuant to Chapter 61 NMSA 1978. Upon the issuance of a license pursuant to this section, the issuing state agency, board or commission shall notify the license holder of the requirements for renewing the license in writing.

D. Notwithstanding the provisions of Subsection A of this section, a military service member or a recent veteran who is issued a license pursuant to this section shall not be charged a licensing fee for the first three years a license issued pursuant to this section is valid.

E. As used in this section:

(1) "licensing fee" means a fee charged at the time an application for a professional or occupational license is submitted to the state agency, board or commission and any fee charged for the processing of the application for such license; "licensing fee" does not include a fee for an annual inspection or examination of a licensee or a fee charged for copies of documents, replacement licenses or other expenses related to a professional or occupational license;

(2) "military service member" means a person who is:

(a) serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard;

(b) the spouse of a person who is serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard; or

(c) the child of a person who is serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard; provided that child is also a dependent of that person for federal income tax purposes; and

(3) "recent veteran" means a person who has received an honorable discharge or separation from military service within the three years immediately preceding the date the person applied for a professional or occupational license pursuant to this section."

Chapter 6 Section 6 Laws 2020

SECTION 6. Section 61-2-11 NMSA 1978 (being Laws 1973, Chapter 353, Section 9, as amended) is amended to read:

"61-2-11. LICENSE FEES--LICENSURE UNDER PRIOR LAW.--

A. The board shall set fees for the following by rule:

(1) application fee in an amount not to exceed five hundred dollars (\$500);

(2) examination fee in an amount not to exceed five hundred dollars (\$500);

(3) except as provided in Section 61-1-34 NMSA 1978, licensure fee in an amount not to exceed four hundred dollars (\$400); and

(4) issuance fee for pharmaceutical certification in an amount not to exceed one hundred dollars (\$100).

B. A person licensed as an optometrist under any prior laws of this state, whose license is valid on April 3, 1973, shall be held to be licensed under the provisions of the Optometry Act and shall be entitled to the annual renewal of the person's license as provided in that act.

C. Prior to engaging in the active practice of optometry in this state, a licensee shall furnish the board evidence that the licensee holds a registration number with the taxation and revenue department and has completed, as a condition of licensure by endorsement, the continuing education requirements as set by the rules of the board."

Chapter 6 Section 7 Laws 2020

SECTION 7. Section 61-2-12 NMSA 1978 (being Laws 1973, Chapter 353, Section 10, as amended) is amended to read:

"61-2-12. LICENSE--DISPLAY--RENEWAL--RETIREMENT--RESUMPTION OF PRACTICE.--

A. A person to whom a license as an optometrist has been issued shall display the license in a conspicuous place in the licensee's principal office or place of business.

B. A license shall be renewed annually on or before July 1. Except as provided in Section 61-1-34 NMSA 1978, the licensee shall pay to the secretary-treasurer of the board the required fees. The board shall promulgate rules establishing additional requirements and procedures for renewal of a license. It shall also promulgate rules establishing a fee schedule for renewal of a license, but a specific fee shall not exceed five hundred dollars (\$500).

C. Failure to renew a license pursuant to this section terminates the optometrist's authority to practice optometry, and the former licensee shall fulfill all current requirements for licensing and therapeutic drug certification if application for licensing or certification is made after termination.

D. An optometrist who intends to retire from the practice of optometry shall notify the board in writing before the expiration of the optometrist's license, and the

secretary-treasurer of the board shall acknowledge the receipt of the notice and record it. If within a period of five years from the year of retirement the optometrist desires to resume practice, the optometrist shall notify the board in writing, and, upon giving proof of completing refresher courses prescribed by rules of the board and the payment of any required fees, the license shall be restored to the optometrist in full effect.

E. Before engaging in the practice of optometry, a licensed optometrist shall notify the secretary-treasurer of the board in writing of the address at which the optometrist intends to begin practice and subsequently of changes in the optometrist's business address or location. Notices the board is required to give a licensee shall legally have been given when delivered to the latest address furnished by the licensee to the board."

Chapter 6 Section 8 Laws 2020

SECTION 8. Section 61-3-16 NMSA 1978 (being Laws 1968, Chapter 44, Section 13, as amended) is amended to read:

"61-3-16. FEES FOR LICENSURE AS A REGISTERED NURSE.-- Except as provided in Section 61-1-34 NMSA 1978, an applicant for licensure as a registered nurse shall pay the following nonrefundable fees:

A. for licensure without examination, a fee not to exceed one hundred fifty dollars (\$150);

B. for licensure by examination when the examination is the first for the applicant in this state, a fee not to exceed one hundred fifty dollars (\$150);

C. for licensure by examination when the examination is other than the first examination, a fee not to exceed sixty dollars (\$60.00); and

D. for initial licensure as a certified nurse practitioner, certified registered nurse anesthetist or clinical nurse specialist, a fee not to exceed one hundred dollars (\$100). This fee shall be in addition to the fee paid for registered nurse licensure."

Chapter 6 Section 9 Laws 2020

SECTION 9. Section 61-3-22 NMSA 1978 (being Laws 1968, Chapter 44, Section 19, as amended) is amended to read:

"61-3-22. FEES FOR LICENSURE AS A LICENSED PRACTICAL NURSE.-- Except as provided in Section 61-1-34 NMSA 1978, an applicant for licensure as a licensed practical nurse shall pay the following nonrefundable fees:

A. for licensure without examination, a fee not to exceed one hundred fifty dollars (\$150);

B. for licensure by examination when the examination is the first for the applicant in this state, a fee not to exceed one hundred fifty dollars (\$150); and

C. for licensure by examination when the examination is other than the first examination, a fee not to exceed sixty dollars (\$60.00) for each examination."

Chapter 6 Section 10 Laws 2020

SECTION 10. Section 61-3-24 NMSA 1978 (being Laws 1968, Chapter 44, Section 20, as amended) is amended to read:

"61-3-24. RENEWAL OF LICENSES.--

A. Any person licensed pursuant to the provisions of the Nursing Practice Act who intends to continue practice shall renew the license every two years by the end of the applicant's renewal month and shall show proof of continuing education as required by the board except when on active military duty during a military action.

B. Upon receipt of the application and, except as provided in Section 61-1-34 NMSA 1978, a fee, in an amount not to exceed one hundred ten dollars (\$110), a license valid for two years shall be issued.

C. Upon receipt of the application and any required fee, the board shall verify the licensee's eligibility for continued licensure and issue to the applicant a renewal license for two years.

D. A person who allows a license to lapse shall be reinstated by the board on payment of any required fee for the current two years plus a reinstatement fee not to exceed two hundred dollars (\$200), provided that all other requirements are met."

Chapter 6 Section 11 Laws 2020

SECTION 11. Section 61-4-4 NMSA 1978 (being Laws 1968, Chapter 3, Section 4, as amended) is amended to read:

"61-4-4. APPLICATION REQUIREMENTS--EVALUATION.--

A. Each applicant for a license to practice chiropractic shall:

(1) make application on forms furnished by the board;

(2) submit evidence on oath satisfactory to the board that the applicant has reached the age of majority, has completed a preliminary education equal to the requirements for graduation from high school, is of good moral character and, after January 1, 1976, except for any student currently enrolled in a college of chiropractic, has completed two years of college-level study in an accredited institution of higher

learning and is a graduate of a college of chiropractic that meets the standards of professional education prescribed in Section 61-4-5 NMSA 1978; and

(3) pay in advance to the board fees:

(a) for examination; and

(b) except as provided in Section 61-1-34 NMSA 1978, for issuance of a license.

B. In evaluating an application, the board may use the services of a professional background information service that compiles background information regarding applicants from multiple sources.

C. Each applicant for inclusion in the advanced practice chiropractic certification registry shall furnish materials and proof of education and training as established by rule of the board."

Chapter 6 Section 12 Laws 2020

SECTION 12. Section 61-4-13 NMSA 1978 (being Laws 1968, Chapter 3, Section 12, as amended) is amended to read:

"61-4-13. ANNUAL RENEWAL OF LICENSE--FEE--NOTICE.--

A. Except as provided in Section 61-1-34 NMSA 1978, a person licensed to practice chiropractic in this state shall, on or before July 1 of each year, pay to the board an annual fee set by regulation and shall submit proof of completion of continuing education requirements as required by the board. The board shall send written notice to every person holding a license prior to June 1 of each year, directed to the last known address of the licensee, notifying the licensee that it is necessary to pay the renewal fee as provided in the Chiropractic Physician Practice Act. Proper forms shall accompany the notice, upon which forms the licensee shall make application for the renewal of the license. The licensee is responsible for renewal of the license even if the licensee does not receive the renewal notice.

B. The board shall establish a schedule of reasonable fees for applications, licenses, renewals, placement or inactive status and administrative fees."

Chapter 6 Section 13 Laws 2020

SECTION 13. Section 61-5A-20 NMSA 1978 (being Laws 1994, Chapter 55, Section 20, as amended) is amended to read:

"61-5A-20. FEES.--Except as provided in Section 61-1-34 NMSA 1978, the board and the committee shall establish a schedule of reasonable fees not to exceed the following:

	Dentists	Dental Hygienists
A. licensure by examination	\$1,500	\$1,000
B. licensure by credential	\$3,000	\$1,500
C. specialty license by examination	\$1,500	
D. specialty license by credential	\$3,000	
E. temporary license		
48 hours	\$ 50	\$ 50
six months	\$ 300	\$ 200
12 months	\$ 450	\$ 300
F. application for certification in local anesthesia		\$ 40
G. examination in local anesthesia		\$ 150
H. triennial license renewal	\$ 600	\$ 450
I. late renewal	\$ 100	\$ 100
J. reinstatement of license	\$ 450	\$ 300
K. administrative fees	\$ 300	\$ 300
L. impaired dentist or dental hygienist	\$ 150	\$ 75
M. assistant, expanded-function dental auxiliary or community dental health coordinator certificate		\$ 100
N. application for certification for collaborative practice		\$ 150
O. annual renewal for collaborative practice		\$ 50
P. application for inactive status	\$ 50	\$ 50
Q. triennial renewal of inactive license	\$ 90	\$ 90
		Non-dentist Owner
R. non-dentist owners license (initial)		\$ 300
S. non-dentist owners license triennial renewal		\$ 150
		Dental Therapists
T. dental therapist license (initial)		\$1,000
U. dental therapist license triennial renewal		\$ 300."

Chapter 6 Section 14 Laws 2020

SECTION 14. Section 61-6-10.3 NMSA 1978 (being Laws 2001, Chapter 311, Section 3, as amended) is amended to read:

"61-6-10.3. LICENSURE--REGISTRATION--ANESTHESIOLOGIST ASSISTANT--SCOPE OF AUTHORITY.--

- A. The board may license qualified persons as anesthesiologist assistants.
- B. A person shall not perform, attempt to perform or hold the person's own self out as an anesthesiologist assistant until the person is licensed by the board as an anesthesiologist assistant and has registered the anesthesiologist assistant's supervising licensed anesthesiologist in accordance with board regulations.
- C. An anesthesiologist assistant may assist the supervising anesthesiologist in developing and implementing an anesthesia care plan for a patient. In providing assistance to the supervising anesthesiologist, an anesthesiologist assistant may do any of the following:
- (1) obtain a comprehensive patient history and perform a physical exam and present the history and exam findings to the supervising anesthesiologist who shall conduct a pre-anesthetic interview and evaluation;
 - (2) pretest and calibrate anesthesia delivery systems;
 - (3) monitor, obtain and interpret information from anesthesia delivery systems and anesthesia monitoring equipment;
 - (4) assist the supervising anesthesiologist with the implementation of medically accepted monitoring techniques;
 - (5) establish basic and advanced airway interventions, including intubation of the trachea and performing ventilatory support;
 - (6) administer intermittent vasoactive drugs;
 - (7) start and adjust vasoactive infusions;
 - (8) administer anesthetic drugs, adjuvant drugs and accessory drugs;
 - (9) assist the supervising anesthesiologist with the performance of epidural anesthetic procedures and spinal anesthetic procedures;
 - (10) administer blood, blood products and supportive fluids;

(11) participate in administrative activities and clinical teaching activities;

(12) participate in research activities by performing the same procedures that may be performed under Paragraphs (1) through (10) of this subsection; and

(13) provide assistance to cardiopulmonary resuscitation teams in response to life-threatening situations.

D. An applicant shall complete an application form provided by the board and shall submit the completed form and, except as provided in Section 61-1-34 NMSA 1978, the application fee to the board."

Chapter 6 Section 15 Laws 2020

SECTION 15. Section 61-6-10.5 NMSA 1978 (being Laws 2001, Chapter 311, Section 5) is amended to read:

"61-6-10.5. FEES.--Except as provided in Section 61-1-34 NMSA 1978, the following fees shall be submitted as appropriate to the board:

A. an application fee, not to exceed one hundred fifty dollars (\$150);

B. a license renewal fee, not to exceed one hundred dollars (\$100) paid once every two years upon application for renewal of an anesthesiologist assistant's license;

C. a late fee not to exceed twenty-five dollars (\$25.00), if the anesthesiologist assistant fails to renew the license by July 1 of the renewal year; and

D. a change in supervision fee, not to exceed fifty dollars (\$50.00), but in no case shall the change in supervision fee exceed one-half of the license renewal fee."

Chapter 6 Section 16 Laws 2020

SECTION 16. Section 61-6-19 NMSA 1978 (being Laws 1989, Chapter 269, Section 15, as amended) is amended to read:

"61-6-19. FEES.--

A. Except as provided in Section 61-1-34 NMSA 1978, the board shall impose the following fees:

(1) an application fee not to exceed four hundred dollars (\$400) for licensure by endorsement as provided in Section 61-6-13 NMSA 1978;

- (2) an application fee not to exceed four hundred dollars (\$400) for licensure by examination as provided in Section 61-6-11 NMSA 1978;
- (3) a triennial renewal fee not to exceed four hundred fifty dollars (\$450);
- (4) a fee of twenty-five dollars (\$25.00) for placing a physician's license or a physician assistant's license on inactive status;
- (5) a late fee not to exceed one hundred dollars (\$100) for physicians who renew their license within forty-five days after the required renewal date;
- (6) a late fee not to exceed two hundred dollars (\$200) for physicians who renew their licenses between forty-six and ninety days after the required renewal date;
- (7) a reinstatement fee not to exceed six hundred dollars (\$600) for reinstatement of a revoked, suspended or inactive license;
- (8) a reasonable administrative fee for verification and duplication of license or registration and copying of records;
- (9) a reasonable publication fee for the purchase of a publication containing the names of all practitioners licensed under the Medical Practice Act;
- (10) an impaired physician fee not to exceed one hundred fifty dollars (\$150) for a three-year period;
- (11) an interim license fee not to exceed one hundred dollars (\$100);
- (12) a temporary license fee not to exceed one hundred dollars (\$100);
- (13) a postgraduate training license fee not to exceed fifty dollars (\$50.00) annually;
- (14) an application fee not to exceed one hundred fifty dollars (\$150) for physician assistants applying for initial licensure;
- (15) a licensure fee not to exceed one hundred fifty dollars (\$150) for physician assistants biennial license renewal and registration of supervising or collaborating licensed physician;
- (16) a late fee not to exceed fifty dollars (\$50.00) for physician assistants who renew their licensure within forty-five days after the required renewal date;

(17) a late fee not to exceed seventy-five dollars (\$75.00) for physician assistants who renew their licensure between forty-six and ninety days after the required renewal date;

(18) a reinstatement fee not to exceed one hundred dollars (\$100) for physician assistants who reinstate an expired license;

(19) a fee not to exceed three hundred dollars (\$300) annually for a physician supervising a clinical pharmacist;

(20) an application and renewal fee for a telemedicine license not to exceed four hundred dollars (\$400);

(21) a reasonable administrative fee, not to exceed the current cost of application for a license, that may be charged for reprocessing applications and renewals that include minor but significant errors and that would otherwise be subject to investigation and possible disciplinary action; and

(22) a reasonable fee as established by the department of public safety for nationwide and statewide criminal history screening of applicants and licensees.

B. All fees are nonrefundable and shall be used by the board to carry out its duties efficiently."

Chapter 6 Section 17 Laws 2020

SECTION 17. Section 61-6A-9 NMSA 1978 (being Laws 2008, Chapter 53, Section 9) is amended to read:

"61-6A-9. FEES.--Except as provided in Section 61-1-34 NMSA 1978, the board shall establish a schedule of reasonable administrative and licensing fees, but an individual fee shall not exceed four hundred dollars (\$400)."

Chapter 6 Section 18 Laws 2020

SECTION 18. Section 61-6B-5 NMSA 1978 (being Laws 2008, Chapter 54, Section 5) is amended to read:

"61-6B-5. REQUIREMENTS FOR LICENSING.--

A. The board shall grant a license to engage in the practice of polysomnography to a person who has submitted to the board:

(1) a completed application for licensing on the form provided by the board;

- (2) required documentation as determined by the board;
- (3) except as provided in Section 61-1-34 NMSA 1978, the required fees;
- (4) an affidavit stating that the applicant has not been found guilty of unprofessional conduct or incompetence;
- (5) satisfactory documentation of either:
 - (a) graduation from a polysomnographic educational program that is accredited by the commission on accreditation of allied health education programs;
 - (b) graduation from a respiratory care educational program that is accredited by the commission on accreditation of allied health education programs and completion of the curriculum for a polysomnography certificate established and accredited by the committee on accreditation for respiratory care of the commission on accreditation of allied health education programs;
 - (c) graduation from an electroneurodiagnostic technologist educational program with a polysomnographic technology track that is accredited by the commission on accreditation of allied health education programs; or
 - (d) successful completion of an accredited sleep technologist educational program that is accredited by the American academy of sleep medicine; provided, however, this optional requirement shall not be available after the date on which there are at least three polysomnographic technologist educational programs in New Mexico that have been accredited by the commission on accreditation of allied health education programs for at least the two years immediately preceding that date; and
- (6) satisfactory documentation of having:
 - (a) passed the national certifying examination given by the board of registered polysomnographic technologists or having passed a national certifying examination equivalent to the board of registered polysomnographic technologists' examination as determined by a rule adopted by the New Mexico medical board;
 - (b) been credentialed by the board of registered polysomnographic technologists or by another national entity equivalent to the board of polysomnographic technologists as determined by rule adopted by the New Mexico medical board;

(c) met any additional educational or clinical requirements established by the board pursuant to rule; and

(d) met all other requirements of the Polysomnography Practice Act.

B. A person who is engaged in the practice of polysomnography on July 1, 2008 shall be eligible for a license under the Polysomnography Practice Act without meeting the educational requirement of Paragraph (5) of Subsection A of this section, provided that the person meets the requirements of Paragraph (6) of Subsection A of this section.

C. The board may require:

(1) a personal interview with an applicant to evaluate that person's qualifications for a license; and

(2) fingerprints and other information necessary for a state and national criminal background check."

Chapter 6 Section 19 Laws 2020

SECTION 19. Section 61-6B-7 NMSA 1978 (being Laws 2008, Chapter 54, Section 7) is amended to read:

"61-6B-7. LICENSE--CONTENTS--DISPLAY--FEES.--

A. A license issued by the board shall contain the name of the person to whom it is issued, the date and number of the license and other information the board may require.

B. The most recent address contained in the board's records for each licensee is the address deemed sufficient for purposes of service of process and correspondence and notice from the board. Any licensee whose address changes shall, within thirty days of the change, notify the board of the address change.

C. A licensee who wishes to retire from the practice of polysomnography shall file with the board an affidavit, in a form to be furnished by the board, stating the date on which the person retired from practice and other information the board may require. If that person wishes to reenter the practice of polysomnography, the person shall meet requirements established by the board for license renewal.

D. A licensee shall display the license in the office or place in which the licensee practices in a location clearly visible to patients.

E. Except as provided in Section 61-1-34 NMSA 1978, the board shall establish license and administrative fees, but no individual fee shall exceed five hundred dollars (\$500)."

Chapter 6 Section 20 Laws 2020

SECTION 20. Section 61-7A-11 NMSA 1978 (being Laws 1989, Chapter 387, Section 11) is amended to read:

"61-7A-11. FEES.--

A. Except as provided in Section 61-1-34 NMSA 1978, the board shall establish a schedule of reasonable fees for applications, licenses and renewal of licenses. Fees shall be established based on processing requirements for each category.

B. The initial application fee shall be set in an amount not to exceed fifty dollars (\$50.00).

C. The initial license fee shall be set in an amount not to exceed one hundred fifty dollars (\$150).

D. A license renewal fee shall be established in an amount not to exceed seventy-five dollars (\$75.00) per year.

E. A license reinstatement fee shall be established in an amount not to exceed fifty dollars (\$50.00)."

Chapter 6 Section 21 Laws 2020

SECTION 21. Section 61-8-10 NMSA 1978 (being Laws 1977, Chapter 221, Section 10, as amended) is amended to read:

"61-8-10. LICENSE FEES--LICENSURE UNDER PRIOR LAW--RENEWAL.--

A. Except as provided in Section 61-1-34 NMSA 1978, an applicant for licensure as a podiatrist shall pay the following fees:

(1) for licensure by examination:

(a) an examination fee equal to the cost of purchasing the examination, plus an administration fee not to exceed fifty percent of the examination fee; and

(b) an application fee not to exceed five hundred dollars (\$500);

(2) for licensure on the basis of reciprocity, a fee set by the board in an amount not to exceed six hundred dollars (\$600);

(3) for the annual renewal of license on or before January 1 of each year, a renewal fee set by the board in an amount not to exceed three hundred dollars (\$300);

(4) for the late renewal after January 1 of each year, a late charge not to exceed fifty dollars (\$50.00) per month or part thereof commencing on January 2;

(5) in addition to the renewal fees and late charges, the applicant for the renewal of a license shall pay a reinstatement fee not to exceed two hundred fifty dollars (\$250) for the first twelve months of delinquency and a reinstatement fee of five hundred dollars (\$500) for a license that has lapsed more than one year but not more than three years; and

(6) for the issuance of a temporary license, a fee not to exceed one hundred dollars (\$100).

B. If any licensee permits the licensee's license to lapse for a period of three full years, the license shall automatically be canceled and shall not be reinstated.

C. The provisions of Paragraphs (3), (4) and (5) of Subsection A of this section shall not apply to licensees who practice in the service of the United States whose licenses shall be renewed upon application for renewal within three months after the termination of service.

D. Current renewal certificates issued by the board shall be displayed in the office of the licensee, and, in the case of the suspension or revocation of a license, no portion of a fee or penalty shall be returned."

Chapter 6 Section 22 Laws 2020

SECTION 22. Section 61-9-7 NMSA 1978 (being Laws 1963, Chapter 92, Section 6, as amended) is amended to read:

"61-9-7. FEES--LICENSE RENEWAL.--

A. All fees from applicants seeking licensure under the Professional Psychologist Act and all license renewal fees received under the Professional Psychologist Act shall be credited to the psychology fund. No fees shall be refunded.

B. Except as provided in Section 61-1-34 NMSA 1978, the board shall set the charge for an application fee of up to six hundred dollars (\$600) to applicants for licensure under Sections 61-9-9 through 61-9-11.1 NMSA 1978.

C. The board may establish a method to provide for staggered biennial terms. The board may authorize license renewal for one year to establish the renewal cycle.

D. A licensee shall renew a license biennially on or before July 1 by remitting to the board the renewal fee set by the board not exceeding six hundred dollars (\$600) and providing proof of continuing education as required by regulation of the board. Any license issued by the board may be suspended if the holder fails to renew the license by July 1 of any year. A license suspended for failure to renew may be renewed within a period of one year after the suspension upon payment of the renewal fee plus a late fee of one hundred dollars (\$100), together with proof of continuing education satisfactory to the board. The license shall be revoked if the license has not been renewed within one year of the suspension for failure to renew. Prior to issuing a new license, the board may in its discretion require full or partial examination of a former licensee whose license was revoked because of failure to renew."

Chapter 6 Section 23 Laws 2020

SECTION 23. Section 61-9-11 NMSA 1978 (being Laws 1963, Chapter 92, Section 10, as amended) is amended to read:

"61-9-11. LICENSURE--EXAMINATION.--

A. The board shall issue a license as a psychologist to an applicant who files an application upon a form and in such manner as the board prescribes and, except as provided in Section 61-1-34 NMSA 1978, pays any fee required by the Professional Psychologist Act, and who furnishes evidence satisfactory to the board that the applicant:

- (1) has reached the age of majority;
- (2) is of good moral character;
- (3) is not in violation of any of the provisions of the Professional Psychologist Act and the rules adopted pursuant to that act;
- (4) is a graduate of:
 - (a) a doctoral program that is designated as a doctoral program in psychology by a nationally recognized designation system or that is accredited by a nationally recognized accreditation body and holds a degree with a major in clinical, counseling or school psychology from a university offering a full-time course of study in psychology; or
 - (b) a doctoral program outside the United States or Canada that is equivalent to a program in Subparagraph (a) of this paragraph and holds a degree

with a major in clinical, counseling or school psychology from a university offering a full-time course of study in psychology; the board shall promulgate by rule a list of board-approved credential inspection and verification services to appraise foreign degree programs;

(5) has had at least two years of supervised experience in psychological work of a type satisfactory to the board; provided that:

(a) up to one year of the supervised experience may be obtained in predoctoral practicum hours overseen by a graduate training program and consistent with the guidelines on practicum experience for licensure promulgated by the association of state and provincial psychology boards;

(b) up to one year of the supervised experience may be obtained in a predoctoral internship approved by the American psychological association;

(c) up to one-half year of the supervised experience may be obtained in a predoctoral internship that is not approved by the American psychological association; and

(d) any portion of the required supervised experience not satisfied pursuant to Subparagraphs (a), (b) and (c) of this paragraph shall be obtained in postdoctoral psychological work;

(6) demonstrates professional competence by passing the examination for professional practice in psychology promulgated by the association of state and provincial psychology boards with a total raw score of 140 (seventy percent), before January 1, 1993 or, if after January 1, 1993, a score equal to or greater than the passing score recommended by the association of state and provincial psychology boards;

(7) demonstrates an awareness and knowledge of New Mexico cultures as determined by the board; and

(8) passes such jurisprudence examination as may be given by the board through an online testing and scoring mechanism.

B. Upon investigation of the application and other evidence submitted, including a criminal background check, the board shall, not less than thirty days prior to the examination, notify each applicant that the application and evidence submitted for licensure are satisfactory and accepted or unsatisfactory and rejected. If rejected, the notice shall state the reasons for rejection.

C. The place of examination shall be designated in advance by the board, and examinations shall be given at such time and place and under such supervision as the board may determine.

D. In the event an applicant fails to receive a passing grade, the applicant may apply for reexamination and shall be allowed to take a subsequent examination upon payment of the fee required by the Professional Psychologist Act.

E. The board shall keep a record of all examinations, and the grade assigned to each, as part of its records for at least two years subsequent to the date of examination."

Chapter 6 Section 24 Laws 2020

SECTION 24. Section 61-9-11.1 NMSA 1978 (being Laws 1983, Chapter 334, Section 4, as amended) is amended to read:

"61-9-11.1. PSYCHOLOGIST ASSOCIATES--LICENSURE--EXAMINATION.--

A. The board shall issue a license as a psychologist associate to each applicant who files an application upon a form and in such manner as the board prescribes and, except as provided in Section 61-1-34 NMSA 1978, accompanied by the fee required by the Professional Psychologist Act, and who furnishes evidence satisfactory to the board that the applicant:

(1) has reached the age of majority, is of good moral character and is not in violation of any of the provisions of the Professional Psychologist Act and the rules and regulations adopted pursuant to that act;

(2) holds a master's degree in psychology from a department of psychology of a school or college;

(3) demonstrates professional competence by passing the examination for professional practice in psychology promulgated by the association of state and provincial psychology boards with a score equivalent to or greater than the statistical mean as reported by the association of state and provincial psychology boards for all master's-level candidates taking the examination on that occasion;

(4) demonstrates awareness and knowledge of New Mexico cultures as determined by the board; and

(5) passes such jurisprudence examination as may be given by the board through an online testing and scoring mechanism.

B. Upon investigation of the application and other evidence submitted, the board shall, not less than thirty days prior to the examination, notify each applicant that

the application and evidence submitted for licensure is satisfactory and accepted or unsatisfactory and rejected. If rejected, the notice shall state the reasons for rejection.

C. The place of examination shall be designated in advance by the board, and examinations shall be given at such time and place and under such supervision as the board may determine.

D. In the event an applicant fails to receive a passing grade, the applicant may apply for reexamination and shall be allowed to take a subsequent examination upon payment of the fee required by the Professional Psychologist Act.

E. The board shall keep a record of all examinations, and the grade assigned to each, as part of its records for at least two years subsequent to the date of examination.

F. The board may adopt reasonable rules and regulations classifying areas and conditions of practice permissible for psychologist associates."

Chapter 6 Section 25 Laws 2020

SECTION 25. Section 61-9A-9 NMSA 1978 (being Laws 1993, Chapter 49, Section 9, as amended) is amended to read:

"61-9A-9. BOARD--POWERS AND DUTIES.--

A. The board may:

(1) adopt in accordance with the Uniform Licensing Act and file in accordance with the State Rules Act rules necessary to carry out the provisions of the Counseling and Therapy Practice Act;

(2) select and provide for the administration of, at least, semiannual examinations for licensure;

(3) establish the passing scores for examinations;

(4) take any disciplinary action allowed by and in accordance with the Uniform Licensing Act;

(5) censure, reprimand or place a licensee or registrant on probation;

(6) require and establish criteria for continuing education;

(7) establish by rule procedures for receiving, investigating and resolving complaints;

(8) approve appropriate supervision and postgraduate experience for persons seeking licensure or registration;

(9) provide for the issuance of licenses;

(10) determine eligibility of individuals for licensure or registration;

(11) set fees for administrative services and registration, as authorized by the Counseling and Therapy Practice Act, and authorize all disbursements necessary to carry out the provisions of that act;

(12) except as provided in Section 61-1-34 NMSA 1978, set fees for licenses, as authorized by the Counseling and Therapy Practice Act, and authorize all disbursements necessary to carry out the provisions of that act;

(13) establish criteria for supervision and supervisory requirements;

(14) establish a code of ethics; and

(15) establish committees.

B. The board may establish a standards committee for each licensed profession. The members of each standards committee shall be appointed by the board with the consent of the department and shall include at least one board member from the licensed profession and at least one public board member. The board member representing each respective profession shall chair its standards committee and the committee shall:

(1) recommend and periodically review a code of ethics;

(2) review license applications and recommend approval or disapproval;

(3) develop criteria for supervision; and

(4) recommend rules.

C. Members of the standards committees or other committees may be reimbursed as provided in the Per Diem and Mileage Act, but shall receive no other compensation, perquisite or allowance."

Chapter 6 Section 26 Laws 2020

SECTION 26. Section 61-9A-11 NMSA 1978 (being Laws 1993, Chapter 49, Section 11, as amended) is amended to read:

"61-9A-11. PROFESSIONAL CLINICAL MENTAL HEALTH COUNSELOR--REQUIREMENTS FOR LICENSURE.--The board shall issue a license as a professional clinical mental health counselor to any person who files a completed application and, except as provided in Section 61-1-34 NMSA 1978, pays any required fees and who submits satisfactory evidence that the applicant:

- A. has reached the age of twenty-one;
- B. holds a master's or doctoral degree in a counseling or counseling-related field, as defined by rule, from an accredited institution. The applicant shall have a master's degree and a total of no less than forty-eight graduate semester hours or seventy-two quarter hours in the mental health clinical core curriculum;
- C. demonstrates professional competency by passing the required examination as prescribed by the board;
- D. has a minimum of two years of professional clinical counseling experience, including at least three thousand clinical contact hours and at least one hundred hours of face-to-face supervision. One thousand client clinical contact hours may be submitted from the applicant's internship or practicum; and
- E. is of good moral character with conduct consistent with the code of ethics."

Chapter 6 Section 27 Laws 2020

SECTION 27. Section 61-10-6.1 NMSA 1978 (being Laws 2016, Chapter 90, Section 7, as amended) is amended to read:

"61-10-6.1. FEES.--Except as provided in Section 61-1-34 NMSA 1978, the board shall charge the following fees; provided that all fees are nonrefundable and, except for those fees collected pursuant to Paragraph (10) of Subsection A of this section, shall be used by the board to carry out its duties:

- A. pertaining to osteopathic physicians:
 - (1) an application fee not to exceed one thousand dollars (\$1,000) for triennial licensure of an osteopathic physician pursuant to Section 61-10-12 NMSA 1978;
 - (2) a triennial osteopathic physician licensure renewal fee not to exceed one thousand dollars (\$1,000);
 - (3) a fee not to exceed seventy-five dollars (\$75.00) for placing an osteopathic physician license on inactive status;
 - (4) a late fee not to exceed:

(a) two hundred dollars (\$200) for osteopathic physicians who fail to renew their licenses on or before July 1 of the year in which their triennial licenses are due for renewal but who renew on or before September 29 of that year; and

(b) four hundred dollars (\$400) for osteopathic physicians who renew their licenses after September 29;

(5) a reinstatement fee not to exceed five hundred dollars (\$500) for reinstatement of a revoked, suspended or inactive osteopathic physician license;

(6) a temporary license fee not to exceed one hundred dollars (\$100);

(7) a postgraduate osteopathic physician training license fee not to exceed fifty dollars (\$50.00);

(8) an osteopathic physician telemedicine triennial license fee not to exceed four hundred dollars (\$400);

(9) an impaired physician fee not to exceed one hundred dollars (\$100); and

(10) a fee of one hundred dollars (\$100) to accompany fees for application for and renewal of osteopathic physician licensure for deposit in the osteopathic physician excellence fund pursuant to Section 21-22D-13 NMSA 1978;

B. pertaining to osteopathic physician assistants:

(1) a biennial license fee not to exceed four hundred fifty dollars (\$450);

(2) a registration of new supervision fee that is equal to one-half of the biennial license fee for osteopathic physician assistants;

(3) a late fee not to exceed twenty-five dollars (\$25.00) for osteopathic physician assistants who fail to renew their licenses on or before July 1 of the year in which their biennial licenses are due for renewal;

(4) an impaired osteopathic physician assistant fee not to exceed one hundred dollars (\$100); and

(5) a fee for an osteopathic physician assistant license on inactive status not to exceed seventy-five dollars (\$75.00); and

C. pertaining to osteopathic physician and osteopathic physician assistant licensees or applicants:

(1) a fee not to exceed five hundred dollars (\$500) for reprocessing an application or renewal that includes errors that would otherwise be subject to investigation and possible disciplinary action; and

(2) a reasonable administrative fee that the board establishes by rule for verification of license, publications and copying charges."

Chapter 6 Section 28 Laws 2020

SECTION 28. Section 61-11-12 NMSA 1978 (being Laws 1969, Chapter 29, Section 11, as amended) is amended to read:

"61-11-12. LICENSE FEES.--

A. Except as provided in Section 61-1-34 NMSA 1978, an applicant for licensure as a pharmacist or pharmacist intern or registration as a pharmacy technician shall pay the following fees, which fees shall not be returnable:

(1) for initial licensure as a pharmacist, a fee set by the board not to exceed four hundred dollars (\$400); provided that if the applicant fails a portion of an examination, reexamination is subject to the same fee as the first examination;

(2) for initial licensure as a pharmacist intern, a fee not to exceed twenty-five dollars (\$25.00); and

(3) for initial registration as a pharmacy technician, a fee not to exceed twenty-five dollars (\$25.00).

B. The board shall issue a license or registration to each successful applicant and enter the successful applicant's name and pertinent information in the registry maintained by the board.

C. Every registration or license shall have the seal of the board affixed and be signed by the board chair."

Chapter 6 Section 29 Laws 2020

SECTION 29. Section 61-11-13 NMSA 1978 (being Laws 1969, Chapter 29, Section 12, as amended) is amended to read:

"61-11-13. RENEWAL--REVOCATION.--

A. The renewal date for each licensee shall be the last day of the licensee's birth month, as set by rule of the board. Any person who intends to continue practice shall file an application for renewal prior to that date and, except as provided in Section 61-1-34 NMSA 1978, pay the renewal fee set by the board in an amount not to exceed

one hundred fifty dollars (\$150) per year; provided, however, that the board shall prorate a renewal fee charged for a period of less than a full year. The license of a pharmacist failing to renew the pharmacist's license on or before the date set by the board shall automatically expire, and the license shall not be reinstated except upon reapplication and payment of a one hundred dollar (\$100) reinstatement fee and all delinquent renewal fees.

B. A pharmacist ceasing to be engaged in the practice of pharmacy for such period as the board determines, but not less than twelve months, is deemed to be inactive and shall have the pharmacist's license renewal so marked. A pharmacist having an inactive status shall not be reinstated to active status without either an examination or the presentation of evidence satisfactory to the board that the pharmacist has taken some form of internship or continuing education relevant to the practice of pharmacy, or both, immediately prior to the pharmacist's application for reinstatement. Pharmacists regularly engaged in teaching in an approved school or college of pharmacy, servicing, manufacturing, inspecting or other phases of the pharmaceutical profession are in active status for the purposes of this subsection.

C. Application for renewal of a pharmacist's license shall be made on forms prescribed and furnished by the board and shall indicate whether the renewal applied for will be an active or inactive license. The application, together with the renewal fee, shall be filed with the board.

D. Application for renewal of a pharmacist's license shall be accompanied by proof satisfactory to the board that the applicant has completed continuing education requirements established pursuant to Section 61-11-6 NMSA 1978.

E. An application for renewal of a certificate of registration as a pharmacy technician or license as a pharmacist intern shall be filed with the board on forms prescribed and furnished by the board and shall be accompanied by a renewal fee not to exceed twenty-five dollars (\$25.00) per year."

Chapter 6 Section 30 Laws 2020

SECTION 30. Section 61-12A-18 NMSA 1978 (being Laws 1996, Chapter 55, Section 18) is amended to read:

"61-12A-18. FEES.--Except as provided in Section 61-1-34 NMSA 1978, the board shall establish a schedule of reasonable fees, including an initial licensure fee, an annual renewal fee, an examination fee, a late renewal fee and an inactive status fee. The initial licensure fee is not refundable and shall cover the cost of processing the application and shall include, for successful applicants, the initial annual renewal fee. The board may impose reasonable administration and duplicating fees or any penalties deemed appropriate."

Chapter 6 Section 31 Laws 2020

SECTION 31. Section 61-12B-11 NMSA 1978 (being Laws 1984, Chapter 103, Section 11, as amended) is amended to read:

"61-12B-11. FEES.--

A. Except as provided in Section 61-1-34 NMSA 1978, the superintendent, in consultation with the board, shall by rule establish a schedule of reasonable fees for licenses, temporary permits and renewal of licenses for respiratory care practitioners.

B. The initial application fee shall be set in an amount not to exceed one hundred fifty dollars (\$150).

C. A license renewal fee shall be established in an amount not to exceed one hundred fifty dollars (\$150)."

Chapter 6 Section 32 Laws 2020

SECTION 32. Section 61-12C-20 NMSA 1978 (being Laws 1991, Chapter 147, Section 20, as amended) is amended to read:

"61-12C-20. LICENSE FEES.--Except as provided in Section 61-1-34 NMSA 1978, the board shall establish by rule a schedule of reasonable fees for applications, examinations, licenses, registrations, inspections, renewals, penalties, reactivation and necessary administrative fees, but no single fee shall exceed five hundred dollars (\$500). All fees collected shall be deposited in the massage therapy fund."

Chapter 6 Section 33 Laws 2020

SECTION 33. Section 61-12D-7 NMSA 1978 (being Laws 1997, Chapter 89, Section 7) is amended to read:

"61-12D-7. FEES.--

A. Except as provided in Section 61-1-34 NMSA 1978, the board, by regulation, may charge the following fees:

(1) application for licensure as a physical therapist, not to exceed three hundred dollars (\$300); provided that an additional fee to cover the cost of any examinations provided by the board may be charged;

(2) application for licensure as a physical therapist assistant, not to exceed three hundred dollars (\$300); provided that an additional fee to cover the cost of any examinations provided by the board may be charged;

(3) annual renewal of license as a physical therapist, not to exceed one hundred fifty dollars (\$150);

(4) annual renewal of license as a physical therapist assistant, not to exceed one hundred dollars (\$100); and

(5) late fee, not to exceed five hundred dollars (\$500).

B. The board may charge reasonable administration and duplication fees."

Chapter 6 Section 34 Laws 2020

SECTION 34. Section 61-12F-8 NMSA 1978 (being Laws 2011, Chapter 31, Section 11) is amended to read:

"61-12F-8. LICENSE RENEWAL.--

A. The board shall review licenses for renewal annually, and all licenses to be renewed shall be renewed on July 1. Applicants for license renewal shall submit:

(1) a renewal application on a form provided by the board; and

(2) except as provided in Section 61-1-34 NMSA 1978, a license renewal fee.

B. The board may require proof of continuing education or other proof of competence as a requirement for renewal."

Chapter 6 Section 35 Laws 2020

SECTION 35. Section 61-12F-9 NMSA 1978 (being Laws 2011, Chapter 31, Section 12) is amended to read:

"61-12F-9. LICENSE FEES.--Except as provided in Section 61-1-34 NMSA 1978, the board shall establish a schedule of reasonable administrative and licensing fees, but an individual fee shall not exceed one thousand dollars (\$1,000)."

Chapter 6 Section 36 Laws 2020

SECTION 36. Section 61-12G-3 NMSA 1978 (being Laws 2019, Chapter 244, Section 3) is amended to read:

"61-12G-3. QUALIFICATIONS FOR LICENSURE.--The board shall license an applicant who:

A. is of good moral character, in accordance with standards established by rules of the board;

B. submits, in accordance with rules of the board, the following items to the board:

(1) an application for licensure designed and approved by the board and submitted in accordance with rules of the board;

(2) except as provided in Section 61-1-34 NMSA 1978, an application fee submitted in an amount and manner established by rules of the board;

(3) evidence that the applicant has graduated from an approved naturopathic medical educational program;

(4) evidence that the applicant has passed a professional examination;

(5) evidence that the applicant has passed a state jurisprudence examination that meets standards established in rules of the board; and

(6) evidence of professional liability insurance with policy limits not less than prescribed by the board;

C. is determined by the board, upon recommendation by the council, to be physically and mentally capable of safely practicing naturopathic medicine with or without reasonable accommodation; and

D. has not had a license to practice naturopathic medicine or other health care license registration or certificate refused, revoked or suspended by any other jurisdiction for reasons that relate to the applicant's ability to skillfully and safely practice naturopathic medicine unless that license, registration or certification has been restored to good standing by that jurisdiction."

Chapter 6 Section 37 Laws 2020

SECTION 37. Section 61-13-12 NMSA 1978 (being Laws 1970, Chapter 61, Section 11, as amended) is amended to read:

"61-13-12. LICENSE AND RENEWAL FEES--BOARD EXPENDITURES.--

A. Except as provided in Section 61-1-34 NMSA 1978, the board shall require by appropriate rule or regulation that applicants for licensure as nursing home administrators pay a license fee in an amount set by the board not to exceed two hundred fifty dollars (\$250) and an annual renewal fee in an amount set by the board not to exceed two hundred dollars (\$200).

B. The board shall deposit all fees received by the board in a special fund maintained by the state treasurer for use in defraying the expenses of administration of the Nursing Home Administrators Act. Any unexpended balance remaining in the fund at the end of each fiscal year shall remain to the credit of the board.

C. The board may obtain and administer programs of grants-in-aid or financial assistance from any governmental agency or private source in the furtherance of programs consistent with the Nursing Home Administrators Act."

Chapter 6 Section 38 Laws 2020

SECTION 38. Section 61-14-8 NMSA 1978 (being Laws 1967, Chapter 62, Section 5, as amended) is amended to read:

"61-14-8. APPLICATION FOR LICENSE.--

A. Any person desiring a license to practice veterinary medicine in this state may make written application to the board showing that the person:

- (1) has reached the age of majority; and
- (2) is a person of good moral character.

The application shall contain other information and proof as required by regulation of the board and, except as provided in Section 61-1-34 NMSA 1978, shall be accompanied by an application fee established by the board.

B. If the board finds that the applicant possesses the proper qualifications, it shall admit the applicant to the next examination. If an applicant is found unqualified to take the examination, the board shall immediately notify the applicant in writing of its findings and the grounds for them."

Chapter 6 Section 39 Laws 2020

SECTION 39. Section 61-14-12 NMSA 1978 (being Laws 1967, Chapter 62, Section 8, as amended) is amended to read:

"61-14-12. LICENSE, PERMIT AND REGISTRATION RENEWAL.--

A. All licenses, permits and registrations issued pursuant to the Veterinary Practice Act may be renewed by payment of the renewal fee, except as provided in Section 61-1-34 NMSA 1978, and submission of proof of completion of continuing education requirements as established by regulation of the board. Not later than thirty days prior to expiration, the board shall mail a notice to each licensed veterinarian, registered veterinary technician and holder of an artificial insemination or pregnancy

diagnosis permit that the license, registration or permit will expire and provide a renewal application form.

B. Except as provided in Subsections C and D of this section, a person may reinstate an expired license, registration or permit, issued pursuant to the Veterinary Practice Act, within five years of its expiration by making application to the board for renewal and paying the current renewal fee along with all delinquent renewal fees and late fees. After five years have elapsed since the date of expiration, a license, registration or permit may not be renewed and the holder shall apply for a new license, registration or permit and take the required examination.

C. A person shall not have the person's license, issued pursuant to the Veterinary Practice Act, reinstated in New Mexico if, during the time period in which the person's license lapsed, the person's license in another state or jurisdiction was suspended or revoked for reasons for which the license would have been subject to suspension or revocation in New Mexico.

D. A person who, during the time period in which the person's license, issued pursuant to the Veterinary Practice Act, lapsed, was subject to any disciplinary proceedings resulting in action less than suspension or revocation in another state or jurisdiction, may, at the discretion of the board, have the person's license to practice in New Mexico reinstated on a probationary status for up to two years. Upon request by the applicant for reinstatement, the board shall determine under what circumstances the probationary status shall be continued or removed or the application for reinstatement denied.

E. The board may provide by regulation for waiver of payment of any renewal fee of a licensed veterinarian during any period when the veterinarian is on active duty with any branch of the armed services of the United States for the duration of a national emergency."

Chapter 6 Section 40 Laws 2020

SECTION 40. Section 61-14A-16 NMSA 1978 (being Laws 1993, Chapter 158, Section 24, as amended by Laws 2001, Chapter 263, Section 1 and Laws 2001, Chapter 266, Section 2) is amended to read:

"61-14A-16. FEES.--Except as provided in Section 61-1-34 NMSA 1978, the board shall establish a schedule of reasonable nonrefundable fees not to exceed the following amounts:

- | | | |
|----|--------------------------------------|--------|
| A. | application for licensing | \$800; |
| B. | application for reciprocal licensing | 750; |
| C. | application for temporary licensing | 500; |

D.	examination, not including the cost of any nationally recognized examination	700;
E.	annual license renewal	400;
F.	late license renewal	200;
G.	expired license renewal	400;
H.	temporary license renewal	100;
I.	application for approval or renewal of approval of an educational program	600;
J.	late renewal of approval of an educational program	200;
K.	annual continuing education provider registration	200;
L.	application for extended or expanded prescriptive authority	500;
M.	application for externship supervisor registration	500;
N.	application for extern certification	500;
and		
O.	any and all fees to cover reasonable and necessary administrative expenses."	

Chapter 6 Section 41 Laws 2020

SECTION 41. Section 61-14B-20 NMSA 1978 (being Laws 1996, Chapter 57, Section 20, as amended) is amended to read:

"61-14B-20. FEES.--Except as provided in Section 61-1-34 NMSA 1978, the board shall establish a schedule of reasonable fees for applications, licenses, renewal of licenses, exams, penalties and administrative fees. The license and license renewal fees shall not exceed:

- A. one hundred dollars (\$100) for clinical fellows and apprentices in speech and language;
- B. two hundred dollars (\$200) for audiologists or speech-language pathologists;
- C. six hundred dollars (\$600) for hearing aid dispensers;
- D. four hundred dollars (\$400) for examinations;
- E. one hundred dollars (\$100) for late renewal fees;

- F. four hundred dollars (\$400) for hearing aid dispensing endorsement;
- G. five hundred dollars (\$500) for a hearing aid dispenser trainee license, which fee includes examination, both written and practical;
- H. one hundred dollars (\$100) for bilingual-multicultural endorsement; and
- I. reasonable administrative fees."

Chapter 6 Section 42 Laws 2020

SECTION 42. Section 61-14D-14 NMSA 1978 (being Laws 1993, Chapter 325, Section 14, as amended) is amended to read:

"61-14D-14. FEES.--Except as provided in Section 61-1-34 NMSA 1978, the board shall establish a schedule of reasonable fees for applications, licenses, provisional permits, renewal of licenses, placement on inactive status and necessary administrative fees and initial prorated licensing fees."

Chapter 6 Section 43 Laws 2020

SECTION 43. Section 61-14E-9 NMSA 1978 (being Laws 1983, Chapter 317, Section 9, as amended) is amended to read:

"61-14E-9. FEES FOR LICENSURE.--After the promulgation of rules and regulations, except as provided in Section 61-1-34 NMSA 1978, the department shall charge and collect the following fees:

- A. an application fee not to exceed ten dollars (\$10.00);
- B. an examination fee not to exceed one hundred fifty dollars (\$150) to cover the costs the department incurs in administering the initial examination required for limited certification;
- C. a biennial licensure fee not to exceed one hundred dollars (\$100);
- D. a temporary licensure fee not to exceed fifty dollars (\$50.00) to cover a period no longer than twelve months when new graduates of an approved program are in the process of taking required licensure examinations; and
- E. miscellaneous fees, such as for requests for duplicate or replacement licenses, legal name change and written verification, not to exceed twenty-five dollars (\$25.00)."

Chapter 6 Section 44 Laws 2020

SECTION 44. Section 61-16-9 NMSA 1978 (being Laws 1941, Chapter 45, Section 7) is amended to read:

"61-16-9. FEES.--Except as provided in Section 61-1-34 NMSA 1978, all applications shall be accompanied by the payment in cash to the municipality or county of an amount equal to twenty-five dollars (\$25.00) for each day of the proposed sale as its duration is shown by the application. Such fees are to be returned to the applicant in the event the application is denied, or a pro rata share of the fees shall be returned if the sale is voluntarily discontinued before its proposed duration has expired. No return of any sums shall be made in the event the sale is terminated for any violation of Chapter 61, Article 16 NMSA 1978."

Chapter 6 Section 45 Laws 2020

SECTION 45. Section 61-17A-16 NMSA 1978 (being Laws 1993, Chapter 171, Section 16, as amended) is amended to read:

"61-17A-16. FEES.--Except as provided in Section 61-1-34 NMSA 1978, the board may, by rule, establish initial license and renewal fees not to exceed the following:

establishment license	\$200
school license	\$600
relocation of a school	\$300
cosmetologist license	\$100
barber license	\$100
hairstylist license	\$100
specialty license	\$100
instructor license	\$100
duplicate license	\$50.00
temporary license	\$25.00
administrative fee	\$100

limited license fee	\$100
licensure through reciprocity	\$200
transcript	\$50.00
examinations	\$100."

Chapter 6 Section 46 Laws 2020

SECTION 46. Section 61-17B-5 NMSA 1978 (being Laws 2007, Chapter 181, Section 5, as amended) is amended to read:

"61-17B-5. LICENSE--APPLICATION--REVOCATION--SUSPENSION.--

A. A body artist shall obtain a body art license, and an operator shall obtain a body art establishment license, the requirements for which shall be defined by the board and shall include the requirement that a body artist applicant demonstrate that the body artist has the training and experience necessary to perform body piercing, tattooing or scarification and the requirement that a sanitary and sterile body art establishment be maintained; provided that the board shall grant credit for training and experience obtained from any source, whether obtained within or outside the state, if the applicant demonstrates that the training and experience received by the applicant is equivalent to the training and experience required pursuant to the Body Art Safe Practices Act.

B. An operator or body artist shall possess and post in a conspicuous place a valid and unsuspended license issued by the board in accordance with the Body Art Safe Practices Act and the rules promulgated pursuant to that act. An operator or a body artist shall not display a license unless it has been issued to that operator or body artist by the board and has not been suspended or revoked.

C. An operator or body artist shall apply to the board for the issuance or renewal of a license annually and shall pay license fees established by the board. The board shall set license fees, license renewal fees and late fees in amounts necessary to administer the provisions of the Body Art Safe Practices Act. If an operator or body artist fails to renew a license for the next year, the license is void; provided that the voided license may be restored at any time during the year following the license's expiration upon the payment of the appropriate license renewal fee and a late charge not to exceed one hundred dollars (\$100) as set forth by board rules. If the operator or body artist fails to restore a license within one year following the license's expiration, the operator or body artist may request restoration of the license pursuant to rules promulgated by the board.

D. The board shall promulgate rules for the revocation or suspension of a license for a body art establishment or a body artist who fails to comply with a provision of the Body Art Safe Practices Act or rules promulgated pursuant to that act. A license

shall not be suspended or revoked pursuant to the Body Art Safe Practices Act without providing the operator or the body artist with an opportunity for an administrative hearing unless conditions in the body art establishment warrant immediate suspension pursuant to Section 61-17B-9 NMSA 1978. The hearing officer shall not be a person previously involved in the suspension or revocation action. An inspection made more than twenty-four months prior to the most recent inspection shall not be used as a basis for suspension or revocation.

E. Except as provided in Section 61-1-34 NMSA 1978, the board shall charge a fee not to exceed three hundred dollars (\$300) for the application to issue a new or renewed license. The applicant shall provide proof of current immunization as required by the board and proof of the applicant's attendance at a blood-borne pathogen training program and other training as required by the board before a license is issued or renewed.

F. A current body art license or body art establishment license shall not be transferable from one person to another.

G. The following information shall be kept on the premises of a body art establishment and shall be available for inspection by the board:

(1) the full names of all employees in the establishment and their exact duties;

(2) the board-issued license with identification photograph for the operator and any body artists;

(3) the body art establishment name and hours of operation;

(4) the name and address of the operator;

(5) a complete description of all body art performed at the body art establishment;

(6) a list of all instruments, body jewelry, sharps and inks used at the body art establishment, including names of manufacturers and serial or lot numbers or invoices or other documentation sufficient to identify and locate the manufacturer of those items; and

(7) a current copy of the Body Art Safe Practices Act.

H. An operator shall notify the board in writing not less than thirty days before changing the location of a body art establishment. The notice shall include the street address of the body art establishment's new location."

Chapter 6 Section 47 Laws 2020

SECTION 47. Section 61-18A-30 NMSA 1978 (being Laws 1987, Chapter 252, Section 30, as amended) is amended to read:

"61-18A-30. FEES.--Except as provided in Section 61-1-34 NMSA 1978, the director shall charge and collect the following fees:

- A. an original license fee for a collection agency or branch thereof, of five hundred dollars (\$500);
- B. a renewal fee for a collection agency or branch thereof, of three hundred dollars (\$300);
- C. a duplicate license fee of fifteen dollars (\$15.00);
- D. a temporary license fee of thirty-five dollars (\$35.00);
- E. a delinquency fee of ten dollars (\$10.00) per day for each day of delinquency in filing applications for renewals;
- F. a manager's license examination fee of one hundred dollars (\$100);
- G. a manager's license renewal fee of fifty dollars (\$50.00);
- H. a fee of five dollars (\$5.00) for each copy of any issue or edition of the Collection Agency Regulatory Act and rules and regulations;
- I. a fee of five dollars (\$5.00) for each list of licensees in good standing;
- J. a fee of two hundred dollars (\$200) per day or fraction thereof for each examiner of the division engaged in an examination or investigation of a licensee, not to exceed five examiner-days per calendar year. If the examination or investigation is an out-of-state examination or investigation, the licensee shall reimburse the division the actual travel costs incurred to perform the examination or investigation; and
- K. an original license fee or renewal license fee for a reposessor of two hundred fifty dollars (\$250)."

Chapter 6 Section 48 Laws 2020

SECTION 48. Section 61-23-17 NMSA 1978 (being Laws 1987, Chapter 336, Section 17, as amended) is amended to read:

"61-23-17. APPLICATION AND EXAMINATION FEES.--

A. All applicants for licensure pursuant to the Engineering and Surveying Practice Act shall apply for examination, licensure or certification on forms prescribed and furnished by the board. Except as provided in Section 61-1-34 NMSA 1978, applications shall be accompanied by the appropriate fee, any sworn statements the board may require to show the applicant's citizenship and education, a detailed summary of the applicant's technical work and appropriate references.

B. All application, reapplication, examination and reexamination fees shall be set by the board and shall not exceed the actual cost of carrying out the provisions of the Engineering and Surveying Practice Act. No fees shall be refundable.

C. Any application may be denied for fraud, deceit, conviction of a felony or any crime involving moral turpitude."

Chapter 6 Section 49 Laws 2020

SECTION 49. Section 61-23-20 NMSA 1978 (being Laws 1987, Chapter 336, Section 20, as amended) is amended to read:

"61-23-20. ENGINEERING--LICENSURE AND RENEWAL FEES--EXPIRATIONS.--

A. Licensure shall be for a period of two years as prescribed in the rules of procedure. Initial licenses shall be issued in accordance with the board's rules.

B. The board shall establish by rule a biennial fee for professional engineers. Except as provided in Section 61-1-34 NMSA 1978, licensure renewal is accomplished upon payment of the required fee and satisfactory completion of the requirements of professional development.

C. The executive director of the board shall send a renewal notice to each licensee's last known address. Notice shall be mailed at least one month in advance of the date of expiration of the license.

D. Each licensee shall have the responsibility to notify the board of any change of address within thirty days of the change.

E. Upon receipt of a renewal fee and fulfillment of other requirements, the board shall issue a licensure renewal card that shall show the name and license number of the licensee and shall state that the person named has been granted licensure to practice as a professional engineer for the biennial period.

F. Every license shall automatically expire if not renewed on or before December 31 of the applicable biennial period. A delinquent licensee may renew a license by the payment of twice the biennial renewal fee at any time before March 1, but the delinquent licensee shall not practice during this period. Should the licensee apply

to renew an expired license after the March 1 deadline has elapsed, the licensee shall submit a formal application and fee as provided in Section 61-23-17 NMSA 1978. The board, in considering the reapplication, may consider the applicant's qualifications for licensure if the requirements for licensure have changed since the applicant was first licensed. The board may adopt rules for inactive and retired status."

Chapter 6 Section 50 Laws 2020

SECTION 50. Section 61-23-27.5 NMSA 1978 (being Laws 1993, Chapter 218, Section 26, as amended) is amended to read:

"61-23-27.5. SURVEYING--APPLICATION AND EXAMINATION FEES.--

A. All applicants for licensure pursuant to the Engineering and Surveying Practice Act shall apply for examination, licensure or certification on forms prescribed and furnished by the board. Except as provided in Section 61-1-34 NMSA 1978, applications shall be accompanied by the appropriate fee, any sworn statements the board may require to show the applicant's citizenship and education, a detailed summary of the applicant's technical work and appropriate references.

B. All application, reapplication, examination and reexamination fees shall be set by the board and shall not exceed the actual cost of carrying out the provisions of the Engineering and Surveying Practice Act. Fees shall not be refundable.

C. Any application may be denied for fraud, deceit, conviction of a felony or for any crime involving moral turpitude."

Chapter 6 Section 51 Laws 2020

SECTION 51. Section 61-23-27.7 NMSA 1978 (being Laws 1993, Chapter 218, Section 28, as amended) is amended to read:

"61-23-27.7. SURVEYING--LICENSURE AND RENEWAL FEES--EXPIRATIONS.--

A. Licensure for surveyors shall be for a period of two years as prescribed in the rules of procedure. Initial certificates of licensure shall be issued to coincide with the biennial period. Initial licenses shall be issued in accordance with the board's rules.

B. The board shall establish by rule a biennial fee for professional surveyors. Except as provided in Section 61-1-34 NMSA 1978, renewal shall be granted upon payment of the required fee and satisfactory completion of the requirements of professional development.

C. The executive director of the board shall send a renewal notice to each licensee's last known address. Notice shall be mailed at least one month in advance of the date of expiration of the license.

D. It shall be the responsibility of the licensee to notify the board of any change of address and to keep the license current.

E. Upon receipt of a renewal fee and fulfillment of other requirements, the board shall issue a licensure renewal card that shall show the name and license number of the licensee and shall state that the person named has been granted licensure to practice as a professional surveyor for the biennial period.

F. Every license shall automatically expire if not renewed on or before December 31 of the applicable biennial period. A delinquent licensee may renew a license by the payment of twice the biennial renewal fee at any time before March 1, but the delinquent licensee shall not practice during this period. Should the licensee wish to renew an expired license after the March 1 deadline has elapsed, the licensee shall submit a formal application as provided in Section 61-23-27.4 NMSA 1978. The board, in considering the reapplication, need not question the applicant's qualifications for licensure unless the qualifications have changed since the license expired."

Chapter 6 Section 52 Laws 2020

SECTION 52. Section 61-24B-11 NMSA 1978 (being Laws 1985, Chapter 151, Section 11, as amended) is amended to read:

"61-24B-11. FEES.--Except as provided in Section 61-1-34 NMSA 1978, the board shall establish a schedule of reasonable fees for applications, certificates of registration, certificates as a landscape architect in training, temporary permits, re-registration, inactive status and late registration renewal as follows:

A. the initial application fee shall be set in an amount not to exceed one hundred dollars (\$100);

B. the initial certificate of registration fee shall be set in an amount not to exceed three hundred dollars (\$300);

C. the certificate of registration renewal fee shall be set in an amount not to exceed four hundred dollars (\$400);

D. the initial and the renewal fee for landscape architect in training certification shall be set in an amount not to exceed two hundred dollars (\$200);

E. the annual inactive status fee shall be set at one-half the renewal fee for the year; and

F. the late fee for registration renewal shall be set at an amount not to exceed twice the renewal fee."

Chapter 6 Section 53 Laws 2020

SECTION 53. Section 61-24C-10 NMSA 1978 (being Laws 1989, Chapter 53, Section 10, as amended) is amended to read:

"61-24C-10. LICENSE--ISSUANCE--RENEWAL--DENIAL, SUSPENSION OR REVOCATION.--

A. A license shall be issued to every person who presents satisfactory evidence of possessing the qualifications of education, experience and, as appropriate, the examination performance required by the provisions of the Interior Designers Act, provided that the applicant has reached the age of majority and, except as provided in Section 61-1-34 NMSA 1978, pays the required fees.

B. Each original license shall authorize the holder to use the title of and be known as a licensed interior designer from the date of issuance to the next renewal date unless the license is suspended or revoked.

C. All licenses shall expire annually and shall be renewed by submitting a completed renewal application, and except as provided in Section 61-1-34 NMSA 1978, accompanied by the required fees.

D. A license may not be renewed until the licensee submits satisfactory evidence to the board that, during the last year, the licensee has participated in not less than eight hours of continuing education approved by the board. The board shall approve only continuing education that builds upon basic knowledge of interior design. The board may make exceptions from the continuing education requirement in emergency or hardship cases.

E. The holder of a license that has expired through failure to renew may renew the license at any time within two years from the date on which the license expired, upon approval of the board.

F. The board may promulgate policies and procedures providing for the establishment of an inactive status for licensees temporarily not engaged in the practice of interior design.

G. In accordance with the provisions of the Uniform Licensing Act, the board may deny, refuse to renew, suspend or revoke a license or impose probationary conditions when the licensee has:

(1) obtained the license by means of fraud, misrepresentation or concealment of material facts;

(2) committed an act of fraud or deceit in professional conduct or been convicted of a felony;

(3) made any representation as being a licensed interior designer prior to being issued a license, except as authorized under the provisions of the Interior Designers Act;

(4) been found by the board to have aided or abetted an unlicensed person in violating the provisions of the Interior Designers Act; or

(5) failed to comply with the provisions of the Interior Designers Act or regulations adopted pursuant to that act."

Chapter 6 Section 54 Laws 2020

SECTION 54. Section 61-24D-13 NMSA 1978 (being Laws 2019, Chapter 239, Section 13) is amended to read:

"61-24D-13. FEES.--In addition to any fees to cover reasonable and necessary administrative expenses, the board shall establish, charge and collect:

- A. an initial application fee, no less than two hundred fifty dollars (\$250);
- B. a state and national criminal background check fee, not to exceed one hundred dollars (\$100);
- C. except as provided in Section 61-1-34 NMSA 1978, a three-year license fee, no less than one thousand dollars (\$1,000);
- D. a reactivation fee, not to exceed two hundred dollars (\$200);
- E. a reinstatement fee, not to exceed two hundred dollars (\$200); and
- F. a fee for each duplicate license issued because a license is lost or destroyed, not to exceed fifty dollars (\$50.00); provided that an affidavit attesting to the loss or destruction of the license shall be required before issuance of a duplicate license."

Chapter 6 Section 55 Laws 2020

SECTION 55. Section 61-27B-20 NMSA 1978 (being Laws 2007, Chapter 115, Section 20) is amended to read:

"61-27B-20. FEES.--

A. Except as provided in Section 61-1-34 NMSA 1978, the department shall establish a schedule of reasonable fees as follows:

(1) private investigator fees:

- (a) application fee, not to exceed one hundred dollars (\$100);
- (b) initial private investigator's license fee or license renewal fee, not to exceed three hundred dollars (\$300); and
- (c) initial private investigations manager license fee or license renewal fee, not to exceed two hundred dollars (\$200);

(2) private patrol operator fees:

- (a) application fee, not to exceed one hundred dollars (\$100);
- (b) initial private patrol operator's license fee or license renewal fee, not to exceed three hundred dollars (\$300); and
- (c) initial private patrol operations manager license fee or license renewal fee, not to exceed two hundred dollars (\$200);

(3) security guard fees:

- (a) level one or level two security guard registration fee or registration renewal fee, not to exceed fifty dollars (\$50.00); and
- (b) level three security guard registration fee or registration renewal fee, not to exceed seventy-five dollars (\$75.00);

(4) polygraph examiners:

- (a) application fee, not to exceed one hundred dollars (\$100);
- (b) initial polygraph examiner's license fee or license renewal fee, not to exceed four hundred dollars (\$400); and
- (c) examination fee, not to exceed one hundred dollars (\$100);

and

(5) other fees applying to private investigators, private patrol operators and polygraph examiners:

- (a) change in license fee, not to exceed two hundred dollars (\$200);

(b) late fee on license or registration renewals, not to exceed one hundred dollars (\$100);

(c) special event permit fee, not to exceed one hundred dollars (\$100); and

(d) special event license fee for a private patrol company, not to exceed fifty dollars (\$50.00).

B. Fees charged by the department shall not be increased prior to fiscal year 2009."

Chapter 6 Section 56 Laws 2020

SECTION 56. Section 61-29-8 NMSA 1978 (being Laws 1959, Chapter 226, Section 7, as amended) is amended to read:

"61-29-8. LICENSE FEES--DISPOSITION.--

A. Except as provided in Section 61-1-34 NMSA 1978, the following fees shall be established and charged by the commission and paid into the real estate commission fund:

(1) for each examination, a fee established by the commission based on competitive bids for examination services submitted to the commission in response to a commission request for proposals, not to exceed ninety-five dollars (\$95.00);

(2) for each qualifying broker's license issued, a fee not to exceed two hundred seventy dollars (\$270) and for each renewal thereof, a fee not to exceed two hundred seventy dollars (\$270);

(3) for each associate broker's license issued, a fee not to exceed two hundred seventy dollars (\$270) and for each renewal thereof, a fee not to exceed two hundred seventy dollars (\$270);

(4) subject to the provisions of Paragraph (10) of this subsection, for each change of place of business or change of employer or contractual associate, a transfer fee not to exceed twenty dollars (\$20.00);

(5) for each duplicate license, where the license is lost or destroyed and affidavit is made thereof, a fee not to exceed twenty dollars (\$20.00);

(6) for each license history, a fee not to exceed twenty-five dollars (\$25.00);

(7) for copying of documents by the commission, a fee not to exceed one dollar (\$1.00) per copy;

(8) for each license law and rules booklet, a fee not to exceed ten dollars (\$10.00) per booklet;

(9) for each hard copy or electronic list of licensed associate brokers and qualifying brokers, a fee not to exceed actual costs up to fifty dollars (\$50.00);

(10) for each license reissued for an associate broker because of change of address of the qualifying broker's office or death of the qualifying broker when a successor qualifying broker is replacing the decedent and the associate broker remains in the office or because of a change of name of the office or the entity of the qualifying broker, a fee in an amount not to exceed twenty dollars (\$20.00) to be paid by the qualifying broker or successor qualifying broker as the case may be; but if there are eleven or more affected associate brokers in the qualifying broker's office, the total fee paid to effect reissuance of all of those licenses shall not exceed two hundred dollars (\$200);

(11) for each application to the commission to become an approved sponsor of prelicensing and continuing education courses, a fee not to exceed five hundred dollars (\$500) and for each renewal thereof, a fee not to exceed five hundred dollars (\$500);

(12) for each application to the commission to become an approved instructor of prelicensing and continuing education courses, a fee not to exceed seventy dollars (\$70.00) per course; and

(13) for each application to the commission to renew certification as a commission-approved instructor, a fee not to exceed one hundred dollars (\$100).

B. All fees set by the commission shall be set by rule and only after all requirements have been met as prescribed by Chapter 61, Article 29 NMSA 1978. Any changes or amendments to the rules shall be filed in accordance with the State Rules Act.

C. The commission shall deposit all money received by it from fees in accordance with the provisions of Chapter 61, Article 29 NMSA 1978 with the state treasurer, who shall keep that money in a separate fund to be known as the "real estate commission fund", and money so deposited in that fund is appropriated to the commission for the purpose of carrying out the provisions of Section 61-29-4 NMSA 1978 or to maintain the real estate recovery fund as required by the Real Estate Recovery Fund Act and shall be paid out of the fund upon the vouchers of the executive secretary of the commission or the executive secretary's designee; provided that the total fees and charges collected and paid into the state treasury and any money so

deposited shall be expended only for the purposes authorized by Chapter 61, Article 29 NMSA 1978."

Chapter 6 Section 57 Laws 2020

SECTION 57. Section 61-30-17 NMSA 1978 (being Laws 1990, Chapter 75, Section 17, as amended) is amended to read:

"61-30-17. FEES.--

A. Except as provided in Section 61-1-34 NMSA 1978, the board shall charge and collect the following fees not to exceed:

(1) an application fee for real estate appraiser trainee registration, two hundred dollars (\$200);

(2) an application fee for a license or residential certification, four hundred dollars (\$400);

(3) an application fee for general certification, five hundred dollars (\$500);

(4) an examination fee for general and residential certification or license, two hundred dollars (\$200);

(5) a registration renewal fee for a real estate appraiser trainee, two hundred fifty dollars (\$250);

(6) a certificate renewal fee for residential certification, or license renewal, four hundred fifty dollars (\$450);

(7) a certificate renewal fee for general certification, five hundred dollars (\$500);

(8) the registry fee as required by the federal real estate appraisal reform amendments;

(9) for registration for temporary practice, two hundred dollars (\$200), and an additional extension fee may be applied;

(10) for each duplicate registration, license or certificate issued because a registration, license or certificate is lost or destroyed and an affidavit as to its loss or destruction is made and filed, fifty dollars (\$50.00); and

(11) fees to cover reasonable and necessary administrative expenses.

B. The board shall establish the fee for appraisal management company registration by rule to cover the cost of the administration of the Appraisal Management Company Registration Act, but in no case shall the fee be more than two thousand dollars (\$2,000). Registration fees shall be credited to the appraiser fund pursuant to Section 61-30-18 NMSA 1978."

Chapter 6 Section 58 Laws 2020

SECTION 58. Section 61-31-15 NMSA 1978 (being Laws 1989, Chapter 51, Section 15, as amended) is amended to read:

"61-31-15. LICENSE FEES.--Except as provided in Section 61-1-34 NMSA 1978, applicants for licensure shall pay fees set by the board, not to exceed:

A. for examination for any level of licensure other than initial licensure, two hundred dollars (\$200);

B. for initial licensure following an examination as a licensed bachelor of social work, two hundred dollars (\$200);

C. for initial licensure following an examination as a licensed master of social work, three hundred dollars (\$300);

D. for initial licensure following an examination as a licensed independent social worker, three hundred dollars (\$300);

E. for licensure by credentials at any level, three hundred dollars (\$300);

F. for licensure without examination, including a provisional license, as a licensed bachelor of social work, one hundred fifty dollars (\$150);

G. for licensure without examination, including a provisional license, as a licensed master of social work, two hundred fifty dollars (\$250);

H. for licensure without examination, including a provisional license, as a licensed independent social worker, three hundred dollars (\$300);

I. for renewal of a license as a licensed bachelor of social work, one hundred dollars (\$100);

J. for renewal of a license as a licensed master of social work, two hundred dollars (\$200);

K. for renewal of a license as a licensed independent social worker, three hundred dollars (\$300);

L. for a late fee for failure to renew within the allotted grace period, one hundred dollars (\$100); and

M. for a duplicate license, twenty-five dollars (\$25.00)."

Chapter 6 Section 59 Laws 2020

SECTION 59. Section 61-32-23 NMSA 1978 (being Laws 1993, Chapter 204, Section 23, as amended) is amended to read:

"61-32-23. FEES AND FINES.--Except as provided in Section 61-1-34 NMSA 1978, the board shall establish by rule a schedule of reasonable fees and fines for applications, examinations, licenses, inspections, renewals, penalties, reinstatements and necessary administrative fees. All fees collected shall be deposited in accordance with Section 61-32-26 NMSA 1978. All fines collected shall be deposited in the current school fund."

Chapter 6 Section 60 Laws 2020

SECTION 60. Section 61-34-11 NMSA 1978 (being Laws 2007, Chapter 248, Section 11) is amended to read:

"61-34-11. FEES.--Except as provided in Section 61-1-34 NMSA 1978, the board may, by rule, establish a schedule of fees as follows:

A. an initial nonrefundable biennial licensure fee not to exceed two hundred fifty dollars (\$250);

B. a nonrefundable biennial license renewal fee not to exceed two hundred dollars (\$200);

C. an initial nonrefundable annual provisional licensure fee not to exceed two hundred dollars (\$200); and

D. an annual nonrefundable provisional licensure renewal fee not to exceed one hundred dollars (\$100) limited to five years that the licensee may renew."

Chapter 6 Section 61 Laws 2020

SECTION 61. Section 61-36-5 NMSA 1978 (being Laws 2017, Chapter 136, Section 5) is amended to read:

"61-36-5. LICENSE FEES--TERM--RENEWAL.--

A. Except as provided in Section 61-1-34 NMSA 1978, the board shall require each applicant for initial licensure or renewal of a license to pay a nonrefundable licensure fee that shall not exceed one hundred dollars (\$100).

B. A license shall expire biennially from the date of initial licensure.

C. The board shall renew licenses only upon receipt of renewal of licensure fees and evidence of compliance with continuing education requirements."

Chapter 6 Section 62 Laws 2020

SECTION 62. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2020.

LAWS 2020, CHAPTER 7

House Bill 44, aa
Approved February 26, 2020

AN ACT

RELATING TO PRIVATE SECTOR RETIREMENT; ENACTING THE NEW MEXICO WORK AND SAVE ACT; CREATING THE NEW MEXICO WORK AND SAVE BOARD; PROVIDING POWERS AND DUTIES; ALLOWING FOR A RETIREMENT SAVINGS PLAN WEB-BASED MARKETPLACE; ALLOWING FOR A VOLUNTARY SAVINGS PROGRAM FOR PRIVATE SECTOR AND NONPROFIT EMPLOYEES AND THE SELF-EMPLOYED; PROVIDING PROTECTION FOR COVERED EMPLOYERS; PROVIDING FOR CONFIDENTIALITY OF PARTICIPANTS AND ACCOUNT INFORMATION; REQUIRING ANNUAL REPORTS.

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

Chapter 7 Section 1 Laws 2020

SECTION 1. SHORT TITLE.--This act may be cited as the "New Mexico Work and Save Act".

Chapter 7 Section 2 Laws 2020

SECTION 2. DEFINITIONS.--As used in the New Mexico Work and Save Act:

A. "board" means the New Mexico work and save board;

B. "board member" means a member of the board;

C. "covered employee" means a person who is at least eighteen years of age and who is employed by a covered employer, either full time or part time, or a person who is self-employed as a sole proprietor or an independent contractor; provided that "covered employee" does not include an employee:

- (1) covered under the federal Railway Labor Act;
- (2) on whose behalf an employer makes contributions to a multi-employer pension trust fund pursuant to the federal Taft-Hartley Act; or
- (3) of federal, state or local governments or any agency, department, board, commission, institution or instrumentality of those governments;

D. "covered employer" means a person engaged in a business, industry, profession, trade, nonprofit, or other enterprise with its primary place of business physically located in New Mexico, but does not include a federal, state or local government or any agency, department, board, commission, institution or instrumentality of those governments;

E. "financial institution" means a duly licensed bank, savings and loan association, credit union, broker-dealer, asset manager, insurance company, mutual fund or other financial entity;

F. "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended;

G. "New Mexico retirement plan marketplace" means a web-based marketplace for retirement savings plans for private sector and nonprofit employers and employees, including multiple-employer plans;

H. "New Mexico work and save" means the retirement savings program that invests payroll deductions of program participants in Roth individual retirement accounts without any contributions from covered employers;

I. "participating employer" means a covered employer that provides payroll deductions for individual retirement accounts through New Mexico work and save but that does not contribute to those accounts;

J. "program participant" means a covered employee who is contributing to a Roth individual retirement account through New Mexico work and save or has a Roth individual retirement account balance through New Mexico work and save;

K. "Roth individual retirement account" means a voluntary payroll deduction Roth individual retirement account that conforms to the requirements of Section 408A of the Internal Revenue Code; and

L. "total fees and expenses" means all fees, costs and expenses, including administrative expenses, investment expenses of New Mexico work and save, investment advice expenses, accounting costs, actuarial costs, legal costs, marketing expenses, education expenses, trading costs, insurance annuitization costs and other related miscellaneous costs.

Chapter 7 Section 3 Laws 2020

SECTION 3. BOARD CREATED--ORGANIZATION.--

A. The "New Mexico work and save board" is created and is administratively attached to the office of the state treasurer. The office of the state treasurer shall provide administrative support for the board in carrying out its duties pursuant to the New Mexico Work and Save Act.

B. The board consists of the following voting members:

(1) two members appointed by the state treasurer as follows:

(a) one member who has skill, knowledge and experience in the field of retirement saving and investments; and

(b) one member who has skill, knowledge and experience in retirement investment products or retirement plan designs;

(2) three members appointed by the governor as follows:

(a) one member who is a representative of an association representing employees;

(b) one member who is a representative of small businesses;
and

(c) one member who is a representative of the interests of program participants;

(3) two members appointed by the speaker of the house of representatives as follows:

(a) one member who is a representative of the interests of program participants; and

(b) one member who has skill, knowledge and experience in the field of retirement saving and investments; and

(4) two members appointed by the president pro tempore of the senate as follows:

(a) one member who is a representative of the interests of program participants; and

(b) one member who has skill, knowledge and experience in the field of retirement saving and investments.

C. A majority of the board constitutes a quorum. Action may be taken by the board upon an affirmative vote of the majority of members present at the meeting at which a quorum is present. A vacancy in the membership of the board does not impair the right of a quorum to exercise the powers and duties of the board.

D. The appointing authorities shall appoint the first members of the board for staggered terms so that the state treasurer appoints one member for two years and one member for four years, the governor appoints two members for two years and one member for four years, the speaker of the house of representatives appoints one member for two years and one member for four years and the president pro tempore of the senate appoints one member for two years and one member for four years. Thereafter, members of the board shall be appointed for four-year terms.

E. A board member shall be eligible for reappointment, provided that a board member shall not serve more than three full terms, consecutive or otherwise. Members shall serve until their successors have been appointed. If there is a vacancy for any reason, the appointing authority shall appoint a qualified person to fill the unexpired term.

F. The appointing authority may remove a member of the board that it has appointed for neglect of a duty required by law, for incompetency, for malfeasance or for unprofessional conduct.

G. Board members shall receive no salary for their service as board members but shall receive per diem and mileage pursuant to the Per Diem and Mileage Act.

Chapter 7 Section 4 Laws 2020

SECTION 4. BOARD--POWERS AND DUTIES.--

A. The board shall:

(1) elect a chair and other officers it deems necessary;

(2) meet as necessary to perform its duties;

(3) appoint an executive director, who shall be the chief administrative officer of the board;

(4) establish and direct the implementation and maintenance of the New Mexico retirement plan marketplace and New Mexico work and save;

(5) cause New Mexico work and save to be designed, established and operated:

(a) in accordance with best practices for retirement saving vehicles;

(b) to encourage participation, saving, sound investment practices and appropriate selection of investment options, including any default investments;

(c) to maximize simplicity and ease of administration for covered employers;

(d) to minimize total costs, including by collective investment and economies of scale;

(e) to require portability of benefits; and

(f) to avoid preemption of New Mexico work and save by federal law;

(6) ensure that no assets of New Mexico work and save are encumbered, expended or otherwise used for a purpose other than one specified in the New Mexico Work and Save Act;

(7) develop and implement an education and outreach plan to gain input and disseminate information regarding the New Mexico retirement plan marketplace, New Mexico work and save and retirement savings in general, including timely information to covered employers regarding New Mexico work and save;

(8) develop and implement an investment policy and designate appropriate default investments for New Mexico work and save that include a mix of asset classes, including target date funds and index funds, that minimize program participant fees and total expenses;

(9) establish procedures for the timely and fair resolution of any disputes related to accounts or program operation;

(10) provide a blanket surety bond for all employees and board members in an amount as determined by the board and conditioned on the faithful

performance of the duties of each employee during the employee's employment and each board member during the board member's term of office; and

(11) perform other activities as are needed to further the purposes of the New Mexico Work and Save Act.

B. The board may:

(1) promulgate rules as necessary and appropriate to carry out the provisions of the New Mexico Work and Save Act consistent with the Internal Revenue Code and rules adopted in accordance with that code, including ensuring that New Mexico work and save satisfies all criteria for favorable tax treatment and complies with all applicable federal and state laws;

(2) enter into contracts, agreements, memorandums of understanding or other arrangements with this or any other state or their agencies or instrumentalities to operate or manage any part of New Mexico work and save or the New Mexico retirement plan marketplace, including combining resources, investments or administrative functions;

(3) sue and be sued in its name;

(4) fix, revise and collect fees and other charges in connection with the New Mexico retirement plan marketplace or New Mexico work and save;

(5) contract with private and public financial institutions, depositories, consultants, actuaries, attorneys, auditors, investment advisers, investment administrators, investment management firms, other investment firms, third party administrators and other professionals as may be required;

(6) make and execute contracts, agreements or instruments necessary or convenient in the exercise of the powers and functions granted the board by the New Mexico Work and Save Act; provided that the board may delegate that power to the executive director and may limit the scope of that delegation;

(7) invest and reinvest its funds in accordance with applicable state and federal law; and

(8) collaborate with and evaluate the role of financial advisors or other financial professionals and financial institutions, including those assisting and providing guidance to program participants.

Chapter 7 Section 5 Laws 2020

SECTION 5. CONFIDENTIALITY OF PARTICIPANT AND ACCOUNT INFORMATION--APPLICATION OF OTHER LAWS.--

A. Information obtained by the board that is proprietary or information about covered employees or participants in the New Mexico retirement plan marketplace is confidential and not subject to inspection pursuant to the Inspection of Public Records Act.

B. Individual account information of New Mexico work and save program participants, including names, addresses, telephone numbers, email addresses, personal identification information, investments, contributions and earnings, is confidential and shall be maintained as confidential:

(1) except to the extent necessary to administer New Mexico work and save in a manner consistent with the New Mexico Work and Save Act, the tax laws of this state and the Internal Revenue Code; or

(2) unless the person who provides the information or is the subject of the information expressly agrees in writing to the disclosure of the information.

Chapter 7 Section 6 Laws 2020

SECTION 6. EXECUTIVE DIRECTOR--POWERS AND DUTIES.--

A. The executive director of New Mexico work and save may:

(1) hire, fire and recommend to the board compensation for staff, as needed; and

(2) contract for legal, fiscal, investment and other expert advisors and service providers, none of whom shall be board members and all of whom shall serve at the pleasure of the board.

B. The executive director shall:

(1) oversee requests for proposals at the board's direction;

(2) develop and disseminate educational information and tools designed to improve financial literacy and educate program participants, covered employers, covered employees and other state residents about the benefits of saving for retirement and help them decide the level of participation and savings strategies that may be appropriate for them;

(3) if necessary, determine the eligibility of an employer or employee to participate in New Mexico work and save; and

(4) perform other duties as assigned by the board.

Chapter 7 Section 7 Laws 2020

SECTION 7. BOARD AND BOARD EMPLOYEE REQUIREMENTS AND PROHIBITIONS--CONFLICTS OF INTEREST.--

A. Board members and employees of the board shall comply with the Gift Act, the Governmental Conduct Act and the Open Meetings Act.

B. Board members and employees of the board shall not:

(1) directly or indirectly have any interest in the investment of New Mexico work and save or in gains or profits accruing from that investment, other than as program participants;

(2) borrow New Mexico work and save-related funds or deposits or use those funds or deposits for personal gain or as agents or partners of others; or

(3) become endorsers, sureties or obligors on investments made by New Mexico work and save.

C. If a board member or employee of the board has an interest, either direct or indirect, in a contract to which New Mexico work and save is or is to be a party, that interest shall be disclosed to the board in writing and shall be set forth in the minutes of the board. The board member or employee having that interest shall not participate in an action by the board with respect to that contract.

D. Board members and employees of the board shall act as fiduciaries with respect to the New Mexico retirement plan marketplace and New Mexico work and save, acting solely in the best interests of the program participants and for the exclusive purpose of providing benefits to program participants and administering the program with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an enterprise of a like character and with like aims.

Chapter 7 Section 8 Laws 2020

SECTION 8. NEW MEXICO RETIREMENT PLAN MARKETPLACE.--

A. In developing and implementing the New Mexico retirement plan marketplace, the board may work in concert with other states offering an online marketplace similar to the New Mexico retirement plan marketplace website.

B. The board shall:

(1) design the New Mexico retirement plan marketplace as a website to connect employers and individuals with retirement savings plans, ensuring that the design does not favor a particular kind of service provider or business model;

(2) establish requirements for financial service firms that participate in the marketplace and for plans offered on the marketplace;

(3) develop marketing materials; and

(4) promote the benefits of retirement savings and financial literacy.

C. The board shall provide public notice of the process for inclusion on the New Mexico retirement plan marketplace website before the website becomes publicly available. The marketplace shall be available to the public before the board opens New Mexico work and save for enrollment, and the marketplace website address shall be included on any internet website posting or other materials regarding New Mexico work and save.

D. The board shall allow all financial service firms that meet the requirements established by the board to participate in the New Mexico retirement plan marketplace. In addition, the board shall not exclude, by policy or otherwise, a retirement plan or option within a plan that meets the requirements of the board and is otherwise allowed under federal or state law, including plan design options that are selected by the employer.

E. Participation in plans offered on the New Mexico retirement plan marketplace is voluntary for covered employers and employees; provided that an employer that offers a retirement plan through the New Mexico retirement plan marketplace may use automatic enrollment and automatic escalation of contributions but shall allow an employee opt-out option.

F. The New Mexico retirement plan marketplace may offer an array of private retirement plan options, including a:

(1) simple individual retirement-type plan;

(2) payroll deduction individual retirement-type plan;

(3) multiple-employer plan, if allowed under federal law; and

(4) plan described in Section 401(a) or 403(b) of the Internal Revenue Code.

G. The New Mexico retirement plan marketplace shall offer a financial literacy module for employers and employees.

H. The New Mexico retirement plan marketplace shall allow, but shall not require, the availability within approved plans of distribution options that provide income in retirement, including systematic withdrawal programs, guaranteed lifetime withdrawal benefits and annuities.

I. The board shall establish administrative fees for financial service firms that participate in the New Mexico retirement plan marketplace. The fees shall be sufficient to cover the actual cost of maintaining the New Mexico retirement plan marketplace.

Chapter 7 Section 9 Laws 2020

SECTION 9. NEW MEXICO WORK AND SAVE--CREATED-- IMPLEMENTATION.--

A. The New Mexico work and save program developed by the board under the New Mexico Work and Save Act shall:

- (1) provide that a covered employer may voluntarily choose to participate in New Mexico work and save;
- (2) provide that a participating employer may automatically enroll its employees but shall allow its employees to opt out;
- (3) allow covered employees to voluntarily contribute to a Roth individual retirement account through automatic payroll deductions, if allowed pursuant to federal law;
- (4) provide that the default investment option for program participants shall be a Roth individual retirement account with a target date fund investment and a default contribution rate established by the board by rule; provided that the board may establish a principal protection fund for initial savings up to an amount established by the board; and provided that a program participant may choose to stop participating altogether, choose a different investment from among the options available or choose to contribute at a higher or lower contribution rate, subject to the Roth individual retirement account contribution dollar limits applicable under the Internal Revenue Code;
- (5) offer default escalation of contribution rates that can be increased or decreased by program participants within the limits allowed by the Internal Revenue Code;
- (6) provide for direct deposit of contributions into one or more investments approved by New Mexico work and save;
- (7) be professionally managed;
- (8) not allow employer contributions by covered employers;

(9) provide a report on the status of each program participant's account to each program participant at least annually;

(10) when practicable, use existing employer and public infrastructure to facilitate contributions, recordkeeping and outreach and use pooled or collective investment arrangements;

(11) provide that each program participant owns the contributions to and earnings on amounts contributed to the participant's account under New Mexico work and save and that the state, the board and covered employers have no proprietary interest, whether legal or equitable, in those contributions or earnings;

(12) not impose any duties on employers pursuant to the federal Employee Retirement Income Security Act of 1974; and

(13) keep total fees and expenses below one percent of the funds invested in New Mexico work and save.

B. The board shall ensure that New Mexico work and save is financially self-sustaining no later than five years after the date that it is fully implemented.

C. If a covered employer knowingly or intentionally fails to transmit a payroll deduction contribution to New Mexico work and save on the earliest date the amount withheld from the covered employee's compensation can reasonably be segregated from the covered employer's assets, but not later than the fifteenth day of the month following the month in which the covered employee's contribution amounts are withheld from the covered employee's paycheck, the failure to remit those contributions on a timely basis shall be subject to the same sanctions as employer misappropriation of employee wage withholdings.

Chapter 7 Section 10 Laws 2020

SECTION 10. POLICIES AND PROCEDURES FOR NEW MEXICO WORK AND SAVE.--The board shall promulgate rules to implement New Mexico work and save that:

A. establish the processes by which a covered employer may choose to voluntarily enroll in New Mexico work and save and become a participating employer;

B. establish the processes for program participants to enroll in and contribute to payroll deduction individual retirement accounts, including elections by covered employees, withholding by participating employers of program participants' payroll deduction contributions from wages and remittance for deposit to the program participants' individual retirement accounts and voluntary enrollment and contributions by self-employed persons;

C. establish the processes for withdrawals, rollovers, conversions and direct transfers from individual retirement accounts in the interest of facilitating portability and maximization of benefits;

D. establish processes governing the distribution of funds from New Mexico work and save; and

E. require education of and outreach to covered employers, covered employees and the public regarding New Mexico work and save. The rules shall specify the content, frequency, timing and means of required disclosures from New Mexico work and save to covered employees, covered employers, program participants and participating employers and other interested parties. These disclosures shall include:

- (1) the benefits associated with tax-favored retirement saving;
- (2) the potential advantages and disadvantages associated with contributing to Roth individual retirement accounts through New Mexico work and save;
- (3) the eligibility rules for Roth individual retirement accounts;
- (4) that the program participant is solely responsible for determining whether and, if so, how much the program participant is eligible to contribute on a tax-favored basis to a Roth individual retirement account;
- (5) the penalty for excess contributions to Roth individual retirement accounts and the method of correcting excess contributions;
- (6) instructions for enrolling, making elections to contribute or to decline to contribute and making elections regarding contribution rates, types of individual retirement accounts and investments;
- (7) instructions for implementing and for changing the elections;
- (8) the potential availability of a program participant's tax credit, including the eligibility conditions for the credit and instructions on how to claim it;
- (9) statements that New Mexico work and save, the board, board members or board employees, a covered employer or the state do not offer tax, investment or other financial advice, and that the program participant should contact appropriate professional advisors, and that only the program participant is liable for decisions the program participant makes in relation to New Mexico work and save;
- (10) statements that payroll deduction individual retirement accounts are not intended to be employer-sponsored retirement plans and that New Mexico work and save is not an employer-sponsored retirement plan;

(11) the potential implications of account balances in New Mexico work and save for the application of asset limits under certain public assistance programs;

(12) that the program participant is solely responsible for investment performance, including market gains and losses, and that individual retirement accounts and rates of return are not guaranteed by New Mexico work and save, the board, individual board members, board employees, covered employers or the state or any of its officers or employees;

(13) additional information and tools designed to promote financial literacy and capability, which may take the form of links to or explanations of how to obtain such information; and

(14) how to obtain additional information about New Mexico work and save.

Chapter 7 Section 11 Laws 2020

SECTION 11. PROTECTION FOR COVERED EMPLOYERS.--

A. New Mexico work and save is not an employer-sponsored plan. A covered employer does not bear responsibility for:

(1) the decision to participate or not to participate in New Mexico work and save by a covered employee;

(2) a specific election under New Mexico work and save made by a program participant;

(3) investment decisions made by a program participant or the board;

(4) the administration, investment, investment returns or investment performance of New Mexico work and save, including interest rate or other rate of return on a contribution or Roth individual retirement account balance;

(5) the design or administration of New Mexico work and save or the benefits paid to program participants;

(6) a program participant's awareness of or compliance with the conditions and other provisions of the tax laws that determine which persons are eligible to make tax-favored contributions to individual retirement accounts, in what amount and in what time frame and manner; or

(7) loss, failure to realize gain or other adverse consequences, including adverse tax consequences or loss of favorable tax treatment, public

assistance or other benefits incurred by a program participant as a result of participating in New Mexico work and save.

B. No covered employer shall be or shall be considered to be a fiduciary under New Mexico work and save.

Chapter 7 Section 12 Laws 2020

SECTION 12. ANNUAL REPORT.--The board shall prepare an annual report on the operation of New Mexico work and save to be provided to the governor, the state treasurer and appropriate legislative interim committees and made available to all program participants, participating employers and the general public.

Chapter 7 Section 13 Laws 2020

SECTION 13. TEMPORARY PROVISION--DATES OF IMPLEMENTATION--CONDITIONS ON IMPLEMENTATION.--

A. The New Mexico retirement plan marketplace shall be implemented no later than July 1, 2021.

B. New Mexico work and save shall be implemented so that covered employees may begin contributing to New Mexico work and save no later than January 1, 2022.

LAWS 2020, CHAPTER 8

House Bill 225, aa
Approved February 26, 2020

AN ACT

RELATING TO SENIOR CITIZEN SERVICES; CREATING THE KIKI SAAVEDRA SENIOR DIGNITY FUND; PROVIDING PURPOSES FOR THE FUND.

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

Chapter 8 Section 1 Laws 2020

SECTION 1. KIKI SAAVEDRA SENIOR DIGNITY FUND--CREATED--PURPOSE--APPROPRIATION.--

A. The "Kiki Saavedra senior dignity fund" is created as a nonreverting fund in the state treasury and shall be administered by the aging and long-term services

department. The fund consists of money that is appropriated or donated or that otherwise accrues to the fund.

B. Money in the Kiki Saavedra senior dignity fund shall be subject to legislative appropriation to address high-priority services for senior citizens in New Mexico, including transportation, food insecurity, physical and behavioral health, case management and caregiving. More particularly, the goals of the fund are increased access for seniors and adults with disabilities, including veterans, to specialty vehicles and to specialty physical and behavioral health care not always provided in rural areas; assistance with appointments and meals in underserved areas of the state; and care coordination through community health workers.

C. Expenditures from the fund shall be made on warrants drawn by the secretary of finance and administration pursuant to vouchers signed by the secretary of aging and long-term services or the secretary's authorized representative.

LAWS 2020, CHAPTER 9

HJC/House Bill 386, aa, w/cc
Approved February 28, 2020

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE; AMENDING SECTIONS OF THE ELECTION CODE TO REMOVE PUBLIC REGULATION COMMISSIONERS AS ELECTED OFFICIALS; REPEALING THE PUBLIC REGULATION COMMISSION APPORTIONMENT ACT; RECOMPILING THE PUBLIC REGULATION COMMISSION ACT AND AMENDING PROVISIONS OF THAT ACT; CREATING THE PUBLIC REGULATION COMMISSION NOMINATING COMMITTEE; PROVIDING PROCEDURES FOR THE PUBLIC REGULATION COMMISSION NOMINATING COMMITTEE; PROVIDING AGE AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT OF APPOINTED PUBLIC REGULATION COMMISSION COMMISSIONERS; SEPARATING THE FIRE MARSHAL DIVISION FROM THE PUBLIC REGULATION COMMISSION; CREATING THE STATE FIRE MARSHAL'S OFFICE IN THE HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT; CREATING THE FIRE SERVICES COUNCIL; AMENDING STATUTORY REFERENCES; TRANSFERRING PERSONNEL, FUNCTIONS, MONEY, APPROPRIATIONS, OTHER PROPERTY AND CONTRACTUAL OBLIGATIONS; CHANGING REFERENCES IN LAW.

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

Chapter 9 Section 1 Laws 2020

SECTION 1. Section 1-3-12 NMSA 1978 (being Laws 1984 (1st S.S.), Chapter 3, Section 4, as amended) is amended to read:

"1-3-12. ADJUSTING PRECINCT BOUNDARIES.--

A. Before each federal decennial census, every precinct shall comply with the requirements of Section 1-3-1 NMSA 1978, and if necessary its boundary shall be adjusted to coincide with a feature or a boundary that is:

- (1) shown on the standard base maps developed pursuant to Subsection B of this section;
- (2) a designated census block boundary on the proposed federal PL 94-171 2020 census block maps; or
- (3) approved by the secretary of state and the United States census bureau.

B. Prior to commencement of the federal decennial census, the secretary of state shall have prepared and shall furnish to each county clerk standard base maps of the county. The standard base map for urban and nonurban areas of the county shall, as nearly as practical, show:

- (1) all state and federal highways;
- (2) all numbered and named county roads that have been certified to the department of transportation;
- (3) all military installation boundaries and federal and state prison boundaries;
- (4) all major railroad lines;
- (5) federal, state and county political boundaries, municipal boundaries and school district boundaries;
- (6) all streets within urban areas; and
- (7) other major terrain features, such as flowing rivers and streams, arroyos, power lines, pipelines, roads, trails and ridgelines and other acceptable census block boundaries.

C. The board of county commissioners, upon receipt of the standard base maps from the secretary of state and upon the recommendation of the county clerk, shall:

- (1) adjust all precinct boundaries to coincide with numbered or named street boundaries or suitable visible terrain features shown on the standard base map; provided that the precincts shall be composed of contiguous and compact areas, and

state, county, municipal, school district and other special district or political boundary lines shall serve as precinct boundaries whenever possible; and

(2) upon the completion of the precinct boundary adjustments as required in this section, indicate on the standard base maps the boundaries for both urban and nonurban precincts and, together with a written description of the precincts, shall send an electronic copy to the secretary of state for approval.

D. The precincts shown upon the standard base maps submitted pursuant to the provisions of this section and as revised and approved by the secretary of state pursuant to the Precinct Boundary Adjustment Act shall become the official precincts of each county for the 2021 redistricting. For the 2022 and subsequent statewide elections, changes in precincts shall be made in accordance with the provisions of Chapter 1, Article 3 NMSA 1978.

E. In the same calendar year in which the state receives the results of a federal decennial census, the state legislature shall redistrict federal representative districts, each chamber of the legislature, public education commission districts and any other state districts requiring redistricting.

F. In the calendar year following the receipt of the results of a federal decennial census, each local public body subject to districting shall create or redraw districts for the local public body. A local public body, when creating or redrawing districts, shall not split a precinct into two or more districts for any elected office unless necessary to comply with federal law or to preserve communities of interest."

Chapter 9 Section 2 Laws 2020

SECTION 2. Section 1-8-2 NMSA 1978 (being Laws 1969, Chapter 240, Section 152, as amended) is amended to read:

"1-8-2. NOMINATION BY MINOR POLITICAL PARTY--CONVENTION--
DESIGNATED NOMINEES.--

A. If the rules of a minor political party require nomination by political convention:

(1) the chair and secretary of the state political convention shall certify to the secretary of state the names of their party's nominees for United States senator, United States representative, all elective state offices, legislative offices elected from multicounty districts, all elective judicial officers in the judicial department and all offices representing a district composed of more than one county; and

(2) the chair and secretary of the county political convention shall certify to the county clerk the names of their party's nominees for elected county offices

and for legislative offices elected from a district located wholly within one county or that is composed of only one county.

B. The names certified to the secretary of state shall be filed on the twenty-third day following the primary election in the year of the general election and shall be accompanied by nominating petitions containing the signatures of voters totaling not less than one percent of the total number of votes cast for governor at the last preceding general election at which a governor was elected:

- (1) in the state for statewide offices; and
- (2) in the district for offices other than statewide offices.

The petition shall contain a statement that the voters signing the petition are residents of the area to be represented by the office for which the person being nominated is a candidate.

C. The names certified to the county clerk shall be filed on the twenty-third day following the primary election in the year of the general election and shall be accompanied by a nominating petition containing the signatures of voters totaling not less than one percent of the total number of votes cast for governor at the last preceding general election at which a governor was elected:

- (1) in the county for countywide offices; and
- (2) in the district for offices other than countywide offices.

The petition shall contain a statement that the voters signing the petition are residents of the area to be represented by the office for which the person being nominated is a candidate.

D. Except in the case of a political party certified in the year of the election, persons certified as candidates shall be members of that party on the day the secretary of state issues the general election proclamation.

E. When a political party is certified in the year of the general election, and after the day the secretary of state issues the general election proclamation, a person certified as a candidate shall be:

- (1) a member of that party not later than the date the political party filed its rules and qualifying petitions pursuant to Sections 1-7-2 and 1-7-4 NMSA 1978; and
- (2) a resident in the district of the office for which the person is a candidate on the date of the secretary of state's proclamation for the general election or in the case of a person seeking the office of United States senator or United States representative, a resident within New Mexico on the date of the secretary of state's

proclamation for the general election. No person who is a candidate for a party in a primary election may be certified as a candidate for a different party in the general election in the same election cycle.

F. No voter shall sign a petition prescribed by this section for more persons than the number of candidates necessary to fill the office at the next ensuing general election."

Chapter 9 Section 3 Laws 2020

SECTION 3. Section 1-8-3 NMSA 1978 (being Laws 1969, Chapter 240, Section 153, as amended) is amended to read:

"1-8-3. NOMINATION BY MINOR POLITICAL PARTY--OTHER METHODS.--If the rules and regulations of a minor political party require nomination by a method other than a political convention:

A. the state chair and the governing board of the state party shall certify to the secretary of state the names of their party's nominees for United States senator, United States representative, all elective state offices, legislative offices elected from multicounty districts, all elective judicial officers in the judicial department and all offices representing a district composed of more than one county;

B. the county chair and the governing board of the county party shall certify to the county clerk the names of their party's nominees for elected county offices and for legislative offices elected from a district located wholly within one county or that is composed of only one county; and

C. the names of such nominees shall be filed in the same time and manner prescribed by the Election Code for convention-designated nominees of minor political parties, and each list of names certified shall be accompanied by the petition containing a list of signatures and addresses of voters as prescribed for convention-designated nominees."

Chapter 9 Section 4 Laws 2020

SECTION 4. Section 1-8-13 NMSA 1978 (being Laws 1969, Chapter 240, Section 162, as amended) is amended to read:

"1-8-13. PRIMARY ELECTION LAW--CONTENTS OF PROCLAMATION.--The general election proclamation calling a primary and general election shall contain:

A. the names of the major political parties participating in the primary election;

B. the offices to be elected at the general election and for which each political party shall nominate candidates; provided that if any law is enacted by the legislature in the year in which the primary election is held and the law does not take effect until after the date to amend the proclamation but prior to the date to fill vacancies pursuant to Section 1-8-7 or 1-8-8 NMSA 1978, the secretary of state shall conform the proclamation to the intent of the law with respect to the offices for which each political party shall nominate candidates;

C. the date on which declarations of candidacy and nominating petitions for United States representative, any office voted upon by all the voters of the state, a legislative office, the office of district judge, district attorney, public education commission or magistrate shall be filed and the places where they shall be filed in order to have the candidates' names printed on the official ballot of their party at the primary election or in order to have the candidates' names printed on the official ballot at the general election, as applicable;

D. the date on and place at which declarations of candidacy shall be filed for any other office and filing fees paid or, in lieu thereof, a pauper's statement of inability to pay;

E. the final date on and place at which candidates for the office of United States representative and for any statewide office seeking preprimary convention designation by the major parties shall file petitions and declarations of candidacy;

F. the final date on which the major political parties shall hold state preprimary conventions for the designation of candidates;

G. the final date on and place at which certificates of designation of primary election candidates shall be filed by political parties with the secretary of state;

H. the date on which declarations of candidacy for minor party candidates shall be filed and the places where the declarations of candidacy shall be filed in order to have the minor party candidate names printed on the official ballot of the general election;

I. the date on which declarations of candidacy for unaffiliated candidates shall be filed and the places where the declarations of candidacy shall be filed in order to have the unaffiliated candidate names printed on the official ballot of the general election;

J. the date on which declarations of candidacy for nonpartisan judicial retention shall be filed and the places where the declarations of candidacy shall be filed in order to have the judicial retention names printed on the official ballot of the general election; and

K. the date on which declarations to be a write-in candidate are to be filed and the places where the declarations of candidacy shall be filed in order to have write-in votes counted and canvassed at the political party primary or general election."

Chapter 9 Section 5 Laws 2020

SECTION 5. Section 1-8-33 NMSA 1978 (being Laws 1973, Chapter 228, Section 7, as amended) is amended to read:

"1-8-33. PRIMARY ELECTION LAW--NOMINATING PETITION--NUMBER OF SIGNATURES REQUIRED.--

A. As used in this section, "total vote" means the sum of all votes cast for all of the party's candidates for governor at the last preceding primary election at which the party's candidate for governor was nominated.

B. Candidates who seek preprimary convention designation shall file nominating petitions at the time of filing declarations of candidacy. Nominating petitions for those candidates shall be signed by a number of voters equal to at least two percent of the total vote of the candidate's party in the state or congressional district, or the following number of voters, whichever is greater: for statewide offices, two hundred thirty voters; and for congressional candidates, seventy-seven voters.

C. Nominating petitions for candidates for any other office to be voted on at the primary election for which nominating petitions are required shall be signed by a number of voters equal to at least three percent of the total vote of the candidate's party in the district or division, or the following number of voters, whichever is greater: for metropolitan court and magistrate courts, ten voters; for the public education commission, twenty-five voters; for state representative, ten voters; for state senator, seventeen voters; and for district attorney and district judge, fifteen voters.

D. A candidate who fails to receive the preprimary convention designation that the candidate sought may collect additional signatures to total at least four percent of the total vote of the candidate's party in the state or congressional district, whichever applies to the office the candidate seeks, and file a new declaration of candidacy and nominating petitions for the office for which the candidate failed to receive a preprimary designation. The declaration of candidacy and nominating petitions shall be filed with the secretary of state either ten days following the date of the preprimary convention at which the candidate failed to receive the designation or on the date all declarations of candidacy and nominating petitions are due pursuant to the provisions of the Primary Election Law, whichever is later."

Chapter 9 Section 6 Laws 2020

SECTION 6. Section 1-8-36.1 NMSA 1978 (being Laws 1981, Chapter 156, Section 1, as amended) is amended to read:

"1-8-36.1. PRIMARY ELECTION LAW--WRITE-IN CANDIDATES.--

A. Write-in candidates are permitted in the primary election only for the offices of United States representative, members of the legislature, district judges, district attorneys, public education commission, magistrates and any office voted upon by all voters of the state.

B. A person may be a write-in candidate only for nomination by the major political party with which the person is affiliated as shown by the certificate of registration, and such person shall have the qualifications to be a candidate in the primary election for the political party for which the person is a write-in candidate.

C. A person desiring to be a write-in candidate for one of the offices listed in Subsection A of this section in the primary election shall file with the proper filing officer a declaration of intent to be a write-in candidate. Such declaration of intent shall be filed between 9:00 a.m. and 5:00 p.m. on the third Tuesday in March.

D. At the time of filing the declaration of intent to be a write-in candidate, the write-in candidate shall be considered a candidate for all purposes and provisions relating to candidates in the Election Code, including the obligations to report pursuant to the Campaign Reporting Act, except that the write-in candidate's name shall not be printed on the ballot."

Chapter 9 Section 7 Laws 2020

SECTION 7. Section 1-8-51 NMSA 1978 (being Laws 1977, Chapter 322, Section 7, as amended) is amended to read:

"1-8-51. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED STATES REPRESENTATIVE ELECTIONS--NOMINATING PETITIONS--REQUIRED NUMBER OF SIGNATURES.--

A. The basis of percentage for the total number of votes cast in each instance referred to in this section shall be the total vote cast for governor at the last preceding general election at which a governor was elected.

B. Nominating petitions for an independent candidate for president of the United States shall be signed by a number of voters equal to the number of signatures required to form a new political party.

C. Nominating petitions for an independent candidate for United States senator or any other statewide elective office shall be signed by a number of voters equal to at least two percent of the total number of votes cast in the state.

D. Nominating petitions for an independent candidate for United States representative shall be signed by a number of voters equal to at least two percent of the total number of votes cast in the district.

E. Nominating petitions for an independent candidate for a member of the legislature, district judge, district attorney, member of the public education commission, magistrate or county office shall be signed by a number of voters equal to at least two percent of the total number of votes cast in the district, division or county, as the case may be.

F. When a vacancy for any office occurs on the general election ballot pursuant to Section 1-8-7 or 1-8-8 NMSA 1978 in which all political parties may name a general election candidate or when a vacancy occurs in the office of United States representative pursuant to Section 1-15-18.1 NMSA 1978, an independent candidate may file a declaration of candidacy on or by the same deadline applicable to the political parties. The nominating petitions for an independent candidate in such circumstances shall be signed by the number of voters provided in this section, unless there are fewer than:

(1) sixty days from the announcement of the vacancy to the last day to file a declaration of candidacy, in which case an independent candidate shall submit nominating petitions signed by a number of voters equal to two-thirds the number of voters otherwise required by this section for an independent candidate; or

(2) thirty days from the announcement of the vacancy to the last day to file a declaration of candidacy, in which case an independent candidate shall submit nominating petitions signed by a number of voters equal to one-third the number of voters otherwise required by this section for an independent candidate.

G. A voter shall not sign a petition for an independent candidate as provided in this section if the voter has signed a petition for another independent candidate for the same office."

Chapter 9 Section 8 Laws 2020

SECTION 8. Section 1-10-8 NMSA 1978 (being Laws 2019, Chapter 212, Section 103) is amended to read:

"1-10-8. BALLOTS--ORDER OF OFFICES AND BALLOT QUESTIONS.--

A. In the year in which the president of the United States is elected, the ballot in a primary election and general election shall contain, when applicable, partisan offices to be voted on in the following order:

(1) in a presidential primary, president;

- (2) in a general election, president and vice president as a ticket;
- (3) United States senator;
- (4) United States representative;
- (5) state senator;
- (6) state representative;
- (7) supreme court;
- (8) court of appeals;
- (9) public education commission districts with odd-numbered designations;
- (10) district court;
- (11) metropolitan court;
- (12) county clerk;
- (13) county treasurer; and
- (14) county commission districts and positions with odd-numbered designations.

B. In the year in which the governor is elected, the ballot in a primary election and general election shall contain, when applicable, partisan offices to be voted on in the following order:

- (1) United States senator;
- (2) United States representative;
- (3) in a major political party primary, governor;
- (4) in a major political party primary, lieutenant governor;
- (5) in a general election, governor and lieutenant governor as a ticket;
- (6) secretary of state;
- (7) attorney general;

- (8) state auditor;
- (9) state treasurer;
- (10) commissioner of public lands;
- (11) state representative;
- (12) supreme court;
- (13) court of appeals;
- (14) public education commission districts with even-numbered designations;
- (15) district court;
- (16) district attorney;
- (17) metropolitan court;
- (18) magistrate court;
- (19) county sheriff;
- (20) county assessor;
- (21) county commission districts and positions with even-numbered designations; and
- (22) probate judge.

C. The ballot in a regular local election shall contain, when applicable, nonpartisan offices to be voted on in the following order:

- (1) municipal, with elective executive officers listed first, governing board members listed second and judicial officers listed third;
- (2) board of education of a school district;
- (3) community college, branch community college, technical and vocational institute district or learning center district; and
- (4) special districts listed in order by voting population of each special district, with the most populous listed first and the least populous listed last.

D. The ballot in a statewide election shall contain, when applicable, nonpartisan judicial retention and in a statewide or special election, when applicable, ballot questions to be voted on in the following order, unless a different order is prescribed by the secretary of state:

- (1) judicial retention;
- (2) proposed state constitutional amendments;
- (3) other state ballot questions;
- (4) county ballot questions; and
- (5) local government ballot questions listed in the same order as the list of local governments in Subsection C of this section.

E. When multiple positions for the same nonjudicial office are listed on the same ballot and each position is to be elected individually:

- (1) offices designated by district number shall appear on the ballot in ascending numerical order of the districts;
- (2) offices not designated by district number shall appear on the ballot in ascending numerical order of the position; provided that the secretary of state shall numerically designate the positions on the ballot as "position one", "position two" and such additional consecutively numbered positions as are necessary, and only one member shall be elected for each position; and
- (3) whenever two or more positions for the same office are to be elected to represent the same area with terms of different lengths of time, the secretary of state shall first group the offices with the shorter length of time and shall designate each position with "for a term expiring ____", specifying the date the term expires.

F. When multiple positions for the same judicial office are listed on the same ballot and each position is to be elected or voted on individually:

- (1) district, metropolitan and magistrate court positions, either for partisan election or for nonpartisan judicial retention, shall appear on the ballot in ascending numerical order of the division number assigned to each position;
- (2) supreme court and court of appeals for partisan election shall appear on the ballot in ascending numerical order of the position number designated by the secretary of state for that election, based on the date of the vacancy causing the position to be listed on the ballot; provided that if multiple vacancies occurred on the same day, the positions shall appear on the ballot based on the order of seniority of the justice or judge who vacated the position, with the highest seniority listed first; and

(3) supreme court and court of appeals for nonpartisan judicial retention shall appear on the ballot in ascending numerical order of the position number designated by the secretary of state for that election, based on the seniority of the justice or judge seeking retention, with the highest seniority listed first."

Chapter 9 Section 9 Laws 2020

SECTION 9. Section 1-14-24 NMSA 1978 (being Laws 2008, Chapter 41, Section 1, as amended) is amended to read:

"1-14-24. AUTOMATIC RECOUNTS--ELECTIONS FOR STATE AND FEDERAL OFFICES--PROCEDURES.--

A. An automatic recount of the vote is required when the canvass of returns indicates that the margin between the two candidates receiving the greatest number of votes for an office, the margin between those supporting and those opposing a ballot question or the margin affecting the outcome of a nonpartisan judicial retention election is less than:

- (1) one-fourth percent of the total votes cast in that election:
 - (a) for that office in the case of a federal or statewide office;
 - (b) on a ballot question in the case of a state ballot question; or
 - (c) on a nonpartisan judicial retention election in the case of the supreme court or the court of appeals;
- (2) one-half percent of the total votes cast in that election:
 - (a) for that office in the case of a public education commissioner, district attorney or any office elected countywide in a county with more than one hundred fifty thousand registered voters;
 - (b) on a ballot question in the case of a local ballot question; or
 - (c) on a nonpartisan judicial retention election in the case of a district court or the metropolitan court; or
- (3) one percent of the total votes cast in that election for that office in the case of any other office.

B. For an office for which ballots were cast in more than one county, the secretary of state shall file notice with the state canvassing board upon the completion of the state canvass that an automatic recount is required, and the state canvassing board shall order a recount of the ballots for the specified office. For an office in which

ballots were cast solely within one county, the secretary of state shall file notice with the state canvassing board within seven days after receiving notice from the county clerk following the completion of the county canvass that an automatic recount is required, and the state canvassing board shall order a recount of the ballots for the specified office.

C. Automatic recounts shall be conducted pursuant to the recount procedures established in Sections 1-14-16 and 1-14-18 through 1-14-23 NMSA 1978."

Chapter 9 Section 10 Laws 2020

SECTION 10. Section 1-19A-2 NMSA 1978 (being Laws 2003, Chapter 14, Section 2, as amended) is amended to read:

"1-19A-2. DEFINITIONS.--As used in the Voter Action Act:

A. "applicant candidate" means a candidate who is running for a covered office and who is seeking to be a certified candidate in a primary or general election;

B. "certified candidate" means a candidate running for a covered office who chooses to obtain financing pursuant to the Voter Action Act and is certified as a Voter Action Act candidate;

C. "contested" means there are more candidates for a position than the number to be elected to that position;

D. "contribution" means a gift, subscription, loan, advance or deposit of money or other thing of value, including the estimated value of an in-kind contribution, that is made or received for the purpose of supporting or opposing the nomination for election or election of a candidate for public office, including payment of a debt incurred in an election campaign and also including a coordinated expenditure, but "contribution" does not include:

(1) a qualifying contribution;

(2) the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate; or

(3) the value of the incidental use of the candidate's personal property, home or business office for campaign purposes;

E. "coordinated expenditure" means an expenditure that is made:

(1) by a person other than a candidate or campaign committee;

(2) at the request or suggestion of, or in cooperation, consultation or concert with, a candidate, campaign committee or political party or any agent or representative of such a candidate, campaign committee or political party; and

(3) for the purpose of:

(a) supporting or opposing the nomination or election of a candidate; or

(b) paying for an advertisement that refers to a clearly identified candidate and that is published and disseminated to the relevant electorate in New Mexico within thirty days before the primary election or sixty days before the general election in which the candidate is on the ballot;

F. "covered office" means any office of the judicial department subject to statewide elections;

G. "expenditure" means a payment, transfer or distribution of, or a promise to pay, transfer or distribute, any money or other thing of value for the purpose of supporting or opposing the nomination or election of a candidate;

H. "fund" means the public election fund;

I. "qualifying contribution" means a donation of five dollars (\$5.00) in the form of cash, a check, a money order or an electronic form of payment, as prescribed by the secretary, and payable to the fund in support of an applicant candidate that is:

(1) made by a voter who is eligible to vote for the covered office that the applicant candidate is seeking;

(2) made during the designated qualifying period and obtained through efforts made with the knowledge and approval of the applicant candidate; and

(3) acknowledged by a receipt that identifies the contributor's name and residential address on forms provided by the bureau of elections and that is signed by the contributor, one copy of which is attached to the list of contributors and sent to the bureau of elections;

J. "qualifying period" means:

(1) for candidates who are seeking public financing for a primary election or for both a primary and a general election, the period beginning October 1 immediately preceding the election year and ending at 5:00 p.m. on the third Tuesday of March of the election year; and

(2) for candidates who are seeking public financing only for a general election, the period beginning January 1 of the election year and ending that year at 5:00 p.m. on the twenty-third day following the primary election for the office for which the candidate is running; and

K. "secretary" means the secretary of state or the office of the secretary of state."

Chapter 9 Section 11 Laws 2020

SECTION 11. Section 1-19A-4 NMSA 1978 (being Laws 2003, Chapter 14, Section 4, as amended) is amended to read:

"1-19A-4. QUALIFYING CONTRIBUTIONS.--

A. Applicant candidates for all statewide judicial elective offices shall obtain qualifying contributions equal to one-tenth of one percent of the number of voters in the state.

B. Applicant candidates may accept qualifying contributions from persons who become registered within the statutory time frame that would enable those persons to vote in the primary election.

C. Voters registered as independent are not excluded from making qualifying contributions but shall be registered within the statutory time frame as independent.

D. No payment, gift or anything of value shall be given in exchange for a qualifying contribution."

Chapter 9 Section 12 Laws 2020

SECTION 12. Section 1-19A-10 NMSA 1978 (being Laws 2003, Chapter 14, Section 10, as amended) is amended to read:

"1-19A-10. PUBLIC ELECTION FUND--CREATION--USE.--

A. There is created in the state treasury the "public election fund" solely for the purposes of:

(1) financing the election campaigns of certified candidates for covered offices;

(2) paying administrative and enforcement costs of the Voter Action Act; and

(3) carrying out all other specified provisions of the Voter Action Act.

B. The state treasurer shall invest the funds as other state funds are invested, and all income derived from the fund shall be credited directly to the fund. Remaining balances at the end of a fiscal year shall remain in the fund and not revert to the general fund.

C. Money received from the following sources shall be deposited directly into the fund:

- (1) qualifying contributions that have been submitted to the secretary;
- (2) any recurring balance of unspent fund money distributed to a certified candidate who does not remain a candidate through the primary or general election period for which the money was distributed;
- (3) money that remains unspent or unencumbered by a certified candidate following the date of the primary election;
- (4) money that remains unspent or unencumbered by a certified candidate following the date of the general election;
- (5) unspent contributions to a candidate;
- (6) money distributed to the fund from funds received pursuant to the Uniform Unclaimed Property Act (1995); and
- (7) money appropriated by the legislature or as otherwise provided by law."

Chapter 9 Section 13 Laws 2020

SECTION 13. Section 1-19A-13 NMSA 1978 (being Laws 2003, Chapter 14, Section 13, as amended) is amended to read:

"1-19A-13. AMOUNT OF FUND DISTRIBUTION.--

A. By September 1 of each odd-numbered year, the secretary shall determine the amount of money to be distributed to each certified candidate for the election cycle ending with the next general election, based on the type of election and the provisions of Subsections B through G of this section.

B. For contested primary elections, the amount of money to be distributed to a certified candidate is equal to fifteen cents (\$.15) for each voter of the candidate's party in the state.

C. For uncontested primary elections in which another candidate has filed a declaration of candidacy for nomination in another party's primary for the same office

and that candidate's primary is contested, the amount of money to be distributed to a certified candidate is equal to twenty percent of the amount specified in Subsection B of this section.

D. For uncontested primary elections in which another candidate has filed a declaration of candidacy for nomination in another party's primary for the same office, but no primary for the office is contested, the amount of money to be distributed to a certified candidate is equal to the average of the amount each candidate would receive pursuant to Subsection B of this section.

E. For contested general elections, the amount of money to be distributed to a certified candidate is equal to fifteen cents (\$.15) for each voter in the state.

F. If a general election race that is initially uncontested later becomes contested because of the qualification of a candidate for that race, an amount of money shall be distributed to the certified candidate to make that candidate's distribution amount equal to the amount distributed pursuant to Subsection E of this section.

G. Once the certification for candidates for the primary election has been completed, the secretary shall calculate the total amount of money to be distributed in the primary election cycle, based on the number of certified candidates and the allocations specified in this section. The secretary shall also prepare an estimate of the total amount of money that might be distributed in the general election cycle. If the total amount to be distributed in the primary election cycle and the estimated total amount to be distributed in the general election cycle taken together exceed the amount expected to be available in the fund, the secretary shall allocate the amount available between the primary and general election cycles. This allocation shall be based on the ratio of the two total amounts.

H. If the allocation specified in Subsection G of this section is greater than the total amount available for distribution, then the amounts to be distributed to individual candidates, specified in Subsections B through F of this section, shall each be reduced by the same percentage as the reduction by which the total amount needed has been reduced relative to the total amount available.

I. At least every two years after January 1, 2007, the secretary shall evaluate and modify as necessary the dollar values originally determined by Subsections B through F of this section and shall increase the amounts by the percentage of the preceding two calendar years' increase of the consumer price index for all urban consumers, United States city average for all items, published by the United States department of labor.

J. No money shall be distributed to candidates in judicial retention elections, and except as provided in Subsections C, D and F of this section, no money shall be distributed to a candidate in an uncontested election."

Chapter 9 Section 14 Laws 2020

SECTION 14. Section 8-1-1 NMSA 1978 (being Laws 1971, Chapter 260, Section 1, as amended) is amended to read:

"8-1-1. COMPENSATION OF ELECTIVE STATE OFFICERS.--

A. Annual compensation of elective state officers shall be paid as follows:

governor	\$110,000
secretary of state	85,000
state auditor	85,000
state treasurer	85,000
attorney general	95,000
commissioner of public lands	90,000.

B. Any person succeeding to the office of governor as provided in Article 5, Section 7 of the constitution of New Mexico shall receive the salary of the office. Every person serving as acting governor during the incapacity or absence of the governor from the state, other than the secretary of state, shall receive two hundred fifty dollars (\$250) as compensation for each day's service as acting governor.

C. All compensation under this section shall be paid from the general fund, except that the amount paid to the commissioner of public lands shall be paid from the state lands maintenance fund."

Chapter 9 Section 15 Laws 2020

SECTION 15. Section 8-8-1 NMSA 1978 (being Laws 1998, Chapter 108, Section 1, as amended) is recompiled as part of Chapter 62, Article 19 NMSA 1978 and is amended to read:

"SHORT TITLE.--Chapter 62, Article 19 NMSA 1978 may be cited as the "Public Regulation Commission Act"."

Chapter 9 Section 16 Laws 2020

SECTION 16. Section 8-8-2 NMSA 1978 (being Laws 1998, Chapter 108, Section 2) is recompiled as part of the Public Regulation Commission Act and is amended to read:

"DEFINITIONS.--As used in the Public Regulation Commission Act:

- A. "commission" means the public regulation commission;
- B. "commissioner" means a person appointed to the public regulation commission; and
- C. "person" means an individual, corporation, firm, partnership, association, joint venture or similar legal entity."

Chapter 9 Section 17 Laws 2020

SECTION 17. Section 8-8-3 NMSA 1978 (being Laws 1998, Chapter 108, Section 3) is recompiled as part of the Public Regulation Commission Act and is amended to read:

"PUBLIC REGULATION COMMISSION.--

- A. The "public regulation commission", created in Article 11, Section 1 of the constitution of New Mexico, is composed of three commissioners appointed by the governor with the consent of the senate as provided in that article.
- B. The commission shall annually elect one of its members chair, who shall preside at hearings. In the absence of the chair, the commission may appoint any other member to preside."

Chapter 9 Section 18 Laws 2020

SECTION 18. A new section of the Public Regulation Commission Act is enacted to read:

"PUBLIC REGULATION COMMISSION NOMINATING COMMITTEE.--

- A. The "public regulation commission nominating committee" is created and consists of seven members who are:
 - (1) knowledgeable about public utility regulation;
 - (2) not employed by or on behalf of or have a contract with a public utility that is regulated by the commission;
 - (3) not applicants or nominees for a position on the commission; and
 - (4) appointed as follows:

(a) four members appointed one each by the speaker of the house of representatives, the minority floor leader of the house of representatives, the president pro tempore of the senate and the minority floor leader of the senate, with no more than two members being from the same political party;

(b) two members appointed one each by the secretary of energy, minerals and natural resources and the secretary of economic development; and

(c) one member who is a member of an Indian nation, tribe or pueblo appointed by the governor.

B. A committee member shall:

(1) be a resident of New Mexico;

(2) serve a four-year term; and

(3) serve without compensation, but shall be reimbursed for expenses incurred in pursuit of the member's duties on the committee pursuant to the Per Diem and Mileage Act.

C. The committee and individual members shall be subject to the Governmental Conduct Act, the Inspection of Public Records Act, the Financial Disclosure Act and the Open Meetings Act.

D. Administrative support shall be provided to the committee by the staff of the commission.

E. Initial appointments to the committee shall be made by the appointing authorities prior to July 1, 2022. Subsequent appointments shall be made no later than thirty days before the end of a term.

F. The first meeting of the appointed members of the committee shall be held prior to September 1, 2022. The committee shall select one member to be chair and one member to be secretary. Following the first meeting, the committee shall meet as often as necessary in order to submit a list to the governor of no fewer than five qualified nominees for appointment to the commission for the terms beginning January 1, 2023. The list shall be developed to provide geographical diversity, and nominees on the list shall be from at least three different counties of the state.

G. Subsequent to January 1, 2023, the committee shall meet at least ninety days prior to the date on which the term of a commissioner ends and as often as necessary thereafter in order to submit a list to the governor, at least thirty days prior to the beginning of the new term, of no fewer than two qualified nominees from diverse

geographical areas of the state for appointment to the commission for each commissioner position term that is ending.

H. Upon the occurrence of a vacancy in a commissioner position, the committee shall meet within thirty days of the date of the beginning of the vacancy and as often as necessary thereafter in order to submit a list to the governor, within sixty days of the first meeting after the vacancy occurs, of no fewer than two qualified nominees from diverse geographical areas of the state for appointment to the commission to fill the remainder of the term of each commissioner position that is vacant.

I. If a position on the committee becomes vacant during a term, a successor shall be selected in the same manner as the original appointment for that position and shall serve for the remainder of the term of the position vacated.

J. The committee shall actively solicit, accept and evaluate applications from qualified individuals for a position on the commission and may require an applicant to submit any information it deems relevant to the consideration of the individual's application.

K. The committee shall select nominees for submission to the governor who, in the committee's judgment, are best qualified to serve as a member of the commission.

L. A majority vote of all members of the committee in favor of a person is required for that person to be included on the list of qualified nominees submitted to the governor."

Chapter 9 Section 19 Laws 2020

SECTION 19. Section 8-8-3.1 NMSA 1978 (being Laws 2013, Chapter 64, Section 1, as amended) is recompiled as part of the Public Regulation Commission Act and is amended to read:

"QUALIFICATIONS OF COMMISSIONERS.--

A. Commissioners shall be persons who are independent of the industries regulated by the commission and shall possess demonstrated competence.

B. In order to be appointed as a commissioner, a person must be qualified for office by:

(1) having a baccalaureate degree from an institution of higher education that has been accredited by a regional or national accrediting body and at least ten years of professional experience in an area regulated by the commission or in

the energy sector and involving a scope of work that includes accounting, public or business administration, economics, finance, statistics, policy, engineering or law; or

(2) having higher education resulting in at least a professional license or a post-graduate degree from an institution of higher education that has been accredited by a regional or national accrediting body in a field related to an area regulated by the commission, including accounting, public or business administration, economics, finance, statistics, policy, engineering or law, and at least ten years of professional experience within the person's field.

C. A commissioner shall not have a financial interest in a public utility in this state or elsewhere and shall not have been employed by a commission-regulated entity at any time during the two years prior to appointment to the commission.

D. Commissioners shall give their entire time to the business of the commission and shall not pursue any other business or vocation or hold any other office for profit.

E. As used in this section, "professional experience" means employment in which the prospective appointee for commissioner regularly made decisions requiring discretion and independent judgment and:

(1) engaged in policy analysis, research, consumer advocacy or implementation in an area regulated by the commission or in the energy sector;

(2) managed, as the head, deputy head or division director, a federal, state, tribal or local government department or division responsible for utilities, energy policy, transportation or construction; or

(3) managed a business or organization regulated by the commission or in the energy sector that had five or more employees during the time it was managed by the prospective appointee."

Chapter 9 Section 20 Laws 2020

SECTION 20. Section 8-8-3.2 NMSA 1978 (being Laws 2013, Chapter 64, Section 2) is recompiled as part of the Public Regulation Commission Act and is amended to read:

"CONTINUING EDUCATION REQUIREMENTS FOR COMMISSIONERS.--

A. Beginning July 1, 2013, a commissioner shall complete:

(1) an ethics certificate course provided in person or online by a New Mexico public post-secondary educational institution in the first twelve-month period

after taking office and at least one two-hour ethics course in each subsequent twelve-month period that the commissioner serves in office; and

(2) at least thirty-two hours of continuing education relevant to the work of the commission in each twelve-month period that the commissioner serves in office. Continuing education courses shall be endorsed by the national association of regulatory utility commissioners or by the relevant licensing or professional association for a qualifying area of study for degree holders pursuant to this section.

B. A commissioner shall be responsible for having the endorsing organization submit certification of completion of the hours of education required pursuant to Subsection A of this section to the commission's chief of staff.

C. If a commissioner fails to comply with the education requirements in Subsection A of this section by the last day of a twelve-month period, the commissioner's compensation for performing the duties of the office shall be withheld by the commission until the requirements for the preceding twelve-month period or periods have been met."

Chapter 9 Section 21 Laws 2020

SECTION 21. Section 8-8-6 NMSA 1978 (being Laws 1998, Chapter 108, Section 6, as amended) is amended to read:

"8-8-6. COMMISSION--DIVISIONS.--The commission includes the following organizational units:

- A. the administrative services division;
- B. the consumer relations division;
- C. the legal division;
- D. the transportation division; and
- E. the utility division."

Chapter 9 Section 22 Laws 2020

SECTION 22. Section 8-8-18 NMSA 1978 (being Laws 1998, Chapter 108, Section 18) is recompiled as part of the Public Regulation Commission Act and is amended to read:

"RECUSAL OF COMMISSIONER OR HEARING EXAMINER.--

A. A commissioner or hearing examiner shall self recuse in any adjudicatory proceeding in which the commissioner or hearing examiner is unable to make a fair and impartial decision or in which there is reasonable doubt about whether the commissioner or hearing examiner can make a fair and impartial decision, including:

(1) when the commissioner or hearing examiner has a personal bias or prejudice concerning a party or its representative or has prejudged a disputed evidentiary fact involved in a proceeding prior to hearing. For the purposes of this paragraph, "personal bias or prejudice" means a predisposition toward a person based on a previous or ongoing relationship, including a professional, personal, familial or other intimate relationship, that renders the commissioner or hearing examiner unable to exercise the commissioner's or hearing examiner's functions impartially;

(2) when the commissioner or hearing examiner has a pecuniary interest in the outcome of the proceeding other than as a customer of a party;

(3) when in previous employment the commissioner or hearing examiner served as an attorney, adviser, consultant or witness in the matter in controversy; or

(4) when, as a nominee for appointment to the office of public regulation commissioner, the nominee announced how the nominee would rule on the adjudicatory proceeding or a factual issue in the adjudicatory proceeding.

B. If a commissioner or hearing examiner fails to self recuse when it appears that grounds exist, a party shall promptly notify the commissioner or hearing examiner of the apparent grounds for recusal. If the commissioner or hearing examiner declines to self recuse upon request of a party, the commissioner or hearing examiner shall provide a full explanation in support of the refusal."

Chapter 9 Section 23 Laws 2020

SECTION 23. Section 8-8-19 NMSA 1978 (being Laws 1998, Chapter 108, Section 19) is recompiled as part of the Public Regulation Commission Act and is amended to read:

"PROHIBITED ACTS--NOMINEES--COMMISSIONERS AND EMPLOYEES.--

A. As used in this section, in addition to the definitions provided in Section 16 of this 2020 act:

(1) "affiliated interest" means a person who directly controls or is controlled by or is under common control with a regulated entity, including an agent, representative, attorney, employee, officer, owner, director or partner of an affiliated interest. For the purposes of this definition, "control" includes the possession of the power to direct or cause the direction of the management and policies of a person,

whether directly or indirectly, through the ownership, control or holding with the power to vote of ten percent or more of the person's voting securities;

(2) "intervenor" means a person who is intervening as a party in an adjudicatory matter or commenting in a rulemaking pending before the commission or has intervened in an adjudicatory or rulemaking matter before the commission within the preceding twenty-four months, including an agent, representative, attorney, employee, officer, owner, director, partner or member of an intervenor;

(3) "pecuniary interest" includes owning or controlling securities; serving as an officer, director, partner, owner, employee, attorney or consultant; or otherwise benefiting from a business relationship. "Pecuniary interest" does not include an investment in a mutual fund or similar third-party-controlled investment, pension or disability benefits or an interest in capital credits of a rural electric cooperative or telephone cooperative because of current or past patronage; and

(4) "regulated entity" means a person whose charges for services to the public are regulated by the commission and includes any direct or emerging competitors of a regulated entity and includes an agent, representative, attorney, employee, officer, owner, director or partner of the regulated entity.

B. In addition to the requirements of the Financial Disclosure Act and the Governmental Conduct Act, nominees for appointment to the commission, commissioners and employees of the commission shall comply with the requirements of the Public Regulation Commission Act, as applicable.

C. A nominee for appointment to the commission shall not solicit or accept anything of value, either directly or indirectly, from a person whose charges for services to the public are regulated by the commission. For the purposes of this subsection, "anything of value" includes money, in-kind contributions and volunteer services to the nominee or the nominee's organization, but does not include pension or disability benefits.

D. A commissioner or employee of the commission shall not:

(1) accept anything of value from a regulated entity, affiliated interest or intervenor. For the purposes of this paragraph, "anything of value" does not include:

(a) the cost of refreshments totaling no more than five dollars (\$5.00) a day or refreshments at a public reception or other public social function that are available to all guests equally;

(b) inexpensive promotional items that are available to all customers of the regulated entity, affiliated interest or intervenor; or

(c) pension or disability benefits received from a regulated entity, affiliated interest or intervenor;

(2) have a pecuniary interest in a regulated entity, affiliated interest or intervenor, and if a pecuniary interest in an intervenor develops, the commissioner or employee shall divest that interest or self recuse from the proceeding with the intervenor interest; or

(3) solicit any regulated entity, affiliated interest or intervenor to appoint a person to a position or employment in any capacity.

E. After leaving the commission:

(1) a former commissioner shall not be employed or retained in a position that requires appearances before the commission by a regulated entity, affiliated interest or intervenor within two years of the former commissioner's separation from the commission;

(2) a former employee shall not appear before the commission representing a party to an adjudication or a participant in a rulemaking within one year of ceasing to be an employee; and

(3) a former commissioner or employee shall not represent a party before the commission or a court in a matter that was pending before the commission while the commissioner or employee was associated with the commission and in which the former commissioner or employee was personally and substantially involved in the matter.

F. The attorney general or a district attorney may institute a civil action in the district court for Santa Fe county or, in the attorney general's or a district attorney's discretion, the district court for the county in which a defendant resides if a violation of this section has occurred or to prevent a violation of this section. A civil penalty may be assessed in the amount of two hundred fifty dollars (\$250) for each violation, not to exceed five thousand dollars (\$5,000)."

Chapter 9 Section 24 Laws 2020

SECTION 24. Section 10-11-26.2 NMSA 1978 (being Laws 1994, Chapter 128, Section 3, as amended) is amended to read:

"10-11-26.2. STATE GENERAL MEMBER COVERAGE PLAN 3--AGE AND SERVICE CREDIT REQUIREMENTS FOR NORMAL RETIREMENT.--

A. Under state general member coverage plan 3:

(1) for a member who on or before June 30, 2013 was a peace officer and for a member who is not a peace officer but was a retired member or a member on June 30, 2013, the age and service credit requirements for normal retirement are:

- service credit; (a) age sixty-five years or older and five or more years of
- credit; (b) age sixty-four years and eight or more years of service
- credit; (c) age sixty-three years and eleven or more years of service
- credit; (d) age sixty-two years and fourteen or more years of service
- credit; (e) age sixty-one years and seventeen or more years of service
- (f) age sixty years and twenty or more years of service credit; or
- (g) any age and twenty-five or more years of service credit;

(2) for a member who is not a peace officer and was not a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:

- (a) age sixty-five years or older and eight or more years of service credit; or
- (b) any age if the member has eight or more years of service credit and the sum of the member's age and years of service credit equals at least eighty-five;

(3) for a member who on or after July 1, 2013 becomes a peace officer and who was not a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:

- credit; or (a) age sixty years or older and six or more years of service
- (b) any age and twenty-five or more years of service credit; and

(4) for a member who on or after January 1, 2023 becomes a public regulation commission commissioner, who was not a retired member or a member prior to January 1, 2023 and whose service credit is limited to service as a commissioner, the

age and service requirement for normal retirement is age sixty-five years or older and six or more years of service credit.

B. As used in this section, "peace officer" means any employee of the state with a duty to maintain public order or to make arrests for crime, whether that duty extends to all crimes or is limited to specific crimes, and who is not specifically covered by another coverage plan."

Chapter 9 Section 25 Laws 2020

SECTION 25. Section 10-11A-2 NMSA 1978 (being Laws 1983, Chapter 263, Section 2, as amended) is amended to read:

"10-11A-2. DEFINITIONS.--As used in the Volunteer Firefighters Retirement Act:

- A. "association" means the public employees retirement association;
- B. "board" means the retirement board of the association;
- C. "fire department" means a fire department with volunteer members that is certified by the state fire marshal's office;
- D. "fund" means the volunteer firefighters retirement fund; and
- E. "member" means a volunteer nonsalaried firefighter who is listed as an active member on the rolls of a fire department and whose first year of service credit was accumulated during or after the year the member attained the age of sixteen. A volunteer firefighter who receives reimbursement for personal out-of-pocket costs shall not be considered a salaried firefighter."

Chapter 9 Section 26 Laws 2020

SECTION 26. Section 10-11A-6 NMSA 1978 (being Laws 1983, Chapter 263, Section 6, as amended) is amended to read:

"10-11A-6. DETERMINATION OF SERVICE CREDIT.--

- A. A member may claim one year of service credit for each year in which a fire department certifies that the member:
 - (1) attended fifty percent of all scheduled fire drills for which the fire department held the member responsible to attend;
 - (2) attended fifty percent of all scheduled business meetings for which the fire department held the member responsible to attend; and

(3) participated in at least fifty percent of all emergency response calls for which the fire department held the member responsible to attend.

B. The chief of each fire department shall submit to the association by March 31 of each year documentation of the qualifications of each member for the preceding calendar year; provided that the chief shall:

(1) submit the documentation on forms provided by the association;

(2) acknowledge the truth of the records under oath before a notary public; and

(3) have the notarized forms signed by the mayor, if distributions from the fire protection fund for the fire department are made to an incorporated municipality, or the chair of the county commission, if distributions from the fire protection fund for the fire department are made to a county fire district.

C. For service credit that has been earned, but not credited pursuant to Subsection B of this section, a member may post or adjust service credit earned for not more than the two preceding calendar years; provided that the member shall:

(1) file with the association a completed "Corrected Qualification Record" or "Adjusted Qualification Record" as prescribed by the association;

(2) acknowledge the truth of the records under oath before a notary public; and

(3) have the notarized forms signed by the mayor, if distributions from the fire protection fund for the fire department are made to an incorporated municipality, or the chair of the county commission, if distributions from the fire protection fund for the fire department are made to a county fire district.

D. Prior to April 1, 2020, for service credit that has been earned, but not credited pursuant to Subsection B of this section, a member may post or adjust service credit earned for one or more years beginning on or after January 1, 1984; provided that the member shall:

(1) file with the association a completed "Corrected Qualification Record" or "Adjusted Qualification Record" as prescribed by the association;

(2) acknowledge the truth of the records under oath before a notary public; and

(3) have the notarized forms signed by the mayor or city manager, if distributions from the fire protection fund for the fire department are made to an incorporated municipality, or the chair of the board of county commissioners, if

distributions from the fire protection fund for the fire department are made to a county fire district.

E. The association may request the state fire marshal's office to verify member qualifications submitted to the association."

Chapter 9 Section 27 Laws 2020

SECTION 27. Section 10-11B-5 NMSA 1978 (being Laws 2007, Chapter 149, Section 5, as amended) is amended to read:

"10-11B-5. FIREFIGHTERS' SURVIVORS SUPPLEMENTAL BENEFITS--REVIEW COMMITTEE--DETERMINATION--PAYMENT.--

A. There is created the "firefighters' survivors supplemental death benefits review committee". The committee shall consist of the attorney general or the attorney general's designee and the fire services council.

B. The firefighters' survivors supplemental death benefits review committee shall determine whether a firefighter has been killed in the line of duty and advise the state fire marshal of that determination. In addition to any other death benefits provided by law, the surviving spouse or children shall be paid two hundred fifty thousand dollars (\$250,000) as supplemental death benefits whenever a firefighter is killed in the line of duty. The benefits shall be paid from the fund.

C. The benefits shall be paid entirely to the surviving spouse. If there is no surviving spouse, the benefits shall be distributed in pro rata shares to all surviving children. If there are no surviving children or spouse, benefits shall be distributed to the surviving parents of the firefighter."

Chapter 9 Section 28 Laws 2020

SECTION 28. Section 24-22-2 NMSA 1978 (being Laws 2001, Chapter 31, Section 2 and Laws 2001, Chapter 132, Section 2, as amended) is amended to read:

"24-22-2. DEFINITIONS.--As used in the Safe Haven for Infants Act:

A. "fire station" means a fire station that is certified by the state fire marshal's office;

B. "hospital" means an acute care general hospital or health care clinic licensed by the state;

C. "Indian child" means an Indian child as defined by the federal Indian Child Welfare Act of 1978;

D. "infant" means a child no more than ninety days old, as determined within a reasonable degree of medical certainty;

E. "law enforcement agency" means a law enforcement agency of the state or a political subdivision of the state;

F. "safe haven site" means a hospital, law enforcement agency or fire station that has staff on site at the time an infant is left at such a site; and

G. "staff" means an employee, contractor, agent or volunteer performing services as required and on behalf of the safe haven site."

Chapter 9 Section 29 Laws 2020

SECTION 29. Section 59A-52-1 NMSA 1978 (being Laws 1984, Chapter 127, Section 947, as amended) is amended to read:

"59A-52-1. STATE FIRE MARSHAL'S OFFICE CREATED--STATE FIRE MARSHAL CREATED.--

A. The "state fire marshal's office" is created as a division under the homeland security and emergency management department.

B. The position of "state fire marshal" is created as the director of the state fire marshal's office.

C. The office consists of the:

- (1) firefighter training academy program;
- (2) fire service support program;
- (3) fire investigations program; and
- (4) fire code enforcement program."

Chapter 9 Section 30 Laws 2020

SECTION 30. Section 59A-52-3 NMSA 1978 (being Laws 1984, Chapter 127, Section 949, as amended) is amended to read:

"59A-52-3. DEPUTY STATE FIRE MARSHAL AND OTHER EMPLOYEES--QUALIFICATIONS OF DEPUTY.--The state fire marshal may employ with the consent of the secretary of homeland security and emergency management deputy state fire marshals and other employees to assist in the execution of the marshal's duties."

Chapter 9 Section 31 Laws 2020

SECTION 31. Section 59A-52-4 NMSA 1978 (being Laws 1984, Chapter 127, Section 950) is amended to read:

"59A-52-4. BONDING OF EMPLOYEES.--The state fire marshal shall require the bonding of those employees whose duties in the marshal's opinion require such bonds and in an amount determined by the marshal."

Chapter 9 Section 32 Laws 2020

SECTION 32. Section 59A-52-5 NMSA 1978 (being Laws 1984, Chapter 127, Section 951) is amended to read:

"59A-52-5. COOPERATION WITH OTHER AGENCIES FOR PREVENTION AND CONTROL OF FIRES.--The state fire marshal is authorized to cooperate with all other groups, organizations and agencies in this state or in other states in the collection, dissemination and evaluation of information, statistics and suggestions for prevention or control of fires."

Chapter 9 Section 33 Laws 2020

SECTION 33. Section 59A-52-6 NMSA 1978 (being Laws 1984, Chapter 127, Section 952) is amended to read:

"59A-52-6. FIRE PROTECTION TRAINING PROGRAMS.--The state fire marshal shall establish and conduct training programs throughout the state for demonstrating and teaching firefighters proper methods of preventing and extinguishing fires."

Chapter 9 Section 34 Laws 2020

SECTION 34. Section 59A-52-7 NMSA 1978 (being Laws 1984, Chapter 127, Section 953) is amended to read:

"59A-52-7. TEACHING FIRE PREVENTION AND CONTROL IN PUBLIC SCHOOLS--RULES FOR SCHOOL BUILDING EVACUATION.--The state fire marshal shall prescribe reasonable rules and programs for the teaching to all schoolchildren in the state, whether in public or private schools, the proper methods of fire prevention and control. Such rules and programs shall be submitted to the public education department on or before August 1 of each year. Among other things, such rules and programs shall prescribe drills for evacuating school buildings."

Chapter 9 Section 35 Laws 2020

SECTION 35. Section 59A-52-8 NMSA 1978 (being Laws 1984, Chapter 127, Section 954) is amended to read:

"59A-52-8. INVESTIGATION OF FIRE HAZARDS--ABATEMENT.--The state fire marshal is authorized to make investigations, or require the marshal's deputy to make investigations, and reports of existing conditions in the state that are fire hazards and to make reasonable orders for the alleviation of such situations as the marshal may deem necessary. If the orders of the marshal are not carried out by persons to whom they are directed, the marshal shall institute proper proceedings under municipal ordinances or state laws to require compliance with the orders, as the marshal may deem necessary."

Chapter 9 Section 36 Laws 2020

SECTION 36. Section 59A-52-9 NMSA 1978 (being Laws 1984, Chapter 127, Section 955) is amended to read:

"59A-52-9. MAY ENTER UPON PREMISES.--The state fire marshal or the marshal's deputy, authorized officer or designated agent shall have authority at all normal hours of operation to enter in and upon all buildings and premises subject to Chapter 59A, Article 52 NMSA 1978 for the purpose of examination and inspection."

Chapter 9 Section 37 Laws 2020

SECTION 37. Section 59A-52-10 NMSA 1978 (being Laws 1984, Chapter 127, Section 956) is amended to read:

"59A-52-10. INVESTIGATION OF FIRES AND EXPLOSIONS--HEARINGS--USE OF STATE POLICE LABORATORY.--The state fire marshal or the marshal's deputies or employees are authorized to make investigations deemed necessary of any fire or explosion or attempt to cause any fire or explosion in the state. The marshal is authorized to require reports from the marshal's deputies concerning all fires and explosions in their districts. For the purpose of such investigations, the marshal and the marshal's deputies or designated persons are authorized to conduct hearings, subpoena witnesses, take testimony and enter upon and examine any building or premises where any fire or explosion or attempt to cause a fire or explosion shall have occurred, or which at the time may be burning. The marshal or the marshal's deputies or designated persons shall also have the power to cause to be produced before them such papers as they may require in making such examination. In addition, the marshal or the marshal's deputies or designated persons may, in their discretion, take full control and custody of such buildings and premises, and place someone in charge of the building and premises as they may deem proper, until their examination and investigation is completed. For evaluation of the evidence, the marshal shall have access to the facilities and personnel of the department of public safety forensic

laboratories bureau, and the executive head of the bureau shall cooperate fully with the marshal."

Chapter 9 Section 38 Laws 2020

SECTION 38. Section 59A-52-11 NMSA 1978 (being Laws 1984, Chapter 127, Section 957) is amended to read:

"59A-52-11. WITNESSES--PER DIEM AND MILEAGE.--Witnesses or persons subpoenaed pursuant to Chapter 59A, Article 52 NMSA 1978 shall be paid at per diem and mileage rates on the same bases and at the same rates as currently apply as to state employees in general."

Chapter 9 Section 39 Laws 2020

SECTION 39. Section 59A-52-12 NMSA 1978 (being Laws 1984, Chapter 127, Section 958) is amended to read:

"59A-52-12. RECORDS OF FIRES OPEN TO PUBLIC.--The state fire marshal shall keep open to public inspection, at reasonable hours, all records of fires occurring within the state."

Chapter 9 Section 40 Laws 2020

SECTION 40. Section 59A-52-13 NMSA 1978 (being Laws 1984, Chapter 127, Section 959) is amended to read:

"59A-52-13. TRANSMITTAL OF EVIDENCE INDICATING CRIMINAL ACTS.--The state fire marshal shall furnish to the proper law enforcement officers any evidence that the marshal may discover in the marshal's investigations that indicates criminal acts."

Chapter 9 Section 41 Laws 2020

SECTION 41. Section 59A-52-14 NMSA 1978 (being Laws 1984, Chapter 127, Section 960) is amended to read:

"59A-52-14. APPROPRIATIONS.--For the purposes of Chapter 59A, Article 52 NMSA 1978, an appropriation to the homeland security and emergency management department shall be included in the general appropriation act of each legislature, the appropriation to be made from the fire protection fund, which funds are to be paid out by the secretary of finance and administration on vouchers signed by the secretary of homeland security and emergency management."

Chapter 9 Section 42 Laws 2020

SECTION 42. Section 59A-52-15 NMSA 1978 (being Laws 1984, Chapter 127, Section 961) is amended to read:

"59A-52-15. FIRE PREVENTION--PUBLIC OCCUPANCIES REGULATIONS.--

A. For prevention and control of fires, pursuant to the State Rules Act, the state fire marshal shall formulate, adopt and promulgate, and amend or revise rules for fire prevention and safe conduct or use of public occupancies and rules concerning the sale, servicing or use of fire safety, prevention, detection or suppression equipment or materials. For the purposes of this provision, "public occupancies" consist of places of assembly, educational occupancies, institutional occupancies, residential occupancies consisting of four or more family units, mercantile occupancies, office occupancies, industrial occupancies, storage occupancies and miscellaneous structures consisting of towers, underground structures and windowless buildings and all buildings owned or occupied by the state government or any political subdivision thereof or by municipal governments.

B. The rules shall follow nationwide standards except in the area of life safety codes, which shall be compatible with the Uniform Building Code, as revised from time to time, issued by the international conference of building officials.

C. The rules shall allow reasonable provision under which facilities in service prior to the effective date of the rules and not in strict conformity therewith may be continued in service. Nonconforming facilities in service prior to the adoption of rules that are found by the state fire marshal to constitute a distinct hazard to life or property shall not be exempt from rules nor permitted to continue in service."

Chapter 9 Section 43 Laws 2020

SECTION 43. Section 59A-52-16 NMSA 1978 (being Laws 1984, Chapter 127, Section 962, as amended) is amended to read:

"59A-52-16. FLAMMABLE LIQUIDS RULES--NATIONWIDE STANDARDS--DEFINITION.--

A. The state fire marshal shall adopt rules for the safe vehicular transportation, storage, handling and use of flammable and combustible liquids; provided that the state fire marshal shall not adopt any rule conflicting with the jurisdiction of the department of environment over the regulation of storage tanks pursuant to the Hazardous Waste Act or the Ground Water Protection Act.

B. The rules shall be in keeping with the latest generally recognized safety standards for flammable and combustible liquids. Rules in substantial conformity with the published standards of the national fire protection association for vehicular

transportation, storage, handling and use of flammable and combustible liquids shall be deemed to be in substantial conformity with the generally accepted and recognized standards of safety concerning the same subject matter.

C. The rules shall include reasonable provisions under which facilities in service prior to the effective date of the rules and not in strict conformity therewith may be continued in service. Nonconforming facilities in service prior to the adoption of the rules that are found by the state fire marshal to constitute a distinct hazard to life or property may not be excepted from the rules or permitted to continue in service. For guidance in enforcement, the rules may delineate those types of nonconformities that should be considered distinctly hazardous and those nonconformities that should be evaluated in light of local conditions. If the need for compliance with any rule is conditioned on local factors, the rules shall provide that reasonable notice be given to the proprietor of the facility affected of intention to evaluate the need for compliance and of the time and place at which the proprietor may appear and offer evidence thereon.

D. As used in Chapter 59A, Article 52 NMSA 1978, the term "flammable liquid" means any liquid having a flash point below one hundred degrees Fahrenheit, and "combustible liquid" means any liquid having a flash point at or above one hundred degrees Fahrenheit and below two hundred degrees Fahrenheit."

Chapter 9 Section 44 Laws 2020

SECTION 44. Section 59A-52-17 NMSA 1978 (being Laws 1984, Chapter 127, Section 963) is amended to read:

"59A-52-17. RULES--PUBLIC HEARING.--No rule shall be adopted or revised under Section 59A-52-16 NMSA 1978 or made effective until after public hearing thereon, of which at least twenty days' written notice shall be given by certified mail to each motor carrier, producer, refiner, distributor or other person that shall have registered its name and mailing address with the state fire marshal as a party interested in such proceedings, and at which any such interested party may appear and present testimony. Every such notice shall contain a copy of each rule proposed for adoption or revision pursuant to such hearing."

Chapter 9 Section 45 Laws 2020

SECTION 45. Section 59A-52-18 NMSA 1978 (being Laws 1984, Chapter 127, Section 964) is amended to read:

"59A-52-18. RULES--STATEWIDE EFFECT--RESERVED POWER OF MUNICIPALITIES--TRAINING.--

A. The rules promulgated pursuant to Chapter 59A, Article 52 NMSA 1978 shall have uniform force and effect throughout the state and no municipality or subdivision shall enact or enforce any ordinances or rules inconsistent with the

statewide rules promulgated pursuant to that article. Nothing in that article shall in any way impair the power of any municipality to regulate the use of its land by zoning, building codes or restricted fire district rules.

B. The state fire marshal shall offer training to certified firefighters to assist with fire and fire safety inspections."

Chapter 9 Section 46 Laws 2020

SECTION 46. Section 59A-52-19 NMSA 1978 (being Laws 1984, Chapter 127, Section 965) is amended to read:

"59A-52-19. POLICE POWER OF STATE FIRE MARSHAL--COOPERATION OF STATE OFFICERS.--

A. The state fire marshal or the marshal's deputy, authorized officer or designated agent shall have full powers as peace officers to enforce the provisions of Chapter 59A, Article 52 NMSA 1978 and all rules issued pursuant to that article.

B. The revenue officers and law enforcement officers of the state shall cooperate with the marshal or the marshal's deputy, authorized officer or designated agent whenever called upon by any of them for assistance in enforcing Chapter 59A, Article 52 NMSA 1978."

Chapter 9 Section 47 Laws 2020

SECTION 47. Section 59A-52-20 NMSA 1978 (being Laws 1984, Chapter 127, Section 966) is amended to read:

"59A-52-20. CEASE AND DESIST ORDERS--CERTAIN VIOLATIONS ARE MISDEMEANORS.--

A. When the state fire marshal or the marshal's deputy, authorized officer or designated agent finds any violation of the rules issued in compliance with Chapter 59A, Article 52 NMSA 1978, the marshal or the marshal's deputy, authorized officer or designated agent shall issue an order to the owner or the owner's agent to cease and desist such violations.

B. When there is found any violation of any statute or rules concerning flammable liquids, a cease and desist order shall be issued if the violation constitutes an immediate and distinct hazard to life or property, and any such violation shall constitute a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500). Each day such violation continues constitutes a separate offense."

Chapter 9 Section 48 Laws 2020

SECTION 48. Section 59A-52-21 NMSA 1978 (being Laws 1984, Chapter 127, Section 967, as amended) is amended to read:

"59A-52-21. ADMINISTRATIVE APPEAL OF ORDERS AND MODIFICATIONS.-- Any person aggrieved by any order of the state fire marshal or the marshal's deputy, authorized officer or designated agent may appeal to the fire services council within ten days from the date of the service of such order. The council shall hear such party within twenty days after receipt of an appeal request and shall give not less than ten days' written notice of the hearing. Within fifteen days after such hearing, the council shall file its decision and, unless by its authority the order is revoked or modified, the order shall be complied with within the time fixed in the decision, with such time to be not less than thirty days."

Chapter 9 Section 49 Laws 2020

SECTION 49. Section 59A-52-23 NMSA 1978 (being Laws 1984, Chapter 127, Section 969, as amended) is amended to read:

"59A-52-23. ENFORCEMENT OF CEASE AND DESIST ORDERS.--After expiration of time for an administrative appeal, and if no such appeal has been taken, the state fire marshal may commence an action in the district court for Santa Fe county to enforce the cease and desist order by injunction or other appropriate remedy as the district court may adjudge. The fire services council may likewise commence an action in the district court for Santa Fe county to enforce its decision rendered on appeal from the cease and desist order of the state fire marshal."

Chapter 9 Section 50 Laws 2020

SECTION 50. Section 59A-52-24 NMSA 1978 (being Laws 1984, Chapter 127, Section 970) is amended to read:

"59A-52-24. PENALTY FOR VIOLATION OF LAW OR RULES.--Violation of any of the provisions of Chapter 59A, Article 52 NMSA 1978 or of any of the rules lawfully enacted pursuant to that article shall constitute a misdemeanor for which the punishment shall be a fine of not more than five hundred dollars (\$500). Each day any such violation continues shall constitute a separate offense."

Chapter 9 Section 51 Laws 2020

SECTION 51. Section 59A-52-25 NMSA 1978 (being Laws 1984, Chapter 127, Section 971) is amended to read:

"59A-52-25. PENALTY FOR VIOLATION OF CEASE AND DESIST ORDER.-- Any person, firm or corporation that violates any final cease and desist order shall be subject to a penalty in the sum of five hundred dollars (\$500) for each day such violation continues. The attorney general is empowered to bring a civil suit for the enforcement of this section on the relation of the state fire marshal."

Chapter 9 Section 52 Laws 2020

SECTION 52. A new section of Chapter 59A, Article 52 NMSA 1978 is enacted to read:

"STATE FIRE MARSHAL--APPOINTMENT--POWERS AND DUTIES.--

A. The state fire marshal shall be appointed by the secretary of homeland security and emergency management. The state fire marshal shall be appointed solely on the basis of fitness to perform the duties of state fire marshal and without reference to political party affiliation. The state fire marshal shall be well versed in fire services, including structural fires, training, investigations and code enforcement, as well as administrative duties, including personnel, operating budgets and capital planning and expenditures. The state fire marshal shall have an understanding of insurance services office requirements, wildland firefighting and legislative advocacy.

B. The state fire marshal shall be an at-will employee and is exempt from the federal Fair Labor Standards Act of 1938.

C. The state fire marshal shall:

(1) oversee and manage the state fire marshal's office and direct its activities;

(2) promulgate rules pursuant to the State Rules Act relating to the state fire marshal's office and the fire services council; and

(3) consider advice from the fire services council concerning the adoption of fire safety management policies of the state fire marshal's office."

Chapter 9 Section 53 Laws 2020

SECTION 53. A new section of Chapter 59A, Article 52 NMSA 1978 is enacted to read:

"FIRE SERVICES COUNCIL CREATED--MEMBERSHIP.--

A. The "fire services council" is created to advise the state fire marshal's office on fire and emergency services policy. The council consists of ten members as follows:

- counties;
- (1) the presiding officer or designee of each of the:
 - (a) New Mexico fire chiefs association;
 - (b) fire and emergency managers affiliate of New Mexico
 - (c) New Mexico state firefighters association;
 - (d) New Mexico emergency medical technician association;
 - (e) New Mexico fire marshals association;
 - (f) metro fire chiefs association; and
 - (g) New Mexico professional fire fighters association;
 - (2) one person appointed by the governor;
 - (3) one person appointed by the president pro tempore of the senate;
- and
- (4) one person appointed by the speaker of the house of representatives.

B. The fire services council shall select from among its members a chair and vice chair, who shall serve one-year terms. No member shall serve as chair or vice chair for more than two consecutive years.

C. The fire services council shall meet as frequently as necessary to conduct business or hold hearings but no less than four times per year. A majority of members of the council constitutes a quorum.

D. Council members shall be reimbursed for their per diem and mileage expenses in accordance with the Per Diem and Mileage Act. Council members shall otherwise serve without compensation.

E. The fire services council is subject to the Inspection of Public Records Act and the Open Meetings Act. Individual members of the fire services council are subject to the Governmental Conduct Act and the Financial Disclosure Act.

F. An employee of the state fire marshal's office who serves as staff for the fire services council shall not reveal to any person, except another council staff person, any requests or statements disclosed in confidence by a council member, except that this restriction shall not apply to any disclosure that is:

- (1) protected pursuant to the Whistleblower Protection Act; or
- (2) required by law."

Chapter 9 Section 54 Laws 2020

SECTION 54. A new section of Chapter 59A, Article 52 NMSA 1978 is enacted to read:

"FIRE SERVICES COUNCIL--DUTIES.--The fire services council shall:

- A. review and comment on proposed changes in fire codes and the proposed budget of the state fire marshal's office;
- B. consider complaints regarding the performance of the state fire marshal's office and make recommendations to the state fire marshal;
- C. provide to the secretary of homeland security and emergency management a recommendation on the appointment of the state fire marshal; and
- D. hear administrative appeals of state fire marshal or deputy state fire marshal orders and modifications."

Chapter 9 Section 55 Laws 2020

SECTION 55. Section 59A-53-7 NMSA 1978 (being Laws 1984, Chapter 127, Section 978, as amended) is amended to read:

"59A-53-7. DISTRIBUTION OF FIRE PROTECTION FUND.--

- A. Based on periodic allotments approved by the marshal, the state treasurer shall distribute from the money in the fire protection fund, to each municipality and county fire district, the amount that the marshal or the secretary of homeland security and emergency management has certified to the state treasurer. Payment shall be made to the treasurer of any municipality and to the county treasurer of the county in which any county fire district is located for credit to the county fire district.
- B. The state treasurer is authorized to redirect a distribution to the New Mexico finance authority in the amount that the marshal or the secretary of homeland security and emergency management, as the case may be, has certified to the state treasurer pursuant to an ordinance or a resolution passed by the municipality or county and a written agreement of the municipality or county in which any county fire district is located and the New Mexico finance authority.
- C. In addition to the distributions made pursuant to Subsections A and B of this section, upon certification by the marshal that the balance of the firefighters'

survivors fund is less than two hundred fifty thousand dollars (\$250,000), the state treasurer shall distribute an amount from the fire protection fund to the firefighters' survivors fund so that the balance of the firefighters' survivors fund equals two hundred fifty thousand dollars (\$250,000)."

Chapter 9 Section 56 Laws 2020

SECTION 56. Section 59A-53-19 NMSA 1978 (being Laws 2006, Chapter 103, Section 8, as amended) is amended to read:

"59A-53-19. FIRE PROTECTION GRANT COUNCIL--DUTIES.--

- A. The "fire protection grant council" is created. The council consists of:
- (1) a representative of the New Mexico municipal league;
 - (2) a representative of New Mexico counties;
 - (3) two members appointed by the fire services council, who shall serve at the pleasure of the council;
 - (4) three members, one from each congressional district, appointed by the governor who shall serve at the pleasure of the governor; and
 - (5) the marshal, who shall serve as a nonvoting advisory member. The council shall elect a chair and vice chair from its membership.
- B. The public members are entitled to receive per diem and mileage as provided in the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance.
- C. The council shall develop criteria for assessing the critical needs of municipal fire departments and county fire districts for:
- (1) fire apparatus and equipment;
 - (2) communications equipment;
 - (3) equipment for wildfires;
 - (4) fire station construction or expansion;
 - (5) equipment for hazardous material response; and
 - (6) stipends for volunteer firefighters in underserved areas.

D. Applications for grant assistance from the fire protection grant fund shall be made by fire districts to the council in accordance with the requirements of the council. Using criteria developed by the council, the council shall evaluate applications and prioritize those applications most in need of grant assistance from the fund. To the extent that money in the fund is available, the council shall award grant assistance for those prioritized applications.

E. In awarding grant assistance, the council may require conditions and procedures necessary to ensure that the money is expended in the most prudent manner.

F. When considering applications for grant assistance to pay stipends to volunteer firefighters in underserved areas, the council shall:

- (1) define "underserved area";
- (2) ensure the proposed stipends will comply with the federal Fair Labor Standards Act of 1938 and United States department of labor requirements for maintaining volunteer status;
- (3) require a basic level of training before a volunteer may receive a stipend;
- (4) consider whether the fire district requires a service commitment from its volunteer firefighters in exchange for stipends; and
- (5) weight the applications against other criteria or requirements determined by the council."

Chapter 9 Section 57 Laws 2020

SECTION 57. TEMPORARY PROVISION--RECOMPILATION INSTRUCTION.--
The compiler shall recompile Section 8-8-9.1 NMSA 1978 (being Laws 2001, Chapter 80, Section 1) in Chapter 59A, Article 52 NMSA 1978.

Chapter 9 Section 58 Laws 2020

SECTION 58. TEMPORARY PROVISION--TRANSFER OF FUNCTIONS, PERSONNEL, APPROPRIATIONS, PROPERTY, RECORDS, CONTRACTS AND REFERENCES IN LAW.--

A. On July 1, 2021, all staff positions, functions, personnel, appropriations, money, records, equipment, supplies, other property and contractual obligations of the fire marshal division of the public regulation commission are transferred to the state fire marshal's office of the homeland security and emergency management department.

B. Beginning on July 1, 2021, all references in law, rules, orders and other official acts to the fire marshal division of the public regulation commission shall be deemed references to the state fire marshal's office of the homeland security and emergency management department.

C. Beginning on July 1, 2021, all contractual obligations of the fire marshal division of the public regulation commission are binding on the state fire marshal's office of the homeland security and emergency management department.

Chapter 9 Section 59 Laws 2020

SECTION 59. TEMPORARY PROVISION--RECOMPILATION.--Sections 8-8-4 through 8-8-8, 8-8-10 through 8-8-17 and 8-8-20 NMSA 1978 (being Laws 1998, Chapter 108, Section 4; Laws 2009, Chapter 216, Section 1; Laws 1998, Chapter 108, Sections 5 through 8 and 10 through 12; Laws 2000, Chapter 100, Section 1 and Laws 2000, Chapter 102, Section 1; and Laws 1998, Chapter 108, Sections 13 through 17 and 20, as amended) are recompiled as part of the Public Regulation Commission Act.

Chapter 9 Section 60 Laws 2020

SECTION 60. REPEAL.--Sections 8-7-1 through 8-7-11 NMSA 1978 (being Laws 1997, Chapter 262, Sections 1 through 5 and Laws 2001 (1st S.S.), Chapter 3, Section 8, as amended) are repealed.

Chapter 9 Section 61 Laws 2020

SECTION 61. REPEAL.--Section 8-8-9.3 (being Laws 2007, Chapter 161, Section 4) is repealed.

Chapter 9 Section 62 Laws 2020

SECTION 62. EFFECTIVE DATE.--The effective date of the provisions of Sections 21, 25 through 58 and 61 of this act is July 1, 2021.

Chapter 9 Section 63 Laws 2020

SECTION 63. CONTINGENT EFFECTIVE DATE.--The provisions of Sections 1 through 20, 22 through 24, 59 and 60 of this act shall become effective on the following dates upon certification by the secretary of state that the constitution of New Mexico has been amended as proposed by a joint resolution of the first session of the fifty-fourth legislature, entitled "A JOINT RESOLUTION PROPOSING TO AMEND THE CONSTITUTION OF NEW MEXICO TO PROVIDE THAT THE PUBLIC REGULATION COMMISSION CONSIST OF THREE MEMBERS APPOINTED BY THE GOVERNOR FROM A LIST OF PROFESSIONALLY QUALIFIED NOMINEES SUBMITTED TO THE GOVERNOR BY A NOMINATING COMMITTEE AS PROVIDED BY LAW AND THAT

THE COMMISSION IS REQUIRED TO REGULATE PUBLIC UTILITIES AND MAY BE REQUIRED TO REGULATE OTHER PUBLIC SERVICE COMPANIES". If the certification occurs, the effective date of the provisions of:

A. Sections 1 through 17, 19, 20, 22 through 24, 59 and 60 of this act is January 1, 2023; and

B. Section 18 of this act is January 1, 2022.

LAWS 2020, CHAPTER 10

Senate Bill 111, aa
Approved February 28, 2020

AN ACT

RELATING TO EDUCATIONAL RETIREMENT; REMOVING THE REQUIREMENT FOR EMPLOYEES AND EMPLOYERS TO MAKE NONREFUNDABLE CONTRIBUTIONS FOR EMPLOYEES AT A LEVEL OF ONE-FOURTH OR LESS FULL-TIME EMPLOYEE; ALLOWING CERTAIN RETIREES TO RETURN TO WORK WITHOUT A SUSPENSION OF RETIREMENT BENEFITS; EXEMPTING EMPLOYEES CONSIDERED TO BE SUBSTITUTES FROM THE REQUIREMENTS OF THE EDUCATIONAL RETIREMENT ACT; EXEMPTING RETIREES UNDER THE PUBLIC EMPLOYEES RETIREMENT ACT FROM CONTRIBUTION REQUIREMENTS UNDER THE EDUCATIONAL RETIREMENT ACT IF THEY HAVE NOT SUSPENDED RETIREMENT BENEFITS.

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

Chapter 10 Section 1 Laws 2020

SECTION 1. Section 22-11-25.1 NMSA 1978 (being Laws 2001, Chapter 283, Section 2, as amended) is amended to read:

"22-11-25.1. RETURN TO EMPLOYMENT--BENEFITS--CONTRIBUTIONS.--

A. Except as otherwise provided in Subsections B, F and H of this section, until January 1, 2022, a retired member who begins employment with a local administrative unit at a level greater than one-quarter full-time employee, regardless of salary level, is required to suspend the member's retirement benefits until the end of that employment unless the member has not rendered service to a local administrative unit for at least twelve consecutive months after the date of retirement.

B. Until January 1, 2022, a retired member who retired on or before January 1, 2001, has not suspended or been required to suspend retirement benefits pursuant to

the Educational Retirement Act and returns to employment with a local administrative unit is not required to suspend the member's retirement benefits.

C. A retired member who returns to employment with a local administrative unit in accordance with this section is entitled to receive retirement benefits during that employment but is not entitled to acquire or purchase service credit for that employment.

D. A retired member may return to employment with a local administrative unit only if the member submits an application to return to work, on a form prescribed by the board, the board approves the application and the applicant complies with other application rules promulgated by the board.

E. A retired member who returns to employment pursuant to Subsection A, B or F of this section shall make nonrefundable contributions to the fund as would be required by Section 22-11-21 NMSA 1978 if the retired member were a non-retired employee. The local administrative unit employing the retired member shall likewise make contributions as would be required by that section.

F. Until January 1, 2022, a retired member who retired on or before January 1, 2001, who suspended or was required to suspend retirement benefits under the Educational Retirement Act is not required to suspend the member's retirement benefits if the retired member has not rendered service to a local administrative unit for an additional twelve or more consecutive months, not including any part of a summer or other scheduled break or vacation period, after the initial date of retirement.

G. A retired member who returns to employment with a local administrative unit shall make contributions to the retiree health care fund during the period of that employment and in the amount specified in Section 10-7C-15 NMSA 1978. The local administrative unit employing the retired member shall likewise make contributions during the period of that employment and in the amount specified in that section.

H. A retired member may return to employment with a local administrative unit without a suspension of the member's retirement benefits; provided that:

(1) the retired member has not rendered service to a local administrative unit for at least ninety days after the date of retirement;

(2) prior to the date of retirement, or within ninety days after the date of retirement, the retired member did not enter into any formal or informal agreement with a local administrative unit or with any contractor providing services to a local administrative unit to return to employment; and

(3) the retired member earns a salary of less than fifteen thousand dollars (\$15,000) per year.

I. As used in this section:

(1) "rendered service" includes employment, whether full or part time; substitute teaching; voluntarily performing duties that would otherwise be, or in the past have been, performed by a paid employee or independent contractor; and performing duties as an independent contractor or an employee of an independent contractor; and

(2) "local administrative unit" includes any entity incorporated, formed or otherwise organized by, or subject to the control of, a local administrative unit, regardless of whether the entity is created for profit or nonprofit purposes."

Chapter 10 Section 2 Laws 2020

SECTION 2. Section 22-11-16.2 NMSA 1978 (being Laws 2019, Chapter 258, Section 7) is repealed and a new Section 22-11-16.2 NMSA 1978 is enacted to read:

"22-11-16.2. SUBSTITUTES--MEMBERSHIP STATUS.--An employee engaged on a day-to-day basis to replace another employee who is temporarily absent shall be considered a substitute and shall not be covered under the Educational Retirement Act. An employee engaged to fill a vacant position, including a position vacated by a leave of absence of at least ninety days, shall not be considered a substitute and is subject to the requirements of the Educational Retirement Act."

Chapter 10 Section 3 Laws 2020

SECTION 3. Section 22-11-25.2 NMSA 1978 (being Laws 2003, Chapter 248, Section 1, as amended) is amended to read:

"22-11-25.2. PERSONS RECEIVING RETIREMENT BENEFITS PURSUANT TO THE PUBLIC EMPLOYEES RETIREMENT ACT.--

A. An employee who is retired pursuant to the Public Employees Retirement Act and who has not suspended retirement benefits received pursuant to that act shall not make contributions to the fund as otherwise required by the Educational Retirement Act. A local administrative unit that employs such a retiree shall make contributions to the fund as required by that act.

B. An employee who receives retirement benefits pursuant to the Public Employees Retirement Act is not entitled to acquire or purchase service credit for the period of employment with a local administrative unit."

LAWS 2020, CHAPTER 11

Senate Bill 72, aa, w/cc
Approved February 28, 2020

AN ACT

RELATING TO PUBLIC EMPLOYEE RETIREMENT; ADDRESSING THE ACTUARIAL SOLVENCY OF THE FUNDS OF THE PUBLIC EMPLOYEES RETIREMENT ASSOCIATION; CLARIFYING APPLICATION OF MUNICIPAL RESOLUTIONS RELATED TO EMPLOYEE CONTRIBUTIONS; REMOVING CERTAIN COST-OF-LIVING SUSPENSIONS FOR RETIRED MEMBERS RETURNING TO WORK; INCREASING CERTAIN EMPLOYEE AND EMPLOYER COVERAGE PLAN CONTRIBUTIONS; CREATING AN INCREASED INCOME THRESHOLD FOR INCREASED CONTRIBUTIONS; DECREASING VESTING PERIODS; CHANGING COST-OF-LIVING ADJUSTMENT PROVISIONS; REQUIRING CERTIFICATION OF COVERAGE PLAN FUNDED RATIOS AND ADJUSTMENT OF CONTRIBUTION RATES; REVISING THE STATE POLICE MEMBER AND ADULT CORRECTIONAL OFFICER MEMBER COVERAGE PLAN 1 TO INCLUDE JUVENILE CORRECTIONAL OFFICERS, ADULT PROBATION AND PAROLE OFFICERS AND JUVENILE PROBATION AND PAROLE OFFICERS; PROVIDING FOR ELECTIONS PERTAINING TO ADOPTION OF CERTAIN COVERAGE PLANS.

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

Chapter 11 Section 1 Laws 2020

SECTION 1. Section 10-11-2 NMSA 1978 (being Laws 1987, Chapter 253, Section 2, as amended) is amended to read:

"10-11-2. DEFINITIONS.--As used in the Public Employees Retirement Act:

A. "accumulated member contributions" means the amounts deducted from the salary of a member and credited to the member's individual account, together with interest, if any, credited to that account;

B. "affiliated public employer" means the state and any public employer affiliated with the association as provided in the Public Employees Retirement Act, but does not include an employer pursuant to the Magistrate Retirement Act, the Judicial Retirement Act or the Educational Retirement Act;

C. "association" means the public employees retirement association established under the Public Employees Retirement Act;

D. "coverage plan funded ratio" means the ratio of the actuarial value of the assets of a coverage plan to the actuarial accrued liability of the association for payments from the coverage plan, as determined by the association's actuaries;

E. "disability retired member" means a retired member who is receiving a pension pursuant to the disability retirement provisions of the Public Employees Retirement Act;

F. "disability retirement pension" means the pension paid pursuant to the disability retirement provisions of the Public Employees Retirement Act;

G. "educational retirement system" means that retirement system provided for in the Educational Retirement Act;

H. "employee" means any employee of an affiliated public employer;

I. "federal social security program" means that program or those programs created and administered pursuant to the act of congress approved August 14, 1935, Chapter 531, 49 Stat. 620, as that act may be amended;

J. "final average salary" means the final average salary calculated in accordance with the provisions of the applicable coverage plan;

K. "form of payment" means the applicable form of payment of a pension provided for in Section 10-11-117 NMSA 1978;

L. "former member" means a person who was previously employed by an affiliated public employer, who has terminated that employment and who has received a refund of member contributions;

M. "fund" means the funds included under the Public Employees Retirement Act;

N. "member" means a currently employed, contributing employee of an affiliated public employer, or a person who has been but is not currently employed by an affiliated public employer, who has not retired and who has not received a refund of member contributions; "member" also includes the following:

(1) "adult correctional officer member" means a member who is employed as an adult correctional officer or an adult correctional officer specialist by a state correctional facility of the corrections department or its successor agency;

(2) "adult probation and parole officer member" means a member who is employed as a probation and parole officer by the corrections department or its successor agency;

(3) "juvenile correctional officer member" means a member who is employed as a juvenile correctional officer by the children, youth and families department or its successor agency;

(4) "juvenile probation and parole officer member" means a member who is employed as a probation and parole officer by the children, youth and families department or its successor agency;

(5) "municipal detention officer member" means a member who is employed by an affiliated public employer other than the state and who has inmate custodial responsibilities at a facility used for the confinement of persons charged with or convicted of a violation of a law or ordinance;

(6) "municipal fire member" means any member who is employed as a full-time nonvolunteer firefighter by an affiliated public employer and who has taken the oath prescribed for firefighters;

(7) "municipal police member" means any member who is employed as a police officer by an affiliated public employer, other than the state, and who has taken the oath prescribed for police officers; and

(8) "state police member" means a member who is an officer of the New Mexico state police and who has taken the oath prescribed for such officers, except that a state police member shall not include a member who is an officer of the New Mexico state police division and who was certified and commissioned as of June 30, 2015 in the former motor transportation division or the former special investigations division of the department of public safety;

O. "membership" means membership in the association;

P. "pension" means a series of monthly payments to a retired member or survivor beneficiary as provided in the Public Employees Retirement Act;

Q. "public employer" means the state, any municipality, city, county, metropolitan arroyo flood control authority, economic development district, regional housing authority, soil and water conservation district, entity created pursuant to a joint powers agreement, council of government, conservancy district, irrigation district, water and sanitation district, water district and metropolitan water board, including the boards, departments, bureaus and agencies of a public employer, so long as these entities fall within the meaning of governmental plan as that term is used in Section 414(d) of the Internal Revenue Code of 1986, as amended;

R. "refund beneficiary" means a person designated by the member, in writing, in the form prescribed by the association, as the person who would be refunded the member's accumulated member contributions payable if the member dies and no survivor pension is payable or who would receive the difference between pension paid and accumulated member contributions if the retired member dies before receiving in pension payments the amount of the accumulated member contributions;

S. "retire" means to:

(1) terminate employment with all employers covered by any state system or the educational retirement system; and

(2) receive a pension from a state system or the educational retirement system;

T. "retired member" means a person who has met all requirements for retirement and who is receiving a pension from the fund;

U. "retirement board" means the retirement board provided for in the Public Employees Retirement Act;

V. "salary" means the base salary or wages paid a member, including longevity pay, for personal services rendered an affiliated public employer. "Salary" shall not include overtime pay, allowances for housing, clothing, equipment or travel, payments for unused sick leave, unless the unused sick leave payment is made through continuation of the member on the regular payroll for the period represented by that payment, and any other form of remuneration not specifically designated by law as included in salary for Public Employees Retirement Act purposes. Salary in excess of the limitations set forth in Section 401(a)(17) of the Internal Revenue Code of 1986, as amended, shall be disregarded. The limitation on compensation for eligible employees shall not be less than the amount that was allowed to be taken into account under the state retirement system acts in effect on July 1, 1993. For purposes of this subsection, "eligible employee" means an individual who was a member of a state system before the first plan year beginning after December 31, 1995;

W. "state system" means the retirement programs provided for in the Public Employees Retirement Act, the Magistrate Retirement Act and the Judicial Retirement Act;

X. "state retirement system acts" means collectively the Public Employees Retirement Act, the Magistrate Retirement Act, the Judicial Retirement Act and the Volunteer Firefighters Retirement Act; and

Y. "survivor beneficiary" means a person who receives a pension or who has been designated to be paid a pension as a result of the death of a member or retired member."

Chapter 11 Section 2 Laws 2020

SECTION 2. Section 10-11-5 NMSA 1978 (being Laws 1987, Chapter 253, Section 5, as amended) is amended to read:

"10-11-5. CREDITED SERVICE--MUNICIPAL ELECTION TO MAKE EMPLOYEE CONTRIBUTIONS.--A municipal affiliated public employer may elect by resolution of its governing body or by execution of a collective bargaining agreement and in the manner prescribed by the retirement board to be responsible for making contributions of up to seventy-five percent of its employees' member contributions as follows:

A. the resolution or collective bargaining agreement shall be irrevocable; except that:

(1) if the resolution is passed or the collective bargaining agreement is executed on or before June 30, 2020, the percentage of the employee contributions that the municipal affiliated public employer elects to be responsible for making shall apply to the statutory employee contribution rate in effect on June 30, 2020 and shall not apply to any increase in the statutory employee contribution rate that may occur after that date; and

(2) if the resolution is passed or the collective bargaining agreement is executed on or after July 1, 2020, the percentage of the employee contributions that the municipal affiliated public employer elects to be responsible for making shall apply to the statutory employee contribution rate in effect on the date that the resolution is passed or the collective bargaining agreement is executed and shall not apply to any increases in the statutory employee contribution rate that may occur after that date; provided, however, that if the statutory employee contribution rate is decreased after the date that the resolution is passed or the collective bargaining agreement is executed, the percentage of the employee contributions that the municipal public affiliated employer is responsible for making shall apply to the decreased statutory employee contribution rate;

B. a municipal affiliated public employer may by subsequent resolution or collective bargaining agreement:

(1) elect to increase the percentage of employee member contributions for which it will be responsible;

(2) elect to be responsible for a percentage of any increase to the statutory employee contribution rate in effect after the passing of an earlier resolution or the execution of an earlier collective bargaining agreement; or

(3) at the time a new coverage plan is adopted, elect to be responsible under the new coverage plan for making a different percentage of employee member contributions than that which it elected under a previous coverage plan;

C. the resolution or executed collective bargaining agreement shall apply to all employees or else to specified employee divisions of the municipal affiliated public employer and shall be effective the first pay period of the month following the filing of the resolution with the retirement board;

D. the portion of the employee contributions made by the municipal affiliated public employer on behalf of a member shall be credited to the member's individual accumulated member contribution account in the member contribution fund. The member shall be responsible for the difference between the contributions the member would be required to make if the municipal affiliated public employer had not made the

election provided for in this section and the amount contributed by the municipal affiliated public employer pursuant to the provisions of this section;

E. pensions payable to members whose municipal affiliated public employer makes the election provided for in this section shall be the same as if the member had made the entire member contribution; and

F. any municipal affiliated public employer increasing the percentage of the employee member contributions it elects to make pursuant to this section shall submit a resolution or executed collective bargaining agreement to the association by July 1 of the fiscal year in which the increase will take place indicating the percentage of the employee member contributions that will be made by the municipal affiliated public employer."

Chapter 11 Section 3 Laws 2020

SECTION 3. Section 10-11-8 NMSA 1978 (being Laws 1987, Chapter 253, Section 8, as amended by Laws 2014, Chapter 35, Section 1 and by Laws 2014, Chapter 39, Section 1 and also by Laws 2014, Chapter 43, Section 1) is amended to read:

"10-11-8. NORMAL RETIREMENT--RETURN TO EMPLOYMENT--BENEFITS CONTINUED--CONTRIBUTIONS.--

A. A member may retire upon fulfilling the following requirements prior to the selected date of retirement:

(1) a written application for normal retirement, in the form prescribed by the association, is filed with the association;

(2) employment is terminated with all employers covered by any state system or the educational retirement system;

(3) the member selects an effective date of retirement that is the first day of a calendar month; and

(4) the member meets the age and service credit requirement for normal retirement specified in the coverage plan applicable to the member.

B. The amount of normal retirement pension is determined in accordance with the coverage plan applicable to the member.

C. Except as provided in Subsection D of this section, on or after July 1, 2010, a retired member may be subsequently employed by an affiliated public employer only pursuant to the following provisions:

(1) the retired member has not been employed as an employee of an affiliated public employer or retained as an independent contractor by the affiliated public employer from which the retired member retired for at least twelve consecutive months from the date of retirement to the commencement of subsequent employment or reemployment with an affiliated public employer;

(2) the retired member's pension shall be suspended upon commencement of the subsequent employment;

(3) except as provided in Subsection F of this section, the retired member shall not become a member and shall not accrue service credit, and the retired member and that person's subsequent affiliated public employer shall not make contributions under any coverage plan pursuant to the Public Employees Retirement Act; and

(4) upon termination of the subsequent employment, the retired member's pension shall resume in accordance with the provisions of Subsection A of this section.

D. The provisions of Subsections C, G and H of this section do not apply to:

(1) a retired member employed by the legislature for legislative session work;

(2) a retired member employed temporarily as a precinct board member for a municipal election or an election covered by the Election Code; or

(3) a retired member who is elected to serve a term as an elected official in an office covered pursuant to the Public Employees Retirement Act; provided that:

(a) the retired member files an irrevocable exemption from membership with the association within thirty days of taking office; and

(b) the irrevocable exemption shall be for the elected official's term of office.

E. A retired member who returns to employment during retirement pursuant to Subsection D of this section is entitled to receive retirement benefits but is not entitled to accrue service credit or to acquire or purchase service credit in the future for the period of the retired member's subsequent employment with an affiliated public employer.

F. At any time during a retired member's subsequent employment pursuant to Subsection C of this section, the retired member may elect to become a member and the following conditions shall apply:

(1) the previously retired member and the subsequent affiliated public employer shall make the required employee and employer contributions, and the previously retired member shall accrue service credit for the period of subsequent employment; and

(2) when the previously retired member terminates the subsequent employment with an affiliated public employer, the previously retired member shall retire according to the provisions of the Public Employees Retirement Act, subject to the following conditions:

(a) payment of the pension shall resume in accordance with the provisions of Subsection A of this section;

(b) unless the previously retired member accrued at least three years of service credit on account of the subsequent employment, the recalculation of pension shall: 1) employ the form of payment selected by the previously retired member at the time of the first retirement; and 2) use the provisions of the coverage plan applicable to the member on the date of the first retirement; and

(c) the recalculated pension shall not be less than the amount of the suspended pension.

G. A retired member who returned to work with an affiliated public employer prior to July 1, 2010 shall be subject to the provisions of this section in effect on the date the retired member returned to work; provided that on and after July 1, 2010, the retired member shall pay the employee contribution in an amount specified in the Public Employees Retirement Act for the position in which the retired member is subsequently employed.

H. Effective July 1, 2014, if a retired member who, subsequent to retirement, is employed and covered pursuant to the provisions of the Magistrate Retirement Act or Judicial Retirement Act, during the period of subsequent employment:

(1) the member shall be entitled to receive retirement benefits;

(2) the retired member's cost-of-living pension adjustment shall be suspended upon commencement of the employment; and

(3) upon termination of the employment, the retired member's suspended cost-of-living pension adjustment shall be reinstated as provided under Section 10-11-118 NMSA 1978.

I. The pension of a member who has earned service credit under more than one coverage plan shall be determined as follows:

(1) the pension of a member who has three or more years of service credit earned on or before June 30, 2013 under each of two or more coverage plans shall be determined in accordance with the coverage plan that produces the highest pension;

(2) the pension of a member who has service credit earned on or before June 30, 2013 under two or more coverage plans but who has three or more years of service credit under only one of those coverage plans shall be determined in accordance with the coverage plan in which the member has three or more years of service credit. If the service credit is acquired under two different coverage plans applied to the same affiliated public employer as a consequence of an election by the members, adoption by the affiliated public employer or a change in the law that results in the application of a coverage plan with a greater pension, the greater pension shall be paid a member retiring from the affiliated public employer under which the change in coverage plan took place regardless of the amount of service credit under the coverage plan producing the greater pension; provided that the member has three or more years of continuous employment with that affiliated public employer immediately preceding or immediately preceding and immediately following the date the coverage plan changed;

(3) the pension of a member who has service credit earned on or before June 30, 2013 under each of two or more coverage plans and who has service credit earned under any coverage plan on or after July 1, 2013 shall be equal to the sum of:

(a) the pension attributable to the service credit earned on or before June 30, 2013 determined pursuant to Paragraph (1) or (2) of this subsection; and

(b) the pension attributable to the service credit earned under each coverage plan on or after July 1, 2013;

(4) the pension of a member who has service credit earned only on and after July 1, 2013 shall be equal to the sum of the pension attributable to the service credit the member has accrued under each coverage plan; and

(5) the provisions of each coverage plan for the purpose of this subsection shall be those in effect at the time the member ceased to be covered by the coverage plan. "Service credit", for the purposes of this subsection, shall be only personal service rendered an affiliated public employer and credited to the member under the provisions of Subsection A of Section 10-11-4 NMSA 1978. Service credited under any other provision of the Public Employees Retirement Act shall not be used to satisfy the three-year service credit requirement of this subsection."

Chapter 11 Section 4 Laws 2020

SECTION 4. Section 10-11-26.2 NMSA 1978 (being Laws 1994, Chapter 128, Section 3, as amended) is amended to read:

"10-11-26.2. STATE GENERAL MEMBER COVERAGE PLAN 3--AGE AND SERVICE CREDIT REQUIREMENTS FOR NORMAL RETIREMENT.--

A. Under state general member coverage plan 3:

(1) for a member who on or before June 30, 2013 was a peace officer and for a member who is not a peace officer but was a retired member or a member on June 30, 2013, the age and service credit requirements for normal retirement are:

- (a) age sixty-five years or older and five or more years of service credit;
- (b) age sixty-four years and eight or more years of service credit;
- (c) age sixty-three years and eleven or more years of service credit;
- (d) age sixty-two years and fourteen or more years of service credit;
- (e) age sixty-one years and seventeen or more years of service credit;
- (f) age sixty years and twenty or more years of service credit; or
- (g) any age and twenty-five or more years of service credit;

(2) for a member who is not a peace officer and was not a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:

- (a) age sixty-five years or older and five or more years of service credit; or
- (b) any age if the member has five or more years of service credit and the sum of the member's age and years of service credit equals at least eighty-five; and

(3) for a member who on or after July 1, 2013 becomes a peace officer and who was not a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:

(a) age sixty years or older and five or more years of service credit; or

(b) any age and twenty-five or more years of service credit.

B. As used in this section, "peace officer" means any employee of the state with a duty to maintain public order or to make arrests for crime, whether that duty extends to all crimes or is limited to specific crimes, and who is not specifically covered by another coverage plan."

Chapter 11 Section 5 Laws 2020

SECTION 5. Section 10-11-26.5 NMSA 1978 (being Laws 1994, Chapter 128, Section 6, as amended) is amended to read:

"10-11-26.5. STATE GENERAL MEMBER COVERAGE PLAN 3--MEMBER CONTRIBUTION RATE.--A member under state general member coverage plan 3 shall contribute seven and forty-two hundredths percent of salary starting with the first full pay period that ends within the calendar month in which state general member coverage plan 3 becomes applicable to the member, except that a member whose annual salary is greater than twenty-five thousand dollars (\$25,000) shall contribute :

A. beginning July 1, 2020 and continuing through June 30, 2021, nine and forty-two hundredths percent of salary;

B. beginning July 1, 2021 and continuing through June 30, 2022, nine and ninety-two hundredths percent of salary;

C. beginning July 1, 2022 and continuing through June 30, 2023, ten and forty-two hundredths percent of salary; and

D. beginning July 1, 2023 and thereafter, ten and ninety-two hundredths percent of salary."

Chapter 11 Section 6 Laws 2020

SECTION 6. Section 10-11-26.6 NMSA 1978 (being Laws 1994, Chapter 128, Section 7, as amended) is amended to read:

"10-11-26.6. STATE GENERAL MEMBER COVERAGE PLAN 3--STATE CONTRIBUTION RATE.--The state shall contribute the following percentages of the salary of each member covered by state general member coverage plan 3 starting with

the first pay period that ends within the calendar month in which state general member coverage plan 3 becomes applicable to the member:

A. beginning July 1, 2020 and continuing through June 30, 2021, seventeen and seventy-four hundredths percent of salary;

B. beginning July 1, 2021 and continuing through June 30, 2022, eighteen and twenty-four hundredths percent of salary;

C. beginning July 1, 2022 and continuing through June 30, 2023, eighteen and seventy-four hundredths percent of salary; and

D. beginning July 1, 2023 and thereafter, nineteen and twenty-four hundredths percent of salary."

Chapter 11 Section 7 Laws 2020

SECTION 7. Section 10-11-27 NMSA 1978 (being Laws 1987, Chapter 253, Section 27, as amended) is amended to read:

"10-11-27. STATE POLICE MEMBER, CORRECTIONAL OFFICER MEMBER AND PROBATION AND PAROLE OFFICER MEMBER COVERAGE PLAN 1-- APPLICABILITY--CREDITED SERVICE.--

A. State police member, correctional officer member and probation and parole officer member coverage plan 1 is applicable to:

- (1) state police members who are not specifically covered by another coverage plan;
- (2) adult correctional officer members;
- (3) juvenile correctional officer members;
- (4) adult probation and parole officer members; and
- (5) juvenile probation and parole officer members.

B. The credited service of a state police member who was a retired member or a member on June 30, 2013 and who has held the permanent rank of patrolman, sergeant, lieutenant or captain and does not hold an exempt rank or who is assigned to the aircraft division as a pilot, or of an adult correctional officer member, shall have actual credited service increased by twenty percent for the purposes of state police member, correctional officer member and probation and parole officer member coverage plan 1.

C. The credited service, accrued after July 1, 2021, of a juvenile correctional officer member, an adult probation and parole officer or a juvenile probation and parole officer shall be increased by twenty percent for the purposes of state police member, correctional officer member and probation and parole officer member coverage plan 1.

D. Except as provided in Subsection B of this section, the credited service of a member covered under state police member, correctional officer member and probation and parole officer member coverage plan 1 shall be credited as provided in Section 10-11-4 NMSA 1978.

E. State police member, correctional officer member and probation and parole officer member coverage plan 1 is applicable to juvenile correctional officer members, adult probation and parole officer members and juvenile probation and parole officer members in the first full pay period after July 1, 2021 if the retirement board certifies to the secretary of state that, of those juvenile correctional officer members, adult probation and parole officer members and juvenile probation and parole officer members to be covered under state police member, correctional officer member and probation and parole officer member coverage plan 1, a majority of the respective members voting have voted to approve adoption of that plan at an election conducted pursuant to Sections 63 through 66 of this 2020 act."

Chapter 11 Section 8 Laws 2020

SECTION 8. Section 10-11-27.1 NMSA 1978 (being Laws 2003, Chapter 268, Section 10) is amended to read:

"10-11-27.1. STATE POLICE MEMBER, CORRECTIONAL OFFICER MEMBER AND PROBATION AND PAROLE OFFICER MEMBER COVERAGE PLAN 1--SERVICE CREDIT REQUIRED.--Notwithstanding the provisions of Section 10-11-27 NMSA 1978, to qualify for payment under state police member, correctional officer member and probation and parole officer member coverage plan 1, an adult correctional officer member shall have eighteen months of service credit earned under state police member, correctional officer member and probation and parole officer member coverage plan 1 subsequent to July 1, 2004."

Chapter 11 Section 9 Laws 2020

SECTION 9. Section 10-11-28 NMSA 1978 (being Laws 1987, Chapter 253, Section 28, as amended) is amended to read:

"10-11-28. STATE POLICE MEMBER, CORRECTIONAL OFFICER MEMBER AND PROBATION AND PAROLE OFFICER MEMBER COVERAGE PLAN 1--AGE AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.-- Under state police member, correctional officer member and probation and parole officer member coverage plan 1:

A. for a member who was a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:

- (1) age sixty-five years or older and five or more years of credited service;
- (2) age sixty-four years and eight or more years of credited service;
- (3) age sixty-three years and eleven or more years of credited service;
- (4) age sixty-two years and fourteen or more years of credited service;
- (5) age sixty-one years and seventeen or more years of credited service;
- (6) age sixty years and twenty or more years of credited service; or
- (7) any age and twenty-five or more years of credited service; and

B. for a member who was not a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:

- (1) age sixty years or older and five or more years of service credit; or
- (2) any age and twenty-five or more years of service credit."

Chapter 11 Section 10 Laws 2020

SECTION 10. Section 10-11-29 NMSA 1978 (being Laws 1987, Chapter 253, Section 29, as amended) is amended to read:

"10-11-29. STATE POLICE MEMBER, CORRECTIONAL OFFICER MEMBER AND PROBATION AND PAROLE OFFICER MEMBER COVERAGE PLAN 1-- AMOUNT OF PENSION--FORM OF PAYMENT A.--Under state police member, correctional officer member and probation and parole officer member coverage plan 1, the amount of pension under form of payment A is equal to three percent of final average salary multiplied by credited service. The amount shall not exceed ninety percent of the final average salary."

Chapter 11 Section 11 Laws 2020

SECTION 11. Section 10-11-31 NMSA 1978 (being Laws 1987, Chapter 253, Section 31, as amended) is amended to read:

"10-11-31. STATE POLICE MEMBER, CORRECTIONAL OFFICER MEMBER AND PROBATION AND PAROLE OFFICER MEMBER COVERAGE PLAN 1--

MEMBER CONTRIBUTION RATE.--A member under state police member, correctional officer member and probation and parole officer member coverage plan 1 shall contribute seven and six-tenths percent of salary, except that a member whose annual salary is greater than twenty-five thousand dollars (\$25,000) shall contribute nine and one-tenth percent of salary."

Chapter 11 Section 12 Laws 2020

SECTION 12. Section 10-11-32 NMSA 1978 (being Laws 1987, Chapter 253, Section 32, as amended) is amended to read:

"10-11-32. STATE POLICE MEMBER, CORRECTIONAL OFFICER MEMBER AND PROBATION AND PAROLE OFFICER MEMBER COVERAGE PLAN 1--STATE CONTRIBUTION RATE.--The state shall contribute twenty-five and one-half percent of the salary of each member under state police member, correctional officer member and probation and parole officer member coverage plan 1."

Chapter 11 Section 13 Laws 2020

SECTION 13. Section 10-11-38.2 NMSA 1978 (being Laws 1994, Chapter 128, Section 10, as amended) is amended to read:

"10-11-38.2. JUVENILE CORRECTIONAL OFFICER MEMBER COVERAGE PLAN 2--AGE AND SERVICE CREDIT REQUIREMENTS FOR NORMAL RETIREMENT.--Under juvenile correctional officer member coverage plan 2:

A. for a member who was a retired member or a member on June 30, 2013, the age and service credit requirements for normal retirement are:

- (1) age sixty-five years or older and five or more years of service credit;
- (2) age sixty-four years and eight or more years of service credit;
- (3) age sixty-three years and eleven or more years of service credit;
- (4) age sixty-two years and fourteen or more years of service credit;
- (5) age sixty-one years and seventeen or more years of service credit;
- (6) age sixty years and twenty or more years of service credit; and
- (7) any age and twenty-five or more years of service credit; and

B. for a member who was not a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:

- (1) age sixty years or older and five or more years of service credit; or
- (2) any age and twenty-five or more years of service credit."

Chapter 11 Section 14 Laws 2020

SECTION 14. Section 10-11-38.5 NMSA 1978 (being Laws 1994, Chapter 128, Section 13, as amended) is amended to read:

"10-11-38.5. JUVENILE CORRECTIONAL OFFICER MEMBER COVERAGE PLAN 2--MEMBER CONTRIBUTION RATE.--A member under juvenile correctional officer member coverage plan 2 shall contribute four and seventy-eight hundredths percent of salary starting with the first full pay period that ends within the calendar month in which juvenile correctional officer member coverage plan 2 becomes applicable to the member, except that a member whose annual salary is greater than twenty-five thousand dollars (\$25,000) shall contribute:

- A. beginning July 1, 2020 and continuing through June 30, 2021, six and seventy-eight hundredths percent of salary;
- B. beginning July 1, 2021 and continuing through June 30, 2022, seven and twenty-eight hundredths percent of salary;
- C. beginning July 1, 2022 and continuing through June 30, 2023, seven and seventy-eight hundredths percent of salary; and
- D. beginning July 1, 2023 and thereafter, eight and twenty-eight hundredths percent of salary."

Chapter 11 Section 15 Laws 2020

SECTION 15. Section 10-11-38.6 NMSA 1978 (being Laws 1994, Chapter 128, Section 14, as amended) is amended to read:

"10-11-38.6. JUVENILE CORRECTIONAL OFFICER MEMBER COVERAGE PLAN 2--STATE CONTRIBUTION RATE.--The state shall contribute the following percentages of the salary of each member covered by juvenile correctional officer member coverage plan 2 starting with the first pay period that ends within the calendar month in which juvenile correctional officer member coverage plan 2 becomes applicable to the member:

- A. beginning July 1, 2020 and continuing through June 30, 2021, twenty-six and eighty-seven hundredths percent of salary;
- B. beginning July 1, 2021 and continuing through June 30, 2022, twenty-seven and thirty-seven hundredths percent of salary;

C. beginning July 1, 2022 and continuing through June 30, 2023, twenty-seven and eighty-seven hundredths percent of salary; and

D. beginning July 1, 2023 and thereafter, twenty-eight and thirty-seven hundredths percent of salary."

Chapter 11 Section 16 Laws 2020

SECTION 16. Section 10-11-45 NMSA 1978 (being Laws 1987, Chapter 253, Section 45, as amended) is amended to read:

"10-11-45. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 1--AGE AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under municipal general member coverage plan 1:

A. for a member who was a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:

- (1) age sixty-five years or older and five or more years of service credit;
- (2) age sixty-four years and eight or more years of service credit;
- (3) age sixty-three years and eleven or more years of service credit;
- (4) age sixty-two years and fourteen or more years of service credit;
- (5) age sixty-one years and seventeen or more years of service credit;
- (6) age sixty years and twenty or more years of service credit; or
- (7) any age and twenty-five or more years of service credit; and

B. for a member who was not a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:

- (1) age sixty-five years or older and five or more years of service credit; or
- (2) any age if the member has five or more years of service credit and the sum of the member's age and years of service credit equals at least eighty-five."

Chapter 11 Section 17 Laws 2020

SECTION 17. Section 10-11-48 NMSA 1978 (being Laws 1987, Chapter 253, Section 48, as amended) is amended to read:

"10-11-48. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 1--MEMBER CONTRIBUTION RATE.--A member under municipal general member coverage plan 1 shall contribute seven percent of salary starting with the first full pay period in the calendar month in which municipal general member coverage plan 1 becomes applicable to the member, except that a member whose annual salary is greater than twenty-five thousand dollars (\$25,000) shall contribute:

- A. prior to July 1, 2022, eight and one-half percent of salary;
- B. beginning July 1, 2022 and continuing through June 30, 2023, nine percent of salary;
- C. beginning July 1, 2023 and continuing through June 30, 2024, nine and one-half percent of salary;
- D. beginning July 1, 2024 and continuing through June 30, 2025, ten percent of salary; and
- E. beginning July 1, 2025 and thereafter, ten and one-half percent of salary."

Chapter 11 Section 18 Laws 2020

SECTION 18. Section 10-11-49 NMSA 1978 (being Laws 1987, Chapter 253, Section 49, as amended) is amended to read:

"10-11-49. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 1--AFFILIATED PUBLIC EMPLOYER CONTRIBUTION RATE.--An affiliated public employer shall contribute the following percentages of the salary of each member it employs and who is covered under municipal general member coverage plan 1:

- A. prior to July 1, 2022, seven and sixty-five hundredths percent of salary;
- B. beginning July 1, 2022 and continuing through June 30, 2023, eight and fifteen-hundredths percent of salary;
- C. beginning July 1, 2023 and continuing through June 30, 2024, eight and sixty-five hundredths percent of salary;
- D. beginning July 1, 2024 and continuing through June 30, 2025, nine and fifteen-hundredths percent of salary; and
- E. beginning July 1, 2025 and thereafter, nine and sixty-five hundredths percent of salary."

Chapter 11 Section 19 Laws 2020

SECTION 19. Section 10-11-51 NMSA 1978 (being Laws 1987, Chapter 253, Section 51, as amended) is amended to read:

"10-11-51. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 2--AGE AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under municipal general member coverage plan 2:

A. for a member who was a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:

- (1) age sixty-five years or older and five or more years of service credit;
- (2) age sixty-four years and eight or more years of service credit;
- (3) age sixty-three years and eleven or more years of service credit;
- (4) age sixty-two years and fourteen or more years of service credit;
- (5) age sixty-one years and seventeen or more years of service credit;
- (6) age sixty years and twenty or more years of service credit; or
- (7) any age and twenty-five or more years of service credit; and

B. for a member who was not a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:

- (1) age sixty-five years or older and five or more years of service credit; or
- (2) any age if the member has five or more years of service credit and the sum of the member's age and years of service credit equals at least eighty-five."

Chapter 11 Section 20 Laws 2020

SECTION 20. Section 10-11-54 NMSA 1978 (being Laws 1987, Chapter 253, Section 54, as amended) is amended to read:

"10-11-54. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 2--MEMBER CONTRIBUTION RATE.--A member under municipal general member coverage plan 2 shall contribute nine and fifteen-hundredths percent of salary starting with the first full pay period in the calendar month in which municipal general member coverage plan 2

becomes applicable to the member, except that a member whose annual salary is greater than twenty-five thousand dollars (\$25,000) shall contribute:

- A. prior to July 1, 2022, ten and sixty-five hundredths percent of salary;
- B. beginning July 1, 2022 and continuing through June 30, 2023, eleven and fifteen-hundredths percent of salary;
- C. beginning July 1, 2023 and continuing through June 30, 2024, eleven and sixty-five hundredths percent of salary;
- D. beginning July 1, 2024 and continuing through June 30, 2025, twelve and fifteen-hundredths percent of salary; and
- E. beginning July 1, 2025 and thereafter, twelve and sixty-five hundredths percent of salary."

Chapter 11 Section 21 Laws 2020

SECTION 21. Section 10-11-55 NMSA 1978 (being Laws 1987, Chapter 253, Section 55, as amended) is amended to read:

"10-11-55. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 2--
AFFILIATED PUBLIC EMPLOYER CONTRIBUTION RATE.--An affiliated public employer shall contribute the following percentages of the salary of each member it employs and who is covered under municipal general member coverage plan 2:

- A. prior to July 1, 2022, nine and eight-tenths percent of salary;
- B. beginning July 1, 2022 and continuing through June 30, 2023, ten and three-tenths percent of salary;
- C. beginning July 1, 2023 and continuing through June 30, 2024, ten and eight-tenths percent of salary;
- D. beginning July 1, 2024 and continuing through June 30, 2025, eleven and three-tenths percent of salary; and
- E. beginning July 1, 2025 and thereafter, eleven and eight-tenths percent of salary."

Chapter 11 Section 22 Laws 2020

SECTION 22. Section 10-11-55.2 NMSA 1978 (being Laws 1993, Chapter 58, Section 2, as amended) is amended to read:

"10-11-55.2. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 3--AGE AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under municipal general member coverage plan 3:

A. for a member who was a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:

- credit;
- (1) age sixty-five years or older and five or more years of service credit;
 - (2) age sixty-four years and eight or more years of service credit;
 - (3) age sixty-three years and eleven or more years of service credit;
 - (4) age sixty-two years and fourteen or more years of service credit;
 - (5) age sixty-one years and seventeen or more years of service credit;
 - (6) age sixty years and twenty or more years of service credit; or
 - (7) any age and twenty-five or more years of service credit; and

B. for a member who was not a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:

- credit; or
- (1) age sixty-five years or older and five or more years of service credit; or
 - (2) any age if the member has five or more years of service credit and the sum of the member's age and years of service credit equals at least eighty-five."

Chapter 11 Section 23 Laws 2020

SECTION 23. Section 10-11-55.5 NMSA 1978 (being Laws 1993, Chapter 58, Section 5, as amended) is amended to read:

"10-11-55.5. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 3--MEMBER CONTRIBUTION RATE.--A member under municipal general member coverage plan 3 shall contribute thirteen and fifteen-hundredths percent of salary starting with the first full pay period in the calendar month in which municipal general member coverage plan 3 becomes applicable to the member, except that a member whose annual salary is greater than twenty-five thousand dollars (\$25,000) shall contribute:

- A. prior to July 1, 2022, fourteen and sixty-five hundredths percent of salary;

B. beginning July 1, 2022 and continuing through June 30, 2023, fifteen and fifteen-hundredths percent of salary;

C. beginning July 1, 2023 and continuing through June 30, 2024, fifteen and sixty-five hundredths percent of salary;

D. beginning July 1, 2024 and continuing through June 30, 2025, sixteen and fifteen-hundredths percent of salary; and

E. beginning July 1, 2025 and thereafter, sixteen and sixty-five hundredths percent of salary."

Chapter 11 Section 24 Laws 2020

SECTION 24. Section 10-11-55.6 NMSA 1978 (being Laws 1993, Chapter 58, Section 6, as amended) is amended to read:

"10-11-55.6. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 3--AFFILIATED PUBLIC EMPLOYER CONTRIBUTION RATE.--An affiliated public employer shall contribute the following percentages of the salary of each member it employs and who is covered under municipal general member coverage plan 3:

A. prior to July 1, 2022, nine and eight-tenths percent of salary;

B. beginning July 1, 2022 and continuing through June 30, 2023, ten and three-tenths percent of salary;

C. beginning July 1, 2023 and continuing through June 30, 2024, ten and eight-tenths percent of salary;

D. beginning July 1, 2024 and continuing through June 30, 2025, eleven and three-tenths percent of salary; and

E. beginning July 1, 2025 and thereafter, eleven and eight-tenths percent of salary."

Chapter 11 Section 25 Laws 2020

SECTION 25. Section 10-11-55.8 NMSA 1978 (being Laws 1998, Chapter 106, Section 2, as amended) is amended to read:

"10-11-55.8. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 4--AGE AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under municipal general member coverage plan 4:

A. for a member who was a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:

- credit;
- (1) age sixty-five years or older and five or more years of service credit;
 - (2) age sixty-four years and eight or more years of service credit;
 - (3) age sixty-three years and eleven or more years of service credit;
 - (4) age sixty-two years and fourteen or more years of service credit;
 - (5) age sixty-one years and seventeen or more years of service credit;
 - (6) age sixty years and twenty or more years of service credit; or
 - (7) any age and twenty-five or more years of service credit; and

B. for a member who was not a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:

- credit; or
- (1) age sixty-five years or older and five or more years of service credit; or
 - (2) any age if the member has five or more years of service credit and the sum of the member's age and years of service credit equals at least eighty-five."

Chapter 11 Section 26 Laws 2020

SECTION 26. Section 10-11-55.11 NMSA 1978 (being Laws 1998, Chapter 106, Section 5, as amended) is amended to read:

"10-11-55.11. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 4-- MEMBER CONTRIBUTION RATE.--A member under municipal general member coverage plan 4 shall contribute fifteen and sixty-five hundredths percent of salary starting with the first full pay period in the calendar month in which municipal general member coverage plan 4 becomes applicable to the member, except that a member whose annual salary is greater than twenty-five thousand dollars (\$25,000) shall contribute:

- A. prior to July 1, 2022, seventeen and fifteen hundredths percent of salary;
- B. beginning July 1, 2022 and continuing through June 30, 2023, seventeen and sixty-five hundredths percent of salary;

C. beginning July 1, 2023 and continuing through June 30, 2024, eighteen and fifteen hundredths percent of salary;

D. beginning July 1, 2024 and continuing through June 30, 2025, eighteen and sixty-five hundredths percent of salary; and

E. beginning July 1, 2025 and thereafter, nineteen and fifteen hundredths percent of salary."

Chapter 11 Section 27 Laws 2020

SECTION 27. Section 10-11-55.12 NMSA 1978 (being Laws 1998, Chapter 106, Section 6, as amended) is amended to read:

"10-11-55.12. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 4--AFFILIATED PUBLIC EMPLOYER CONTRIBUTION RATE.--An affiliated public employer shall contribute the following percentages of the salary of each member it employs and who is covered under municipal general member coverage plan 4:

A. prior to July 1, 2022, twelve and three-tenths percent of salary;

B. beginning July 1, 2022 and continuing through June 30, 2023, twelve and eight-tenths percent of salary;

C. beginning July 1, 2023 and continuing through June 30, 2024, thirteen and three-tenths percent of salary;

D. beginning July 1, 2024 and continuing through June 30, 2025, thirteen and eight-tenths percent of salary; and

E. beginning July 1, 2025 and thereafter, fourteen and three-tenths percent of salary."

Chapter 11 Section 28 Laws 2020

SECTION 28. Section 10-11-57 NMSA 1978 (being Laws 1987, Chapter 253, Section 57, as amended) is amended to read:

"10-11-57. MUNICIPAL POLICE MEMBER COVERAGE PLAN 1--AGE AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under municipal police member coverage plan 1:

A. for a member who was a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:

- service;
- (1) age sixty-five years or older and five or more years of credited service;
 - (2) age sixty-four years and eight or more years of credited service;
 - (3) age sixty-three years and eleven or more years of credited service;
 - (4) age sixty-two years and fourteen or more years of credited service;
 - (5) age sixty-one years and seventeen or more years of credited service;
 - (6) age sixty years and twenty or more years of credited service; or
 - (7) any age and twenty-five or more years of credited service; and

B. for a member who was not a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:

- (1) age sixty years or older and five or more years of service credit; or
- (2) any age and twenty-five or more years of service credit."

Chapter 11 Section 29 Laws 2020

SECTION 29. Section 10-11-60 NMSA 1978 (being Laws 1987, Chapter 253, Section 60, as amended) is amended to read:

"10-11-60. MUNICIPAL POLICE MEMBER COVERAGE PLAN 1--MEMBER CONTRIBUTION RATE.--A member under municipal police member coverage plan 1 shall contribute seven percent of salary starting with the first full pay period in the calendar month in which municipal police member coverage plan 1 becomes applicable to the member, except that a member whose annual salary is greater than twenty-five thousand dollars (\$25,000) shall contribute:

- A. prior to July 1, 2022, eight and one-half percent of salary;
- B. beginning July 1, 2022 and continuing through June 30, 2023, nine percent of salary;
- C. beginning July 1, 2023 and continuing through June 30, 2024, nine and one-half percent of salary;
- D. beginning July 1, 2024 and continuing through June 30, 2025, ten percent of salary; and

- E. beginning July 1, 2025 and thereafter, ten and one-half percent of salary."

Chapter 11 Section 30 Laws 2020

SECTION 30. Section 10-11-61 NMSA 1978 (being Laws 1987, Chapter 253, Section 61, as amended) is amended to read:

"10-11-61. MUNICIPAL POLICE MEMBER COVERAGE PLAN 1-- AFFILIATED PUBLIC EMPLOYER CONTRIBUTION RATE.--The affiliated public employer shall contribute the following percentages of the salary of each member it employs and who is covered under municipal police member coverage plan 1:

- A. prior to July 1, 2022, ten and sixty-five hundredths percent of salary;
- B. beginning July 1, 2022 and continuing through June 30, 2023, eleven and fifteen-hundredths percent of salary;
- C. beginning July 1, 2023 and continuing through June 30, 2024, eleven and sixty-five hundredths percent of salary;
- D. beginning July 1, 2024 and continuing through June 30, 2025, twelve and fifteen-hundredths percent of salary; and
- E. beginning July 1, 2025 and thereafter, twelve and sixty-five hundredths percent of salary."

Chapter 11 Section 31 Laws 2020

SECTION 31. Section 10-11-63 NMSA 1978 (being Laws 1987, Chapter 253, Section 63, as amended) is amended to read:

"10-11-63. MUNICIPAL POLICE MEMBER COVERAGE PLAN 2--AGE AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under municipal police coverage plan 2:

- A. for a member who was a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:
 - (1) age sixty-five years or older and five or more years of credited service;
 - (2) age sixty-four years and eight or more years of credited service;
 - (3) age sixty-three years and eleven or more years of credited service;
 - (4) age sixty-two years and fourteen or more years of credited service;

(5) age sixty-one years and seventeen or more years of credited service;

(6) age sixty years and twenty or more years of credited service; or

(7) any age and twenty-five or more years of credited service; and

B. for a member who was not a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:

(1) age sixty years or older and five or more years of service credit; or

(2) any age and twenty-five or more years of service credit."

Chapter 11 Section 32 Laws 2020

SECTION 32. Section 10-11-66 NMSA 1978 (being Laws 1987, Chapter 253, Section 66, as amended) is amended to read:

"10-11-66. MUNICIPAL POLICE MEMBER COVERAGE PLAN 2--MEMBER CONTRIBUTION RATE.--A member under municipal police member coverage plan 2 shall contribute seven percent of salary with the first full pay period in the calendar month in which municipal police member coverage plan 2 becomes applicable to the member, except that a member whose annual salary is greater than twenty-five thousand dollars (\$25,000) shall contribute:

A. prior to July 1, 2022, eight and one-half percent of salary;

B. beginning July 1, 2022 and continuing through June 30, 2023, nine percent of salary;

C. beginning July 1, 2023 and continuing through June 30, 2024, nine and one-half percent of salary;

D. beginning July 1, 2024 and continuing through June 30, 2025, ten percent of salary; and

E. beginning July 1, 2025 and thereafter, ten and one-half percent of salary."

Chapter 11 Section 33 Laws 2020

SECTION 33. Section 10-11-67 NMSA 1978 (being Laws 1987, Chapter 253, Section 67, as amended) is amended to read:

"10-11-67. MUNICIPAL POLICE MEMBER COVERAGE PLAN 2--AFFILIATED PUBLIC EMPLOYER CONTRIBUTION RATE.--The affiliated public employer shall

contribute the following percentages of the salary of each member it employs and who is covered under municipal police member coverage plan 2:

- A. prior to July 1, 2022, fifteen and sixty-five hundredths percent of salary;
- B. beginning July 1, 2022 and continuing through June 30, 2023, sixteen and fifteen-hundredths percent of salary;
- C. beginning July 1, 2023 and continuing through June 30, 2024, sixteen and sixty-five hundredths percent of salary;
- D. beginning July 1, 2024 and continuing through June 30, 2025, seventeen and fifteen-hundredths percent of salary; and
- E. beginning July 1, 2025 and thereafter, seventeen and sixty-five hundredths percent of salary."

Chapter 11 Section 34 Laws 2020

SECTION 34. Section 10-11-69 NMSA 1978 (being Laws 1987, Chapter 253, Section 69, as amended) is amended to read:

"10-11-69. MUNICIPAL POLICE MEMBER COVERAGE PLAN 3--AGE AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under municipal police member coverage plan 3:

- A. for a member who was a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:
 - (1) age sixty-five years or older and five or more years of credited service;
 - (2) age sixty-four years and eight or more years of credited service;
 - (3) age sixty-three years and eleven or more years of credited service;
 - (4) age sixty-two years and fourteen or more years of credited service;
 - (5) age sixty-one years and seventeen or more years of credited service; or
 - (6) any age and twenty or more years of credited service; and
- B. for a member who was not a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:

- (1) age sixty years or older and five or more years of service credit; or
- (2) any age and twenty-five or more years of service credit."

Chapter 11 Section 35 Laws 2020

SECTION 35. Section 10-11-72 NMSA 1978 (being Laws 1987, Chapter 253, Section 72, as amended) is amended to read:

"10-11-72. MUNICIPAL POLICE MEMBER COVERAGE PLAN 3--MEMBER CONTRIBUTION RATE.--A member under municipal police member coverage plan 3 shall contribute seven percent of salary with the first full pay period in the calendar month in which municipal police member coverage plan 3 becomes applicable to the member, except that a member whose annual salary is greater than twenty-five thousand dollars (\$25,000) shall contribute:

- A. prior to July 1, 2022, eight and one-half percent of salary;
- B. beginning July 1, 2022 and continuing through June 30, 2023, nine percent of salary;
- C. beginning July 1, 2023 and continuing through June 30, 2024, nine and one-half percent of salary;
- D. beginning July 1, 2024 and continuing through June 30, 2025, ten percent of salary; and
- E. beginning July 1, 2025 and thereafter, ten and one-half percent of salary."

Chapter 11 Section 36 Laws 2020

SECTION 36. Section 10-11-73 NMSA 1978 (being Laws 1987, Chapter 253, Section 73, as amended) is amended to read:

"10-11-73. MUNICIPAL POLICE MEMBER COVERAGE PLAN 3--AFFILIATED PUBLIC EMPLOYER CONTRIBUTION RATE.--The affiliated public employer shall contribute the following percentages of the salary of each member it employs and who is covered under municipal police member coverage plan 3:

- A. prior to July 1, 2022, nineteen and fifteen-hundredths percent of salary;
- B. beginning July 1, 2022 and continuing through June 30, 2023, nineteen and sixty-five hundredths percent of salary;
- C. beginning July 1, 2023 and continuing through June 30, 2024, twenty and fifteen-hundredths percent of salary;

D. beginning July 1, 2024 and continuing through June 30, 2025, twenty and sixty-five hundredths percent of salary; and

E. beginning July 1, 2025 and thereafter, twenty-one and fifteen-hundredths percent of salary."

Chapter 11 Section 37 Laws 2020

SECTION 37. Section 10-11-75 NMSA 1978 (being Laws 1987, Chapter 253, Section 75, as amended) is amended to read:

"10-11-75. MUNICIPAL POLICE MEMBER COVERAGE PLAN 4--AGE AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under municipal police member coverage plan 4:

A. for a member who was a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:

- (1) age sixty-five years or older and five or more years of credited service;
- (2) age sixty-four years and eight or more years of credited service;
- (3) age sixty-three years and eleven or more years of credited service;
- (4) age sixty-two years and fourteen or more years of credited service;
- (5) age sixty-one years and seventeen or more years of credited service; or
- (6) any age and twenty or more years of credited service; and

B. for a member who was not a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:

- (1) age sixty years or older and five or more years of service credit; or
- (2) any age and twenty-five or more years of service credit."

Chapter 11 Section 38 Laws 2020

SECTION 38. Section 10-11-78 NMSA 1978 (being Laws 1987, Chapter 253, Section 78, as amended) is amended to read:

"10-11-78. MUNICIPAL POLICE MEMBER COVERAGE PLAN 4--MEMBER CONTRIBUTION RATE.--A member under municipal police member coverage plan 4

shall contribute twelve and thirty-five hundredths percent of salary starting with the first full pay period in the calendar month in which municipal police member coverage plan 4 becomes applicable to the member, except that a member whose annual salary is greater than twenty-five thousand dollars (\$25,000) shall contribute:

- A. prior to July 1, 2022, thirteen and eighty-five hundredths percent of salary;
- B. beginning July 1, 2022 and continuing through June 30, 2023, fourteen and thirty-five hundredths percent of salary;
- C. beginning July 1, 2023 and continuing through June 30, 2024, fourteen and eighty-five hundredths percent of salary;
- D. beginning July 1, 2024 and continuing through June 30, 2025, fifteen and thirty-five hundredths percent of salary; and
- E. beginning July 1, 2025 and thereafter, fifteen and eighty-five hundredths percent of salary."

Chapter 11 Section 39 Laws 2020

SECTION 39. Section 10-11-79 NMSA 1978 (being Laws 1987, Chapter 253, Section 79, as amended) is amended to read:

"10-11-79. MUNICIPAL POLICE MEMBER COVERAGE PLAN 4--AFFILIATED PUBLIC EMPLOYER CONTRIBUTION RATE.--The affiliated public employer shall contribute the following percentages of the salary of each member it employs and who is covered under municipal police member coverage plan 4:

- A. prior to July 1, 2022, nineteen and fifteen-hundredths percent of salary;
- B. beginning July 1, 2022 and continuing through June 30, 2023, nineteen and sixty-five hundredths percent of salary;
- C. beginning July 1, 2023 and continuing through June 30, 2024, twenty and fifteen-hundredths percent of salary;
- D. beginning July 1, 2024 and continuing through June 30, 2025, twenty and sixty-five hundredths percent of salary; and
- E. beginning July 1, 2025 and thereafter, twenty-one and fifteen-hundredths percent of salary."

Chapter 11 Section 40 Laws 2020

SECTION 40. Section 10-11-81 NMSA 1978 (being Laws 1987, Chapter 253, Section 81, as amended) is amended to read:

"10-11-81. MUNICIPAL POLICE MEMBER COVERAGE PLAN 5--AGE AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under municipal police member coverage plan 5:

A. for a member who was a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:

- (1) age sixty-five years or older and five or more years of credited service;
- (2) age sixty-four years and eight or more years of credited service;
- (3) age sixty-three years and eleven or more years of credited service;
- (4) age sixty-two years and fourteen or more years of credited service;
- (5) age sixty-one years and seventeen or more years of credited service; or
- (6) any age and twenty or more years of credited service; and

B. for a member who was not a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:

- (1) age sixty years or older and five or more years of service credit; or
- (2) any age and twenty-five or more years of service credit."

Chapter 11 Section 41 Laws 2020

SECTION 41. Section 10-11-84 NMSA 1978 (being Laws 1987, Chapter 253, Section 84, as amended) is amended to read:

"10-11-84. MUNICIPAL POLICE MEMBER COVERAGE PLAN 5--MEMBER CONTRIBUTION RATE.--A member under municipal police member coverage plan 5 shall contribute sixteen and three-tenths percent of salary starting with the first full pay period in the calendar month in which municipal police member coverage plan 5 becomes applicable to the member, except that a member whose annual salary is greater than twenty-five thousand dollars (\$25,000) shall contribute:

- A. prior to July 1, 2022, seventeen and eight-tenths percent of salary;

B. beginning July 1, 2022 and continuing through June 30, 2023, eighteen and three-tenths percent of salary;

C. beginning July 1, 2023 and continuing through June 30, 2024, eighteen and eight-tenths percent of salary;

D. beginning July 1, 2024 and continuing through June 30, 2025, nineteen and three-tenths percent of salary; and

E. beginning July 1, 2025 and thereafter, nineteen and eight-tenths percent of salary."

Chapter 11 Section 42 Laws 2020

SECTION 42. Section 10-11-85 NMSA 1978 (being Laws 1987, Chapter 253, Section 85, as amended) is amended to read:

"10-11-85. MUNICIPAL POLICE MEMBER COVERAGE PLAN 5--AFFILIATED PUBLIC EMPLOYER CONTRIBUTION RATE.--The affiliated public employer shall contribute the following percentages of the salary of each member it employs and who is covered under municipal police member coverage plan 5:

A. prior to July 1, 2022, nineteen and fifteen-hundredths percent of salary;

B. beginning July 1, 2022 and continuing through June 30, 2023, nineteen and sixty-five hundredths percent of salary;

C. beginning July 1, 2023 and continuing through June 30, 2024, twenty and fifteen-hundredths percent of salary;

D. beginning July 1, 2024 and continuing through June 30, 2025, twenty and sixty-five hundredths percent of salary; and

E. beginning July 1, 2025 and thereafter, twenty-one and fifteen-hundredths percent of salary."

Chapter 11 Section 43 Laws 2020

SECTION 43. Section 10-11-87 NMSA 1978 (being Laws 1987, Chapter 253, Section 87, as amended) is amended to read:

"10-11-87. MUNICIPAL FIRE MEMBER COVERAGE PLAN 1--AGE AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under municipal fire member coverage plan 1:

A. for a member who was a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:

- (1) age sixty-five years or older and five or more years of credited service;
- (2) age sixty-four years and eight or more years of credited service;
- (3) age sixty-three years and eleven or more years of credited service;
- (4) age sixty-two years and fourteen or more years of credited service;
- (5) age sixty-one years and seventeen or more years of credited service;
- (6) age sixty years and twenty or more years of credited service; or
- (7) any age and twenty-five or more years of credited service; and

B. for a member who was not a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:

- (1) age sixty years or older and five or more years of service credit; or
- (2) any age and twenty-five or more years of service credit."

Chapter 11 Section 44 Laws 2020

SECTION 44. Section 10-11-90 NMSA 1978 (being Laws 1987, Chapter 253, Section 90, as amended) is amended to read:

"10-11-90. MUNICIPAL FIRE MEMBER COVERAGE PLAN 1--MEMBER CONTRIBUTION RATE.--A member under municipal fire member coverage plan 1 shall contribute eight percent of salary with the first full pay period in the calendar month in which municipal fire member coverage plan 1 becomes applicable to the member, except that a member whose annual salary is greater than twenty-five thousand dollars (\$25,000) shall contribute:

- A. prior to July 1, 2022, nine and one-half percent of salary;
- B. beginning July 1, 2022 and continuing through June 30, 2023, ten percent of salary;
- C. beginning July 1, 2023 and continuing through June 30, 2024, ten and one-half percent of salary;

D. beginning July 1, 2024 and continuing through June 30, 2025, eleven percent of salary; and

E. beginning July 1, 2025 and thereafter, eleven and one-half percent of salary."

Chapter 11 Section 45 Laws 2020

SECTION 45. Section 10-11-91 NMSA 1978 (being Laws 1987, Chapter 253, Section 91, as amended) is amended to read:

"10-11-91. MUNICIPAL FIRE MEMBER COVERAGE PLAN 1--AFFILIATED PUBLIC EMPLOYER CONTRIBUTION RATE.--The affiliated public employer shall contribute the following percentages of the salary of each member it employs and covers under municipal fire member coverage plan 1:

A. prior to July 1, 2022, eleven and sixty-five hundredths percent of salary;

B. beginning July 1, 2022 and continuing through June 30, 2023, twelve and fifteen-hundredths percent of salary;

C. beginning July 1, 2023 and continuing through June 30, 2024, twelve and sixty-five hundredths percent of salary;

D. beginning July 1, 2024 and continuing through June 30, 2025, thirteen and fifteen-hundredths percent of salary; and

E. beginning July 1, 2025 and thereafter, thirteen and sixty-five hundredths percent of salary."

Chapter 11 Section 46 Laws 2020

SECTION 46. Section 10-11-93 NMSA 1978 (being Laws 1987, Chapter 253, Section 93, as amended) is amended to read:

"10-11-93. MUNICIPAL FIRE MEMBER COVERAGE PLAN 2--AGE AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under municipal fire member coverage plan 2:

A. for a member who was a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:

(1) age sixty-five years or older and five or more years of credited service;

(2) age sixty-four years and eight or more years of credited service;

- (3) age sixty-three years and eleven or more years of credited service;
 - (4) age sixty-two years and fourteen or more years of credited service;
 - (5) age sixty-one years and seventeen or more years of credited service;
 - (6) age sixty years and twenty or more years of credited service; or
 - (7) any age and twenty-five or more years of credited service; and
- B. for a member who was not a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:
- (1) age sixty years or older and five or more years of service credit; or
 - (2) any age and twenty-five or more years of service credit."

Chapter 11 Section 47 Laws 2020

SECTION 47. Section 10-11-96 NMSA 1978 (being Laws 1987, Chapter 253, Section 96, as amended) is amended to read:

"10-11-96. MUNICIPAL FIRE MEMBER COVERAGE PLAN 2--MEMBER CONTRIBUTION RATE.--A member under municipal fire member coverage plan 2 shall contribute eight percent of salary with the first full pay period in the calendar month in which municipal fire member coverage plan 2 becomes applicable to the member, except that a member whose annual salary is greater than twenty-five thousand dollars (\$25,000) shall contribute:

- A. prior to July 1, 2022, nine and one-half percent of salary;
- B. beginning July 1, 2022 and continuing through June 30, 2023, ten percent of salary;
- C. beginning July 1, 2023 and continuing through June 30, 2024, ten and one-half percent of salary;
- D. beginning July 1, 2024 and continuing through June 30, 2025, eleven percent of salary; and
- E. beginning July 1, 2025 and thereafter, eleven and one-half percent of salary."

Chapter 11 Section 48 Laws 2020

SECTION 48. Section 10-11-97 NMSA 1978 (being Laws 1987, Chapter 253, Section 97, as amended) is amended to read:

"10-11-97. MUNICIPAL FIRE MEMBER COVERAGE PLAN 2--AFFILIATED PUBLIC EMPLOYER CONTRIBUTION RATE.--The affiliated public employer shall contribute the following percentages of the salary of each member it employs and covers under municipal fire member coverage plan 2:

- A. prior to July 1, 2022, eighteen and fifteen-hundredths percent of salary;
- B. beginning July 1, 2022 and continuing through June 30, 2023, eighteen and sixty-five hundredths percent of salary;
- C. beginning July 1, 2023 and continuing through June 30, 2024, nineteen and fifteen-hundredths percent of salary;
- D. beginning July 1, 2024 and continuing through June 30, 2025, nineteen and sixty-five hundredths percent of salary; and
- E. beginning July 1, 2025 and thereafter, twenty and fifteen-hundredths percent of salary."

Chapter 11 Section 49 Laws 2020

SECTION 49. Section 10-11-99 NMSA 1978 (being Laws 1987, Chapter 253, Section 99, as amended) is amended to read:

"10-11-99. MUNICIPAL FIRE MEMBER COVERAGE PLAN 3--AGE AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under municipal fire member coverage plan 3:

- A. for a member who was a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:
 - (1) age sixty-five years or older and five or more years of credited service;
 - (2) age sixty-four years and eight or more years of credited service;
 - (3) age sixty-three years and eleven or more years of credited service;
 - (4) age sixty-two years and fourteen or more years of credited service;

(5) age sixty-one years and seventeen or more years of credited service; or

(6) any age and twenty or more years of credited service; and

B. for a member who was not a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:

(1) age sixty years or older and five or more years of service credit; or

(2) any age and twenty-five or more years of service credit."

Chapter 11 Section 50 Laws 2020

SECTION 50. Section 10-11-102 NMSA 1978 (being Laws 1987, Chapter 253, Section 102, as amended) is amended to read:

"10-11-102. MUNICIPAL FIRE MEMBER COVERAGE PLAN 3--MEMBER CONTRIBUTION RATE.--A member under municipal fire member coverage plan 3 shall contribute eight percent of salary with the first full pay period in the calendar month in which municipal fire member coverage plan 3 becomes applicable to the member, except that a member whose annual salary is greater than twenty-five thousand dollars (\$25,000) shall contribute:

A. prior to July 1, 2022, nine and one-half percent of salary;

B. beginning July 1, 2022 and continuing through June 30, 2023, ten percent of salary;

C. beginning July 1, 2023 and continuing through June 30, 2024, ten and one-half percent of salary;

D. beginning July 1, 2024 and continuing through June 30, 2025, eleven percent of salary; and

E. beginning July 1, 2025 and thereafter, eleven and one-half percent of salary."

Chapter 11 Section 51 Laws 2020

SECTION 51. Section 10-11-103 NMSA 1978 (being Laws 1987, Chapter 253, Section 103, as amended) is amended to read:

"10-11-103. MUNICIPAL FIRE MEMBER COVERAGE PLAN 3--AFFILIATED PUBLIC EMPLOYER CONTRIBUTION RATE.--The affiliated public employer shall

contribute the following percentages of the salary of each member it employs and covers under municipal fire member coverage plan 3:

- A. prior to July 1, 2022, twenty-one and nine-tenths percent of salary;
- B. beginning July 1, 2022 and continuing through June 30, 2023, twenty-two and four-tenths percent of salary;
- C. beginning July 1, 2023 and continuing through June 30, 2024, twenty-two and nine-tenths percent of salary;
- D. beginning July 1, 2024 and continuing through June 30, 2025, twenty-three and four-tenths percent of salary; and
- E. beginning July 1, 2025 and thereafter, twenty-three and nine-tenths percent of salary."

Chapter 11 Section 52 Laws 2020

SECTION 52. Section 10-11-105 NMSA 1978 (being Laws 1987, Chapter 253, Section 105, as amended) is amended to read:

"10-11-105. MUNICIPAL FIRE MEMBER COVERAGE PLAN 4--AGE AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under municipal fire member coverage plan 4:

A. for a member who was a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:

- (1) age sixty-five years or older and five or more years of credited service;
- (2) age sixty-four years and eight or more years of credited service;
- (3) age sixty-three years and eleven or more years of credited service;
- (4) age sixty-two years and fourteen or more years of credited service;
- (5) age sixty-one years and seventeen or more years of credited service; or
- (6) any age and twenty or more years of credited service; and

B. for a member who was not a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:

- (1) age sixty years or older and five or more years of service credit; or
- (2) any age and twenty-five or more years of service credit."

Chapter 11 Section 53 Laws 2020

SECTION 53. Section 10-11-108 NMSA 1978 (being Laws 1987, Chapter 253, Section 108, as amended) is amended to read:

"10-11-108. MUNICIPAL FIRE MEMBER COVERAGE PLAN 4--MEMBER CONTRIBUTION RATE.--A member under municipal fire member coverage plan 4 shall contribute twelve and eight-tenths percent of salary with the first full pay period in the calendar month in which municipal fire member coverage plan 4 becomes applicable to the member, except that a member whose annual salary is greater than twenty-five thousand dollars (\$25,000) shall contribute:

- A. prior to July 1, 2022, fourteen and three-tenths percent of salary;
- B. beginning July 1, 2022 and continuing through June 30, 2023, fourteen and eight-tenths percent of salary;
- C. beginning July 1, 2023 and continuing through June 30, 2024, fifteen and three-tenths percent of salary;
- D. beginning July 1, 2024 and continuing through June 30, 2025, fifteen and eight-tenths percent of salary; and
- E. beginning July 1, 2025 and thereafter, sixteen and three-tenths percent of salary."

Chapter 11 Section 54 Laws 2020

SECTION 54. Section 10-11-109 NMSA 1978 (being Laws 1987, Chapter 253, Section 109, as amended) is amended to read:

"10-11-109. MUNICIPAL FIRE MEMBER COVERAGE PLAN 4--AFFILIATED PUBLIC EMPLOYER CONTRIBUTION RATE.--The affiliated public employer shall contribute the following percentages of the salary of each member it employs and covers under municipal fire member coverage plan 4:

- A. prior to July 1, 2022, twenty-one and nine-tenths percent of salary;
- B. beginning July 1, 2022 and continuing through June 30, 2023, twenty-two and four-tenths percent of salary;

C. beginning July 1, 2023 and continuing through June 30, 2024, twenty-one and nine-tenths percent of salary;

D. beginning July 1, 2024 and continuing through June 30, 2025, twenty-three and four-tenths percent of salary; and

E. beginning July 1, 2025 and thereafter, twenty-three and nine-tenths percent of salary."

Chapter 11 Section 55 Laws 2020

SECTION 55. Section 10-11-111 NMSA 1978 (being Laws 1987, Chapter 253, Section 111, as amended) is amended to read:

"10-11-111. MUNICIPAL FIRE MEMBER COVERAGE PLAN 5--AGE AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under municipal fire member coverage plan 5:

A. for a member who was a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:

- (1) age sixty-five years or older and five or more years of credited service;
- (2) age sixty-four years and eight or more years of credited service;
- (3) age sixty-three years and eleven or more years of credited service;
- (4) age sixty-two years and fourteen or more years of credited service;
- (5) age sixty-one years and seventeen or more years of credited service; or
- (6) any age and twenty or more years of credited service; and

B. for a member who was not a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:

- (1) age sixty years or older and five or more years of service credit; or
- (2) any age and twenty-five or more years of service credit."

Chapter 11 Section 56 Laws 2020

SECTION 56. Section 10-11-114 NMSA 1978 (being Laws 1987, Chapter 253, Section 114, as amended) is amended to read:

"10-11-114. MUNICIPAL FIRE MEMBER COVERAGE PLAN 5--MEMBER CONTRIBUTION RATE.--A member under municipal fire member coverage plan 5 shall contribute sixteen and two-tenths percent of salary with the first full pay period in the calendar month in which municipal fire member coverage plan 5 becomes applicable to the member, except that a member whose annual salary is greater than twenty-five thousand dollars (\$25,000) shall contribute:

- A. prior to July 1, 2022, seventeen and seven-tenths percent of salary;
- B. beginning July 1, 2022 and continuing through June 30, 2023, eighteen and two-tenths percent of salary;
- C. beginning July 1, 2023 and continuing through June 30, 2024, eighteen and seven-tenths percent of salary;
- D. beginning July 1, 2024 and continuing through June 30, 2025, nineteen and two-tenths percent of salary; and
- E. beginning July 1, 2025 and thereafter, nineteen and seven-tenths percent of salary."

Chapter 11 Section 57 Laws 2020

SECTION 57. Section 10-11-115 NMSA 1978 (being Laws 1987, Chapter 253, Section 115, as amended) is amended to read:

"10-11-115. MUNICIPAL FIRE MEMBER COVERAGE PLAN 5--AFFILIATED PUBLIC EMPLOYER CONTRIBUTION RATE.--The affiliated public employer shall contribute the following percentages of the salary of each member it employs and covers under municipal fire member coverage plan 5:

- A. prior to July 1, 2022, twenty-one and nine-tenths percent of salary;
- B. beginning July 1, 2022 and continuing through June 30, 2023, twenty-two and four-tenths percent of salary;
- C. beginning July 1, 2023 and continuing through June 30, 2024, twenty-two and nine-tenths percent of salary;
- D. beginning July 1, 2024 and continuing through June 30, 2025, twenty-three and four-tenths percent of salary; and
- E. beginning July 1, 2025 and thereafter, twenty-three and nine-tenths percent of salary."

Chapter 11 Section 58 Laws 2020

SECTION 58. Section 10-11-115.2 NMSA 1978 (being Laws 2003, Chapter 268, Section 3, as amended) is amended to read:

"10-11-115.2. MUNICIPAL DETENTION OFFICER MEMBER COVERAGE PLAN 1--AGE AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT--
CALCULATION OF CREDITED SERVICE.--

A. Under municipal detention officer member coverage plan 1, for a member who was a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:

- (1) age sixty-five years or older and five or more years of credited service;
- (2) age sixty-four years and eight or more years of credited service;
- (3) age sixty-three years and eleven or more years of credited service;
- (4) age sixty-two years and fourteen or more years of credited service;
- (5) age sixty-one years and seventeen or more years of credited service;
- (6) age sixty years and twenty or more years of credited service; or
- (7) any age and twenty-five or more years of credited service.

B. For a member who was not a retired member or a member on June 30, 2013, the age and service requirements for normal retirement are:

- (1) age sixty years or older and five or more years of service credit; or
- (2) any age and twenty-five or more years of service credit.

C. For the purposes of determining retirement eligibility and the amount of pension, the credited service of a municipal detention officer member who was a retired member or a member on June 30, 2013 shall be increased by twenty percent for the purposes of municipal detention officer member coverage plan 1.

D. Except as provided in Subsection C of this section, the credited service of a municipal detention officer member shall be credited as provided under Section 10-11-4 NMSA 1978."

Chapter 11 Section 59 Laws 2020

SECTION 59. Section 10-11-115.5 NMSA 1978 (being Laws 2003, Chapter 268, Section 6, as amended) is amended to read:

"10-11-115.5. MUNICIPAL DETENTION OFFICER MEMBER COVERAGE PLAN 1--MEMBER CONTRIBUTION RATE.--A member under municipal detention officer member coverage plan 1 shall contribute sixteen and sixty-five hundredths percent of salary with the first full pay period in the calendar month in which municipal detention officer member coverage plan 1 becomes applicable to the member, except that a member whose annual salary is greater than twenty-five thousand dollars (\$25,000) shall contribute:

- A. prior to July 1, 2022, eighteen and fifteen-hundredths percent of salary;
- B. beginning July 1, 2022 and continuing through June 30, 2023, eighteen and sixty-five hundredths percent of salary;
- C. beginning July 1, 2023 and continuing through June 30, 2024, nineteen and fifteen-hundredths percent of salary;
- D. beginning July 1, 2024 and continuing through June 30, 2025, nineteen and sixty-five hundredths percent of salary; and
- E. beginning July 1, 2025 and thereafter, twenty and fifteen-hundredths percent of salary."

Chapter 11 Section 60 Laws 2020

SECTION 60. Section 10-11-115.6 NMSA 1978 (being Laws 2003, Chapter 268, Section 7, as amended) is amended to read:

"10-11-115.6. MUNICIPAL DETENTION OFFICER MEMBER COVERAGE PLAN 1--EMPLOYER CONTRIBUTION RATE.--The affiliated public employer shall contribute the following percentages of the salary of each member under municipal detention officer member coverage plan 1 starting with the first pay period that ends within the calendar month in which municipal detention officer member coverage plan 1 becomes applicable to the member:

- A. prior to July 1, 2022, seventeen and three-tenths percent of salary;
- B. beginning July 1, 2022 and continuing through June 30, 2023, seventeen and eight-tenths percent of salary;
- C. beginning July 1, 2023 and continuing through June 30, 2024, eighteen and three-tenths percent of salary;

D. beginning July 1, 2024 and continuing through June 30, 2025, eighteen and eight-tenths percent of salary; and

E. beginning July 1, 2025 and thereafter, nineteen and three-tenths percent of salary."

Chapter 11 Section 61 Laws 2020

SECTION 61. Section 10-11-118 NMSA 1978 (being Laws 1987, Chapter 253, Section 118, as amended) is repealed and a new Section 10-11-118 NMSA 1978 is enacted to read:

"10-11-118. COST-OF-LIVING ADJUSTMENTS--QUALIFIED PENSION RECIPIENT--DECLINING INCREASE.--

A. As used in this section:

(1) "cost-of-living adjustment hurdle rate" means the investment rate of return required to fund a cost-of-living adjustment in excess of one-half percent, as determined by the association's actuaries;

(2) "funded ratio" means the ratio of the actuarial value of the assets of the fund to the actuarial accrued liability of the association for payments from the fund, as determined by the association's actuaries;

(3) "preceding calendar year" means the full calendar year preceding the July 1 on which pensions are being adjusted; and

(4) "smoothed investment rate of return" means a calculation made by spreading the difference between the expected actuarial value in investment income and the actual market value investment income over a smoothing period, as determined by the association's actuaries.

B. A qualified pension recipient is eligible for a cost-of-living pension adjustment. A qualified pension recipient is:

(1) a normal retired member who has been retired for at least two full calendar years from the effective date of the latest retirement prior to July 1 of the year in which the pension is being adjusted;

(2) a normal retired member who has attained the age of sixty-five years and has been retired for at least one full calendar year from the effective date of the member's latest retirement prior to July 1 of the year in which the pension is being adjusted;

(3) a disability retired member who has been retired for at least one full calendar year from the effective date of the latest retirement prior to July 1 of the year in which the pension is being adjusted;

(4) a survivor beneficiary who has received a survivor pension for at least two full calendar years; or

(5) a survivor beneficiary of a deceased retired member who otherwise would have been retired at least two full calendar years from the effective date of the latest retirement prior to July 1 of the year in which the pension is being adjusted.

C. Except as provided in Subsections F, G and H of this section, during fiscal years 2021, 2022 and 2023, a qualified pension recipient shall receive an annual, non-compounding, additional payment. The amount of the payment shall be determined by multiplying the amount of annual pension payments, inclusive of all cost-of-living adjustments prior to fiscal year 2021, by two percent.

D. Beginning May 1, 2023 and no later than each May 1 thereafter, the retirement board shall certify to the association the:

(1) funded ratio as of June 30 of the preceding calendar year; and

(2) smoothed investment rate of return as of June 30 of the preceding calendar year.

E. Except as provided in Subsections F, G and H of this section, beginning July 1, 2023 and each July 1 thereafter, immediately following the retirement board's certification of the funded ratio and smoothed investment rate of return, the cost-of-living adjustment to a qualified pension recipient payable pursuant to the Public Employees Retirement Act shall be determined as an amount equal to the smoothed investment rate of return on the actuarial value of assets on June 30 of the preceding calendar year less the cost-of-living adjustment hurdle rate, as determined by the association's actuaries, multiplied by the funded ratio on June 30 of the preceding calendar year or five-tenths percent, whichever is greater, and subject to the following conditions:

(1) if the funded ratio of the fund is less than one hundred percent on June 30 of the preceding calendar year, the amount of the adjustment made pursuant to this subsection shall not exceed three percent;

(2) if the funded ratio of the fund is equal to or greater than one hundred percent on June 30 of the preceding calendar year, the adjustment made pursuant to this subsection shall not exceed five percent;

(3) notwithstanding the provisions of this subsection, a qualified pension recipient shall receive a minimum annual cost-of-living adjustment of five-tenths percent; and

(4) the amount of increase shall be determined by multiplying the amount of pension, inclusive of all prior adjustments, by the cost-of-living adjustment as determined by this subsection.

F. For a normal retired member who worked for at least twenty-five years under one or more applicable coverage plans and whose annual pension benefit, after all previous annual cost-of-living adjustments, is equal to an amount not greater than twenty-five thousand dollars (\$25,000), the pension benefit shall be increased by two and one-half percent each July 1. The amount of the increase shall be determined by multiplying the amount of pension, inclusive of all prior adjustments, by two and one-half percent.

G. For a disability retired member whose annual pension benefit, after all previous annual cost-of-living adjustments, is equal to an amount not greater than twenty-five thousand dollars (\$25,000), the pension benefit shall be increased by two and one-half percent each July 1. The amount of the increase shall be determined by multiplying the amount of pension, inclusive of all prior adjustments, by two and one-half percent.

H. For a normal retired member who has attained the age of seventy-five years prior to July 1, 2020, the pension benefit shall be increased by two and one-half percent each July 1. The amount of the increase shall be determined by multiplying the amount of pension, inclusive of all prior adjustments, by two and one-half percent.

I. A qualified pension recipient may decline an increase in a pension by giving the association written notice of the decision to decline the increase at least thirty days prior to the date the increase would take effect."

Chapter 11 Section 62 Laws 2020

SECTION 62. A new section of the Public Employees Retirement Act is enacted to read:

"CONTRIBUTION RATE REDUCTIONS--COVERAGE PLAN FUNDED RATIO.--

A. Prior to May 1 of each year, the retirement board shall certify to the association the coverage plan funded ratio for each coverage plan as of June 30 of the preceding calendar year.

B. If a certified coverage plan funded ratio is greater than or equal to eighty percent pursuant to Subsection A of this section, the retirement board shall certify to the association the projected funded ratio of the coverage plan, including any potential contribution rate reductions, for July 1 of the next succeeding fiscal year.

C. If the projected coverage plan funded ratio, calculated pursuant to Subsection B of this section, is equal to or greater than:

(1) eighty percent and less than ninety percent, the employer and employee contribution rates for the coverage plan shall each be reduced by five-tenths percent in the next fiscal year;

(2) ninety percent and less than one hundred percent, the employer and employee contribution rates for the coverage plan shall each be reduced by one percent in the next fiscal year; or

(3) one hundred percent, the employer and employee contribution rates for the coverage plan shall each be reduced by two percent in the next fiscal year.

D. The percentage of the employer and employee contribution shall not be reduced to less than the employer and employee contribution rates in effect on June 30, 2020."

Chapter 11 Section 63 Laws 2020

SECTION 63. TEMPORARY PROVISION--STATE POLICE MEMBER, CORRECTIONAL OFFICER MEMBER AND PROBATION AND PAROLE OFFICER MEMBER COVERAGE PLAN 1--JUVENILE CORRECTIONAL OFFICER MEMBER COVERAGE PLAN 1--ELECTIONS.--On or before May 1, 2021, the retirement board shall conduct an election to submit to juvenile correctional officer members currently contributing under juvenile correctional officer member coverage plan 1 the question of adopting state police member, correctional officer member and probation and parole officer member coverage plan 1. The election shall be conducted in accordance with procedures adopted by the retirement board, and the retirement board shall certify the results of the election to the secretary of state on or before July 1, 2021.

Chapter 11 Section 64 Laws 2020

SECTION 64. TEMPORARY PROVISION--STATE POLICE MEMBER, CORRECTIONAL OFFICER MEMBER AND PROBATION AND PAROLE OFFICER MEMBER COVERAGE PLAN 1--JUVENILE CORRECTIONAL OFFICER MEMBER COVERAGE PLAN 2--ELECTIONS.--On or before May 1, 2021, the retirement board shall conduct an election to submit to juvenile correctional officer members currently contributing under juvenile correctional officer member coverage plan 2 the question of adopting state police member, correctional officer member and probation and parole officer member coverage plan 1. The election shall be conducted in accordance with procedures adopted by the retirement board, and the retirement board shall certify the results of the election to the secretary of state on or before July 1, 2021.

Chapter 11 Section 65 Laws 2020

SECTION 65. TEMPORARY PROVISION--STATE POLICE MEMBER, CORRECTIONAL OFFICER MEMBER AND PROBATION AND PAROLE OFFICER MEMBER COVERAGE PLAN 1--ADULT PROBATION AND PAROLE OFFICER

MEMBERS--ELECTIONS.--On or before May 1, 2021, the retirement board shall conduct an election to submit to adult probation and parole officer members currently contributing under state general member coverage plan 3 the question of adopting state police member, correctional officer member and probation and parole officer member coverage plan 1. The election shall be conducted in accordance with procedures adopted by the retirement board, and the retirement board shall certify the results of the election to the secretary of state on or before July 1, 2021.

Chapter 11 Section 66 Laws 2020

SECTION 66. TEMPORARY PROVISION--STATE POLICE MEMBER, CORRECTIONAL OFFICER MEMBER AND PROBATION AND PAROLE OFFICER MEMBER COVERAGE PLAN 1--JUVENILE PROBATION AND PAROLE OFFICER MEMBERS--ELECTIONS.--On or before May 1, 2021, the retirement board shall conduct an election to submit to juvenile probation and parole officer members currently contributing under state general member coverage plan 3 the question of adopting state police member, correctional officer member and probation and parole officer member coverage plan 1. The election shall be conducted in accordance with procedures adopted by the retirement board, and the retirement board shall certify the results of the election to the secretary of state on or before July 1, 2021.

Chapter 11 Section 67 Laws 2020

SECTION 67. EFFECTIVE DATE.--

A. The effective date of the provisions of Section 62 of this act is July 1, 2022.

B. The effective date of the provisions of Sections 1 through 61 and 63 through 66 of this act is July 1, 2020.

LAWS 2020, CHAPTER 12

House Bill 10, aa
Approved March 2, 2020

AN ACT

RELATING TO PUBLIC SCHOOLS; ELIMINATING REDUCED-PRICE COPAYMENTS FOR SCHOOL BREAKFAST AND LUNCH PROGRAMS.

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

Chapter 12 Section 1 Laws 2020

SECTION 1. A new section of the Public School Code is enacted to read:

"SCHOOL MEALS--REDUCED-PRICE COPAYMENTS ELIMINATED.--

A. As used in this section:

(1) "reduced-price copayment" means the amount a reduced-price-eligible student would be charged for a reduced-price meal; and

(2) "reduced-price-eligible student" means a student who meets the federal income eligibility guidelines for family-size income levels for meals at a reduced price pursuant to the national school lunch program and the federal school breakfast program.

B. School districts and charter schools that administer a school breakfast or school lunch program shall not charge a reduced-price-eligible student a reduced-price copayment for meals.

C. The department shall provide funding to each school district and charter school that administers a school breakfast or school lunch program to cover the cost of eliminating reduced-price copayments. Funding shall be based on a per-meal basis at the difference between the federal free meal rate and the reduced-price copayment rate. When calculating the amount due a school district or charter school, the department shall assume that the number of reduced-price-eligible students will remain at the same level as the previous year. If a school district or charter school has not previously had a school breakfast program or school lunch program in which meals were served to reduced-price-eligible students, the department shall work with the school district or charter school to determine an accurate estimate of funding for the program.

D. By August 1 of each year, the department shall inform school districts and charter schools of the amounts the school districts and charter schools will receive to offset the elimination of reduced-price copayments for the upcoming school year. School districts and charter schools are not required to demonstrate their expenses to receive funding pursuant to this section.

E. The department shall promulgate rules necessary to implement the provisions of this section, including procedures for reimbursing school districts and charter schools."

Chapter 12 Section 2 Laws 2020

SECTION 2. APPLICABILITY.--The provisions of this act apply to the 2020-2021 and subsequent school years.

LAWS 2020, CHAPTER 13

Senate Bill 29, aa
Approved March 3, 2020

AN ACT

RELATING TO TAXATION; CREATING THE NEW SOLAR MARKET DEVELOPMENT INCOME TAX CREDIT.

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

Chapter 13 Section 1 Laws 2020

SECTION 1. A new section of the Income Tax Act is enacted to read:

"NEW SOLAR MARKET DEVELOPMENT INCOME TAX CREDIT.--

A. For taxable years prior to January 1, 2028, a taxpayer who is not a dependent of another individual and who, on or after March 1, 2020, purchases and installs a solar thermal system or a photovoltaic system in a residence, business or agricultural enterprise in New Mexico owned by that taxpayer, may apply for, and the department may allow, a credit against the taxpayer's tax liability imposed pursuant to the Income Tax Act in an amount provided in Subsection C of this section. The tax credit provided by this section may be referred to as the "new solar market development income tax credit".

B. The purpose of the new solar market development income tax credit is to encourage the installation of solar thermal and photovoltaic systems in residences, businesses and agricultural enterprises.

C. The department may allow a new solar market development income tax credit of ten percent of the purchase and installation costs of a solar thermal or photovoltaic system.

D. The new solar market development income tax credit shall not exceed six thousand dollars (\$6,000) per taxpayer per taxable year. The department shall allow a tax credit only for solar thermal and photovoltaic systems certified pursuant to Subsection E of this section.

E. A taxpayer shall apply for certification of eligibility for the new solar market development income tax credit from the energy, minerals and natural resources department on forms and in the manner prescribed by that department. The aggregate amount of credits that may be certified as eligible in any calendar year is eight million dollars (\$8,000,000). Completed applications shall be considered in the order received. Applications for certification received after this limitation has been met in a calendar

year shall not be approved. The application shall include proof of purchase and installation of a solar thermal or photovoltaic system, that the system meets technical specifications and requirements relating to safety, code and standards compliance, solar collector orientation and sun exposure, minimum system sizes, system applications and lists of eligible components and any additional information that the energy, minerals and natural resources department may require to determine eligibility for the credit. A dated certificate of eligibility shall be issued to the taxpayer providing the amount of the new solar market development income tax credit for which the taxpayer is eligible and the taxable year in which the credit may be claimed.

F. A taxpayer may claim a new solar market development income tax credit for the taxable year in which the taxpayer purchases and installs a solar thermal or photovoltaic system. To receive a new solar market development income tax credit, a taxpayer shall apply to the department on forms and in the manner prescribed by the department within twelve months following the calendar year in which the system was installed. The application shall include a certification made pursuant to Subsection E of this section.

G. That portion of a new solar market development income tax credit that exceeds a taxpayer's tax liability in the taxable year in which the credit is claimed may be carried forward for a maximum of five consecutive taxable years.

H. Married individuals filing separate returns for a taxable year for which they could have filed a joint return may each claim only one-half of the new solar market development income tax credit that would have been claimed on a joint return.

I. A taxpayer may be allocated the right to claim a new solar market development income tax credit in proportion to the taxpayer's ownership interest if the taxpayer owns an interest in a business entity that is taxed for federal income tax purposes as a partnership or limited liability company and that business entity has met all of the requirements to be eligible for the credit. The total credit claimed by all members of the partnership or limited liability company shall not exceed the allowable credit pursuant to this section.

J. A taxpayer allowed a tax credit pursuant to this section shall report the amount of the credit to the taxation and revenue department in a manner required by that department.

K. The taxation and revenue department shall compile an annual report on the new solar market development income tax credit that shall include the number of taxpayers approved by the department to receive the credit, the aggregate amount of credits approved and any other information necessary to evaluate the credit. The department shall present the report to the revenue stabilization and tax policy committee and the legislative finance committee with an analysis of the cost of the tax credit.

L. As used in this section:

(1) "photovoltaic system" means an energy system that collects or absorbs sunlight for conversion into electricity; and

(2) "solar thermal system" means an energy system that collects or absorbs solar energy for conversion into heat for the purposes of space heating, space cooling or water heating."

Chapter 13 Section 2 Laws 2020

SECTION 2. APPLICABILITY.--The provisions of this act apply to taxable years beginning on or after January 1, 2020.

LAWS 2020, CHAPTER 14

House Bill 50, aa
Approved March 3, 2020

AN ACT

RELATING TO INDUSTRIAL REVENUE BONDS; AMENDING THE INDUSTRIAL REVENUE BOND ACT TO INCLUDE CERTAIN ELECTRIC TRANSMISSION FACILITIES AS ELIGIBLE PROJECTS; AMENDING THE COUNTY INDUSTRIAL REVENUE BOND ACT TO INCLUDE CERTAIN ELECTRIC TRANSMISSION FACILITIES AS ELIGIBLE PROJECTS; REQUIRING PAYMENTS TO THE STATE FOR CERTAIN PROJECTS; REQUIRING PAYMENTS TO SCHOOL DISTRICTS FOR CERTAIN PROJECTS.

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

Chapter 14 Section 1 Laws 2020

SECTION 1. Section 3-32-1 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-31-1, as amended by Laws 2002, Chapter 25, Section 1 and by Laws 2002, Chapter 37, Section 1) is amended to read:

"3-32-1. INDUSTRIAL REVENUE BOND ACT--DEFINITIONS.-- Wherever used in the Industrial Revenue Bond Act unless a different meaning clearly appears in the context, the following terms whether used in the singular or plural shall be given the following respective interpretations:

A. "municipality" means a city, town or village in New Mexico;

B. "project" means any land and building or other improvements thereon, the acquisition by or for a New Mexico corporation of the assets or stock of an existing business or corporation located outside the state to be relocated within or near the municipality in the state and all real and personal properties deemed necessary in connection therewith, whether or not now in existence, which shall be suitable for use by the following or by any combination of two or more thereof:

(1) an industry for the manufacturing, processing or assembling of agricultural or manufactured products;

(2) a commercial enterprise in storing, warehousing, distributing or selling products of agriculture, mining or industry but does not include a facility designed for the sale of goods or commodities at retail or distribution to the public of electricity, gas, water or telephone or other services commonly classified as public utilities;

(3) a business in which all or part of the activities of the business involve the supplying of services to the general public or to governmental agencies or to a specific industry or customer but does not include an establishment primarily engaged in the sale of goods or commodities at retail;

(4) a water distribution or irrigation system, including without limitation, pumps, distribution lines, transmission lines, towers, dams and similar facilities and equipment, designed to provide water to a vineyard or winery;

(5) an electric generation or transmission facility other than one for which both location approval and a certificate of convenience and necessity are required prior to commencing construction or operation of the facility, pursuant to the Public Utility Act; and

(6) a 501(c)(3) corporation;

C. "governing body" means the board or body in which the legislative powers of the municipality are vested;

D. "property" means any land, improvements thereon, buildings and any improvements thereto, machinery and equipment of any and all kinds necessary to the project, operating capital and any other personal properties deemed necessary in connection with the project;

E. "mortgage" means a mortgage or a mortgage and deed of trust or the pledge and hypothecation of any assets as collateral security;

F. "health care service" means the diagnosis or treatment of sick or injured persons or medical research and includes the ownership, operation, maintenance, leasing and disposition of health care facilities such as hospitals, clinics, laboratories, x-

ray centers and pharmacies and, for any small municipality only, office facilities for physicians;

G. "refinance a hospital or 501(c)(3) corporation project" means the issuance of bonds by a municipality and the use of all or substantially all of the proceeds to liquidate any obligations previously incurred to finance or aid in financing a project of a nonprofit corporation engaged in health care services, including nursing homes, or of a 501(c)(3) corporation, which would constitute a project under the Industrial Revenue Bond Act had it been originally undertaken and financed by a municipality pursuant to the Industrial Revenue Bond Act; and

H. "501(c)(3) corporation" means a corporation that demonstrates to the taxation and revenue department that it has been granted exemption from the federal income tax as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended or renumbered."

Chapter 14 Section 2 Laws 2020

SECTION 2. Section 3-32-6 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-31-3, as amended) is amended to read:

"3-32-6. ADDITIONAL POWERS CONFERRED ON MUNICIPALITIES.--In addition to any other powers that it may now have, a municipality shall have the following powers:

A. to acquire, whether by construction, purchase, gift or lease, one or more projects that shall be located within this state and may be located within or without the municipality or partially within or partially without the municipality, but which shall not be located more than fifteen miles outside of the corporate limits of the municipality; provided that:

(1) urban transit buses qualifying as a project pursuant to Subsection B of Section 3-32-3 NMSA 1978 need not be continuously located within this state, but the commercial enterprise using the urban transit buses for leasing shall meet the location requirement of this subsection; and

(2) a municipality shall not acquire any electricity generation or transmission facility project unless the school district in which the project is located will receive the same amount, or greater, of annual in-lieu tax payments as would have been received in property taxes for the fully developed project had the project not been acquired;

B. to sell or lease or otherwise dispose of any or all of its projects upon such terms and conditions as the governing body may deem advisable and as shall not conflict with the provisions of the Industrial Revenue Bond Act;

C. to issue revenue bonds for the purpose of defraying the cost of acquiring by construction and purchase, or either, any project and to secure the payment of such bonds, all as provided in the Industrial Revenue Bond Act. No municipality shall have the power to operate any project as a business or in any manner except as lessor;

D. to refinance one or more hospital or 501(c)(3) corporation projects and to acquire any such hospital or 501(c)(3) corporation project whether by construction, purchase, gift or lease, which hospital or 501(c)(3) corporation project shall be located within this state and may be located within or without the municipality or partially within or partially without the municipality, but which shall not be located more than fifteen miles outside of the corporate limits of the municipality, and to issue revenue bonds to refinance and acquire a hospital or 501(c)(3) corporation project and to secure the payment of such bonds, all as provided in the Industrial Revenue Bond Act. A municipality shall not have the power to operate a hospital or 501(c)(3) corporation project as a business or in any manner except as lessor; and

E. to refinance one or more projects of any private institution of higher education and to acquire any such project, whether by construction, purchase, gift or lease; provided that the project shall be located within this state and may be located within or without the municipality or partially within or partially without the municipality, but the project shall not be located more than fifteen miles outside of the corporate limits of the municipality, and to issue revenue bonds to refinance and acquire any project of any private institution of higher education and to secure the payment of such bonds. A municipality shall not have the power to operate a project of a private institution of higher education as a business or in any manner except as lessor."

Chapter 14 Section 3 Laws 2020

SECTION 3. A new section of the Industrial Revenue Bond Act is enacted to read:

"ELECTRIC TRANSMISSION PROJECTS--PAYMENTS TO THE STATE.--The state shall receive annual payments equal to five percent of the total amount of in-lieu tax payments made by a person proposing an electric transmission project to counties, municipalities and other local entities authorized to levy taxes on property, including in-lieu tax payments made to school districts pursuant to Paragraph (2) of Subsection A of Section 3-32-6 NMSA 1978, and five percent of the value of any other consideration paid to local entities authorized to levy taxes on property by a person proposing an electric transmission project. A copy of any agreement providing for such in-lieu tax payments shall be provided to the secretary of finance and administration within thirty days of written approval of such agreement by all of the parties. Each annual payment to the state shall be made no later than the end of each fiscal year in which in-lieu tax payments are made to local taxing entities. Each annual payment shall be made to the department of finance and administration for deposit to the general fund."

Chapter 14 Section 4 Laws 2020

SECTION 4. Section 4-59-2 NMSA 1978 (being Laws 1975, Chapter 286, Section 2, as amended) is amended to read:

"4-59-2. DEFINITIONS.--As used in the County Industrial Revenue Bond Act, unless the context clearly indicates otherwise:

- A. "commission" means the governing body of a county;
- B. "county" means a county organized or incorporated in New Mexico;
- C. "501(c)(3) corporation" means a corporation that demonstrates to the taxation and revenue department that it has been granted exemption from the federal income tax as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended or renumbered;
- D. "health care service" means the diagnosis or treatment of sick or injured persons or medical research and includes the ownership, operation, maintenance, leasing and disposition of health care facilities, such as hospitals, clinics, laboratories, x-ray centers and pharmacies;
- E. "mortgage" means a mortgage or a mortgage and deed of trust or the pledge and hypothecation of any assets as collateral security;
- F. "project" means any land and building or other improvements thereon, the acquisition by or for a New Mexico corporation of the assets or stock of an existing business or corporation located outside the state to be relocated within a county but, except as provided in Paragraph (1) of Subsection A of Section 4-59-4 NMSA 1978, not within the boundaries of any incorporated municipality in the state, and all real and personal properties deemed necessary in connection therewith, whether or not now in existence, that shall be suitable for use by the following or by any combination of two or more thereof:
 - (1) an industry for the manufacturing, processing or assembling of agricultural or manufactured products;
 - (2) a commercial enterprise that has received a permit from the energy, minerals and natural resources department for a mine that has not been in operation prior to the issuance of bonds for the project for which the enterprise will be involved;
 - (3) a commercial enterprise that has received any necessary state permit for a refinery, treatment plant or processing plant of energy products that was not in operation prior to the issuance of bonds for the project for which the enterprise will be involved;

(4) a commercial enterprise in storing, warehousing, distributing or selling products of agriculture, mining or industry, but does not include a facility designed for the sale or distribution to the public of electricity, gas, telephone or other services commonly classified as public utilities, except for:

(a) water utilities; and

(b) any electric generation or transmission facility other than one for which both location approval and a certificate of convenience and necessity are required prior to commencing construction or operation of the facility, pursuant to the Public Utility Act;

(5) a business in which all or part of the activities of the business involve the supplying of services to the general public or to governmental agencies or to a specific industry or customer;

(6) a nonprofit corporation engaged in health care services;

(7) a mass transit or other transportation activity involving the movement of passengers, an industrial park, an office headquarters and a research facility;

(8) a water distribution or irrigation system, including without limitation, pumps, distribution lines, transmission lines, towers, dams and similar facilities and equipment; and

(9) a 501(c)(3) corporation; and

G. "property" means any land, improvements thereon, buildings and any improvements thereto, machinery and equipment of any and all kinds necessary to the project, operating capital and any other personal properties deemed necessary in connection with the project."

Chapter 14 Section 5 Laws 2020

SECTION 5. Section 4-59-4 NMSA 1978 (being Laws 1975, Chapter 286, Section 4, as amended) is amended to read:

"4-59-4. ADDITIONAL POWERS CONFERRED ON COUNTIES.--In addition to any other powers that it may now have, each county shall have the following powers:

A. to acquire, whether by construction, purchase, gift or lease, one or more projects, which shall be located within this state and shall be located within the county outside the boundaries of any incorporated municipality; provided, however, that:

(1) a class A county with a population of more than three hundred thousand may acquire projects located anywhere in the county; and

(2) a county shall not acquire any electricity generation or transmission facility project unless the school district in which the project is located will receive the same amount, or greater, of annual in-lieu tax payments as would have been received in property taxes for the fully developed project had the project not been acquired;

B. to sell or lease or otherwise dispose of any or all of its projects upon such terms and conditions as the commission may deem advisable and as shall not conflict with the provisions of the County Industrial Revenue Bond Act; and

C. to issue revenue bonds for the purpose of defraying the cost of acquiring, by construction and purchase or either, any project and to secure the payment of such bonds, all as provided in the County Industrial Revenue Bond Act. No county shall have the power to operate any project as a business or in any manner except as lessor thereof."

Chapter 14 Section 6 Laws 2020

SECTION 6. A new section of the County Industrial Revenue Bond Act is enacted to read:

"ELECTRIC TRANSMISSION PROJECTS--PAYMENTS TO THE STATE.--The state shall receive annual payments equal to five percent of the total amount of in-lieu tax payments made to counties, municipalities and other local entities authorized to levy taxes on property, including in-lieu tax payments made to school districts pursuant to Paragraph (2) of Subsection A of Section 4-59-4 NMSA 1978, and five percent of the value of any other consideration paid to local entities authorized to levy taxes on property by a person proposing an electric transmission project. A copy of any agreement providing for such in-lieu tax payments shall be provided to the secretary of finance and administration within thirty days of written approval of such agreement by all of the parties. Each annual payment to the state shall be made no later than the end of each fiscal year in which in-lieu tax payments are made to local taxing entities. Each annual payment shall be made to the department of finance and administration for deposit to the general fund."

Chapter 14 Section 7 Laws 2020

SECTION 7. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2020.

LAWS 2020, CHAPTER 15

House Bill 233, aa

Approved March 3, 2020

AN ACT

RELATING TO ENERGY; DIRECTING THE ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT TO DEVELOP A ROADMAP FOR GRID MODERNIZATION; ESTABLISHING A GRID MODERNIZATION GRANT PROGRAM; ENABLING A PUBLIC UTILITY TO SUBMIT AN APPLICATION TO THE PUBLIC REGULATION COMMISSION TO MODERNIZE GRID TRANSMISSION AND DISTRIBUTION INFRASTRUCTURE; ALLOWING UTILITIES TO RECOVER CERTAIN COSTS FOR GRID MODERNIZATION PROJECTS; CREATING A FUND.

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

Chapter 15 Section 1 Laws 2020

SECTION 1. A new section of Chapter 71 NMSA 1978 is enacted to read:

"GRID MODERNIZATION ROADMAP AND GRANT PROGRAM.--

A. The energy, minerals and natural resources department shall develop a roadmap for grid modernization that shall detail priorities and strategies to modernize New Mexico's electric grid.

B. The department shall establish a grid modernization grant program to support implementation of a modern grid by providing grants to eligible projects proposed by:

- (1) municipalities and county governments;
- (2) state agencies;
- (3) state universities;
- (4) public schools;
- (5) post-secondary educational institutions; and
- (6) Indian nations, tribes and pueblos.

C. The department shall adopt rules establishing the application procedure, the required qualifications for projects and the purposes for which the grant may be used. In approving grants, consideration shall be given to:

- (1) the extent to which the project improves electrical system efficiency, reliability, resilience and security; lowers operations and maintenance costs;

and meets energy demands through a flexible, diversified and distributed energy portfolio consistent with New Mexico's energy goals;

(2) the extent to which the project incorporates a new technology or a new or innovative application of an existing technology that will provide useful information to the state, utilities, electric cooperatives and the general public related to grid modernization;

(3) the degree to which the project fosters the general public's, students' or a specific government or industry sector's overall understanding and appreciation of the benefits of modernizing the electric grid;

(4) the extent to which the project complements or coordinates with the resource planning of a public utility as required by the Public Utility Act; and

(5) the extent to which the project stimulates in-state economic development, including the creation of jobs and apprenticeships.

D. Grants shall be awarded on a competitive basis, and priority shall be given to proposals that use matching funds from non-state sources. The grant program shall seek to fund applicants in each of the following categories:

(1) an Indian nation, tribe or pueblo;

(2) a rural community served by a rural electric cooperative;

(3) a rural community served by an investor-owned public utility;

(4) an urban or semi-urban municipality or county; and

(5) an institution of higher education.

E. Projects receiving a grant from the grid modernization grant program shall be required to be coordinated with the electric service provider that serves the entity in order to ensure that the program does not adversely impact electrical system efficiency, reliability, resilience and security.

F. The department shall provide a report on the grid modernization grant program to the legislative finance committee prior to each regular legislative session. The report shall include:

(1) a list of grant recipients;

(2) the amount and date of each grant;

(3) a description of each project funded; and

(4) a description of how each project contributes to grid modernization and demonstrates increased electric grid reliability, resilience, security; creates economic benefits; or pilots or demonstrates new technologies or new implementations of existing technologies.

G. For the purposes of this section:

(1) "department" means the energy, minerals and natural resources department; and

(2) "grid modernization" means improvements to electric distribution or transmission infrastructure, including related data analytics equipment, that are designed to accommodate or facilitate the integration of renewable electric generation resources with the electric distribution grid or to otherwise enhance electric distribution or transmission grid reliability, grid security, demand response capability, customer service or energy efficiency or conservation and includes:

(a) advanced metering infrastructure that facilitates metering and providing related price signals to users to incentivize shifting demand;

(b) intelligent grid devices for real time system and asset information at key substations and large industrial customers;

(c) automated control systems for electric distribution circuits and substations;

(d) communications networks for service meters;

(e) distribution system hardening projects for circuits and substations designed to reduce service outages or service restoration times;

(f) physical security measures at key distribution substations;

(g) cybersecurity measures;

(h) energy storage systems and microgrids that support circuit-level grid stability, power quality, reliability or resiliency or provide temporary backup energy supply;

(i) electrical facilities and infrastructure necessary to support electric vehicle charging systems;

(j) new customer information platforms designed to provide improved customer access, greater service options and expanded access to energy usage information; and

(k) other new technologies that may be developed regarding the electric grid."

Chapter 15 Section 2 Laws 2020

SECTION 2. A new section of Chapter 71 NMSA 1978 is enacted to read:

"GRID MODERNIZATION GRANT FUND--CREATED.--The "grid modernization grant fund" is created in the state treasury. The fund consists of appropriations, gifts, grants and donations. The energy, minerals and natural resources department shall administer the fund, and money in the fund is subject to appropriation by the legislature to the department for the purpose of administering the grid modernization grant program. Disbursements from the fund shall be made upon warrants drawn by the secretary of finance and administration pursuant to vouchers signed by the secretary of energy, minerals and natural resources or the secretary's designee. Any unexpended and unencumbered balance in the fund remaining at the end of any fiscal year shall not revert to the general fund."

Chapter 15 Section 3 Laws 2020

SECTION 3. A new section of the Public Utility Act is enacted to read:

"APPLICATION FOR GRID MODERNIZATION PROJECTS.--

A. A public utility may file an application with the commission to approve grid modernization projects that are needed by the utility, or upon request of the commission. Applications may include requests for approval of investments or incentives to facilitate grid modernization, rate designs or programs that incorporate the use of technologies, equipment or infrastructure associated with grid modernization and customer education and outreach programs that increase awareness of grid modernization programs and of the benefits of grid modernization. Applications shall include the utility's estimate of costs for grid modernization projects. Applications for grid modernization projects shall be filed pursuant to Sections 62-9-1 and 62-9-3 NMSA 1978, as applicable.

B. When considering applications for approval, the commission shall review the reasonableness of a proposed grid modernization project and as part of that review shall consider whether the requested investments, incentives, programs and expenditures are:

(1) reasonably expected to improve the public utility's electrical system efficiency, reliability, resilience and security; maintain reasonable operations, maintenance and ratepayer costs; and meet energy demands through a flexible, diversified and distributed energy portfolio, including energy standards established in Section 62-16-4 NMSA 1978;

(2) designed to support connection of New Mexico's electrical grid into regional energy markets and increase New Mexico's capability to supply regional energy needs through export of clean and renewable electricity;

(3) reasonably expected to increase access to and use of clean and renewable energy, with consideration given for increasing access to low-income users and users in underserved communities;

(4) designed to contribute to the reduction of air pollution, including greenhouse gases;

(5) reasonably expected to support increased product and program offerings by utilities to their customers; allow for private capital investments and skilled jobs in related services; and provide customer protection, information or education;

(6) transparent, incorporating public reporting requirements to inform project design and commission policy; and

(7) otherwise consistent with the state's grid modernization planning process and priorities.

C. Except as provided in Subsection D of this section, a public utility that undertakes grid modernization projects approved by the commission may recover its reasonable costs through an approved tariff rider or in base rates, or by a combination of the two. Costs that are no greater than the amount approved by the commission for a utility grid modernization project are presumed to be reasonable. A tariff rider proposed by a public utility to fund approved grid modernization projects shall go into effect thirty days after filing, unless suspended by the commission for a period not to exceed one hundred eighty days. If the tariff rider is not approved or suspended within thirty days after filing, it shall be deemed approved as a matter of law. If the commission has not acted to approve or disapprove the tariff rider by the end of the suspension period, it shall be deemed approved as a matter of law.

D. Costs for a grid modernization project that only benefits customers of an electric distribution system shall not be recovered from customers served at a level of one hundred ten thousand volts or higher from an electric transmission system in New Mexico.

E. The provisions of this section do not apply to a distribution cooperative organized pursuant to the Rural Electric Cooperative Act.

F. As used in this section, "grid modernization" means improvements to electric distribution or transmission infrastructure through investments in assets, technologies or services that are designed to modernize the electrical system by enhancing electric distribution or transmission grid reliability, resilience, interconnection of distributed energy resources, distribution system efficiency, grid security against

cyber and physical threats, customer service or energy efficiency and conservation and includes:

- (1) advanced metering infrastructure and associated communications networks;
- (2) intelligent grid devices for real time or near-real time system and asset information;
- (3) automated control systems for electric transmission and distribution circuits and substations;
- (4) high-speed, low-latency communications networks for grid device data exchange and remote and automated control of devices;
- (5) distribution system hardening projects for circuits, not including the conversion of overhead tap lines to underground service and substations designed to reduce service outages or service restoration times;
- (6) physical security measures at critical distribution substations;
- (7) cybersecurity measures;
- (8) systems or technologies that enhance or improve distribution system planning capabilities by the public utility;
- (9) technologies to enable demand response;
- (10) energy storage systems and microgrids that support circuit-level grid stability, power quality, reliability or resiliency or provide temporary backup energy supply;
- (11) infrastructure and equipment necessary to support electric vehicle charging or the electrification of community infrastructure or industrial production, processing, or transportation; and
- (12) new customer information platforms designed to provide improved customer access, greater service options and expanded access to energy usage information."

LAWS 2020, CHAPTER 16

House Bill 21, aa
Approved March 4, 2020

AN ACT

RELATING TO EMPLOYMENT LAW; PROVIDING THAT NONDISCLOSURE AGREEMENTS IN SEXUAL HARASSMENT, DISCRIMINATION OR RETALIATION CASES ARE UNENFORCEABLE.

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

Chapter 16 Section 1 Laws 2020

SECTION 1. WORKPLACE SEXUAL HARASSMENT, DISCRIMINATION AND RETALIATION CLAIMS--NONDISCLOSURE AGREEMENTS AND CERTAIN ACTIONS PROHIBITED.--

A. A private employer shall not, as a term of employment, require an employee to sign a nondisclosure provision of a settlement agreement relating to a claim of sexual harassment, discrimination or retaliation in the workplace brought by the employee or prevent the employee from disclosing a claim of sexual harassment, discrimination or retaliation occurring in the workplace or at a work-related event coordinated by or through the employer.

B. This section does not prohibit a settlement agreement between an employee or former employee alleging sexual harassment, discrimination or retaliation from containing confidentiality provisions. A confidentiality provision is permitted when:

- (1) it relates to the monetary amount of a settlement; or
- (2) at the employee's request, it prohibits disclosure of facts that could lead to the identification of the employee.

C. At the sole request of the employee, a settlement agreement subject to this section may contain a confidentiality provision that prevents the disclosure of factual information related to the underlying sexual harassment, discrimination or retaliation claim. The provisions of this subsection shall not be construed to prevent disclosure of information that is the subject of the confidentiality provision if disclosure is required to be made in a judicial, administrative or other governmental proceeding pursuant to a valid subpoena or other applicable order as otherwise required by law.

D. Except as provided in Subsections B and C of this section, a confidentiality provision in a settlement agreement subject to this section is void and unenforceable as a matter of law.

Chapter 16 Section 2 Laws 2020

SECTION 2. APPLICABILITY.--The provisions of this act apply to agreements entered into between a private employer and an employee or former employee on or after May 20, 2020.

LAWS 2020, CHAPTER 17

House Bill 93
Approved March 4, 2020

AN ACT

RELATING TO UTILITIES; AMENDING A PROVISION OF THE EFFICIENT USE OF ENERGY ACT; CLARIFYING THAT A RATE ADJUSTMENT MECHANISM MAY BE ADOPTED TO ENSURE THAT REVENUE PER CUSTOMER IN A RATE CASE REMAINS CONSTANT WITHOUT REGARD TO THE QUANTITY OF EITHER ELECTRICITY OR NATURAL GAS SOLD.

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

Chapter 17 Section 1 Laws 2020

SECTION 1. Section 62-17-5 NMSA 1978 (being Laws 2005, Chapter 341, Section 5, as amended) is amended to read:

"62-17-5. COMMISSION APPROVAL--ENERGY EFFICIENCY AND LOAD MANAGEMENT PROGRAMS--DISINCENTIVES.--

A. Pursuant to the findings and purpose of the Efficient Use of Energy Act, the commission shall consider public utility acquisition of cost-effective energy efficiency and load management resources to be in the public interest.

B. The commission shall direct public utilities to evaluate and implement cost-effective programs that reduce energy demand and consumption.

C. Before the commission approves an energy efficiency and load management program for a public utility, it shall find that the portfolio of programs is cost-effective and designed to provide every affected customer class with the opportunity to participate and benefit economically. The commission shall determine the cost-effectiveness of energy efficiency and load management measures using the utility cost test. In determining life-cycle costs and benefits of energy efficiency programs, the commission shall not adjust for taxes when selecting a discount rate. In determining life-cycle costs and benefits for energy efficiency and load management programs directed to low-income customers, the commission shall either quantify or assign a reasonable value to:

- (1) reductions in working capital;
- (2) reduced collection costs;
- (3) lower bad-debt expense;

- (4) improved customer service effectiveness; and
- (5) other appropriate factors as utility system economic benefits.

D. The commission shall act expeditiously on public utility requests for approval of energy efficiency or load management programs.

E. Public utilities shall obtain commission approval of energy efficiency and load management programs before they are implemented. Public utilities proposing new energy efficiency and load management programs shall, before seeking commission approval, solicit nonbinding recommendations on the design, implementation and use of third-party energy service contractors through competitive bidding on the programs from commission staff, the attorney general, the energy, minerals and natural resources department and other interested parties. The commission may for good cause require public utilities to solicit competitive bids for energy efficiency and load management resources.

F. The commission shall:

- (1) upon petition or its own motion, identify and remove regulatory disincentives or barriers for public utility expenditures on energy efficiency and load management measures in a manner that balances the public interest, consumers' interests and investors' interests;

- (2) upon petition by a public utility, remove regulatory disincentives through the adoption of a rate adjustment mechanism that ensures that the revenue per customer approved by the commission in a general rate case proceeding is recovered by the public utility without regard to the quantity of electricity or natural gas actually sold by the public utility subsequent to the date the rate took effect. Regulatory disincentives removed through a rate adjustment mechanism shall be separately calculated for the rate class or classes to which the mechanism applies and collected or refunded by the utility through a separately identified tariff rider that shall not be used to collect commission-approved energy efficiency and load management program costs and incentives;

- (3) provide public utilities an opportunity to earn a profit on cost-effective energy efficiency and load management resource development that, with satisfactory program performance, is financially more attractive to the utility than supply-side utility resources; and

- (4) not reduce a utility's return on equity based on approval of a disincentive removal mechanism or profit incentives pursuant to the Efficient Use of Energy Act.

G. Public utilities providing electricity and natural gas service to New Mexico customers shall, subject to commission approval, acquire the cost-effective and

achievable energy efficiency and load management resources available in their service territories. This requirement, however, for public utilities providing electricity service, shall not be less than savings of five percent of 2020 total retail kilowatt-hour sales to New Mexico customer classes that have the opportunity to participate in calendar year 2025 as a result of energy efficiency and load management programs implemented in years 2021 through 2025. No later than June 30, 2025, the commission shall adopt, through rulemaking, energy savings targets for electric utilities for years 2026 through 2030 based on cost-effective and achievable energy savings and provide utility incentives based on savings achieved.

H. A public utility that determines it cannot achieve the minimum requirements established in Subsection G of this section shall report to the commission on why it cannot meet those requirements and shall propose alternative requirements based on acquiring cost-effective and achievable energy efficiency and load management resources. If the commission determines, after hearing, that the minimum requirements of Subsection G of this section exceed the achievable amount of energy efficiency and load management available to the public utility or that the program costs of energy efficiency and load management to achieve the minimum requirements of Subsection G of this section exceed the program costs funding established in Subsection A of Section 62-17-6 NMSA 1978, the commission shall establish lower minimum energy savings requirements for the utility based on the maximum amount of energy efficiency and load management that it determines can be achieved."

LAWS 2020, CHAPTER 18

House Bill 109
Approved March 4, 2020

AN ACT

RELATING TO TAXATION; EXTENDING THE SUNSET FOR A GROSS RECEIPTS TAX AND GOVERNMENTAL GROSS RECEIPTS TAX DEDUCTION FOR DURABLE MEDICAL EQUIPMENT AND MEDICAL SUPPLIES.

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

Chapter 18 Section 1 Laws 2020

SECTION 1. Section 7-9-73.3 NMSA 1978 (being Laws 2014, Chapter 26, Section 1) is amended to read:

"7-9-73.3. DEDUCTION--GROSS RECEIPTS TAX AND GOVERNMENTAL GROSS RECEIPTS TAX--DURABLE MEDICAL EQUIPMENT--MEDICAL SUPPLIES.--

A. Prior to July 1, 2030, receipts from the sale or rental of durable medical equipment and medical supplies may be deducted from gross receipts and governmental gross receipts.

B. The purpose of the deduction provided in this section is to help protect jobs and retain businesses in New Mexico that sell or rent durable medical equipment and medical supplies.

C. A taxpayer allowed a deduction pursuant to this section shall report the amount of the deduction separately in a manner required by the department.

D. The deduction provided in this section shall be taken only by a taxpayer participating in the New Mexico medicaid program whose gross receipts are no less than ninety percent derived from the sale or rental of durable medical equipment, medical supplies or infusion therapy services, including the medications used in infusion therapy services.

E. Acceptance of a deduction provided by this section is authorization by the taxpayer receiving the deduction for the department to reveal information to the revenue stabilization and tax policy committee and the legislative finance committee necessary to analyze the effectiveness and cost of the deduction and whether the deduction is performing the purpose for which it was created.

F. The department shall compile an annual report on the deduction provided by this section that shall include the number of taxpayers approved by the department to receive the deduction, the aggregate amount of deductions approved and any other information necessary to evaluate the effectiveness of the deduction. The department shall present the report to the revenue stabilization and tax policy committee and the legislative finance committee with an analysis of the effectiveness and cost of the deduction and whether the deduction is performing the purpose for which it was created.

G. As used in this section:

(1) "durable medical equipment" means a medical assistive device or other equipment that:

(a) can withstand repeated use;

(b) is primarily and customarily used to serve a medical purpose and is not useful to an individual in the absence of an illness, injury or other medical necessity, including improved functioning of a body part;

(c) is appropriate for use at home exclusively by the eligible recipient for whom the durable medical equipment is prescribed; and

(d) is prescribed by a physician or other person licensed by the state to prescribe durable medical equipment;

(2) "infusion therapy services" means the administration of prescribed medication through a needle or catheter;

(3) "medical supplies" means items for a course of medical treatment, including nutritional products, that are:

(a) necessary for an ongoing course of medical treatment;

(b) disposable and cannot be reused; and

(c) prescribed by a physician or other person licensed by the state to prescribe medical supplies; and

(4) "prescribe" means to authorize the use of an item or substance for a course of medical treatment."

Chapter 18 Section 2 Laws 2020

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2020.

LAWS 2020, CHAPTER 19

HTRC/House Bill 117
Approved March 4, 2020

AN ACT

RELATING TO TAXATION; AMENDING THE LODGERS' TAX ACT TO ALTER CERTAIN EXEMPTIONS; CHANGING THE ALLOWABLE USES OF OCCUPANCY TAX REVENUE.

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

Chapter 19 Section 1 Laws 2020

SECTION 1. Section 3-38-13 NMSA 1978 (being Laws 1969, Chapter 199, Section 1, as amended) is amended to read:

"3-38-13. SHORT TITLE.--Sections 3-38-13 through 3-38-25 NMSA 1978 may be cited as the "Lodgers' Tax Act"."

Chapter 19 Section 2 Laws 2020

SECTION 2. Section 3-38-14 NMSA 1978 (being Laws 1969, Chapter 199, Section 2, as amended) is amended to read:

"3-38-14. DEFINITIONS.--As used in the Lodgers' Tax Act:

- A. "gross taxable rent" means the total amount of rent paid for lodging, not including the state gross receipts tax or local sales taxes;
- B. "lodging" means the transaction of furnishing rooms or other accommodations by a vendor to a vendee who for rent uses, possesses or has the right to use or possess the rooms or other units of accommodations in or at a taxable premises;
- C. "lodgings" means the rooms or other accommodations furnished by a vendor to a vendee by a taxable service of lodging;
- D. "occupancy tax" means the tax on lodging authorized by the Lodgers' Tax Act;
- E. "person" means a corporation, firm, other body corporate, partnership, association or individual. "Person" includes an executor, administrator, trustee, receiver or other representative appointed according to law and acting in a representative capacity. "Person" does not include the United States of America, the state of New Mexico, any corporation, department, instrumentality or agency of the federal government or the state government or any political subdivision of the state;
- F. "rent" means the consideration received by a vendor in money, credits, property or other consideration valued in money for lodgings subject to an occupancy tax authorized in the Lodgers' Tax Act;
- G. "taxable premises" means a hotel, motel or other premises used for lodging that is not the vendee's household or primary residence;
- H. "temporary lodging" means lodgings for the purpose of housing a vendee within proximity of the vendee's employment or job location;
- I. "tourist" means a person who travels for the purpose of business, pleasure or culture to a municipality or county imposing an occupancy tax;
- J. "tourist-related events" means events that are planned for, promoted to and attended by tourists;
- K. "tourist-related facilities and attractions" means facilities and attractions that are intended to be used by or visited by tourists;

L. "tourist-related transportation systems" means transportation systems that provide transportation for tourists to and from tourist-related facilities and attractions and tourist-related events;

M. "vendee" means a natural person to whom lodgings are furnished in the exercise of the taxable service of lodging; and

N. "vendor" means a person or the person's agent furnishing lodgings in the exercise of the taxable service of lodging."

Chapter 19 Section 3 Laws 2020

SECTION 3. Section 3-38-15 NMSA 1978 (being Laws 1969, Chapter 199, Section 3, as amended) is amended to read:

"3-38-15. AUTHORIZATION OF TAX--LIMITATIONS ON USE OF PROCEEDS.--

A. A municipality may impose by ordinance an occupancy tax for revenues on lodging within the municipality, and the board of county commissioners of a county may impose by ordinance an occupancy tax for revenues on lodging within that part of the county outside of the incorporated limits of a municipality.

B. The occupancy tax shall not exceed five percent of the gross taxable rent.

C. Every vendor who is furnishing any lodgings within a municipality or county is exercising a taxable privilege.

D. The following portions of the proceeds from the occupancy tax that are collected based on the first thirty days a vendee rents lodgings in taxable premises shall be used only for advertising, publicizing and promoting tourist-related facilities and attractions and tourist-related events:

(1) if the municipality or county imposes an occupancy tax of no more than two percent, not less than one-fourth of the proceeds shall be used for those purposes;

(2) if the occupancy tax imposed is more than two percent and the municipality is not located in a class A county or the county is not a class A county, not less than one-half of the proceeds from the first three percent of the occupancy tax and not less than one-fourth of the proceeds from the occupancy tax in excess of three percent shall be used for those purposes; and

(3) if the occupancy tax imposed is more than two percent and the municipality is located in a class A county or the county is a class A county, not less than one-half of the proceeds from the occupancy tax shall be used for those purposes.

E. The proceeds from the occupancy tax that are collected based on the first thirty days a vendee rents lodgings in taxable premises in excess of the amount required to be used for advertising, publicizing and promoting tourist-related facilities and attractions and tourist-related events may be used for any purpose authorized in Section 3-38-21 NMSA 1978.

F. The proceeds from the occupancy tax that are required to be used to advertise, publicize and promote tourist-related facilities and attractions and tourist-related events shall be used within two years of the close of the fiscal year in which they were collected and shall not be accumulated beyond that date or used for any other purpose.

G. Notwithstanding the provisions of Paragraph (2) of Subsection D of this section, any use by a municipality or county of occupancy tax proceeds on January 1, 1996 may continue to be so used after July 1, 1996 in accordance with the provisions of this section and Section 3-38-21 NMSA 1978 as they were in effect prior to July 1, 1996; provided, any change in the use of those occupancy tax proceeds after July 1, 1996 is subject to the limitations of that paragraph.

H. Notwithstanding the provisions of Paragraph (2) of Subsection D of this section, the payment of principal and interest on outstanding bonds issued prior to January 1, 1996 pursuant to Section 3-38-23 or 3-38-24 NMSA 1978 shall be made in accordance with the retirement schedules of the bonds established at the time of issuance. The amount of expenditures required under Paragraph (2) of Subsection D of this section shall be reduced each year, if necessary, to make the required payments of principal and interest of all outstanding bonds issued prior to January 1, 1996."

Chapter 19 Section 4 Laws 2020

SECTION 4. Section 3-38-16 NMSA 1978 (being Laws 1969, Chapter 199, Section 4, as amended) is amended to read:

"3-38-16. EXEMPTIONS.--The occupancy tax shall not apply:

A. if a vendee:

(1) has been a permanent resident of the taxable premises for a period of at least thirty consecutive days, unless those premises are temporary lodging; or

(2) enters into or has entered into a written agreement for lodgings at the taxable premises for a period of at least thirty consecutive days, unless those premises are temporary lodging;

B. if the rent paid by a vendee is less than two dollars (\$2.00) a day;

C. to lodging accommodations at institutions of the federal government, the state or any political subdivision thereof;

D. to lodging accommodations at religious, charitable, educational or philanthropic institutions, including accommodations at summer camps operated by such institutions;

E. to clinics, hospitals or other medical facilities; or

F. to privately owned and operated convalescent homes or homes for the aged, infirm, indigent or chronically ill."

Chapter 19 Section 5 Laws 2020

SECTION 5. Section 3-38-21 NMSA 1978 (being Laws 1969, Chapter 199, Section 9, as amended) is amended to read:

"3-38-21. ELIGIBLE USES OF TAX PROCEEDS.--

A. Subject to the limitations contained in Section 3-38-15 NMSA 1978, a municipality or county imposing an occupancy tax may use the proceeds from the occupancy tax that are collected based on the first thirty days a vendee rents lodgings in taxable premises to defray costs of:

(1) collecting and otherwise administering the occupancy tax, including the performance of audits required by the Lodgers' Tax Act pursuant to guidelines issued by the department of finance and administration;

(2) establishing, operating, purchasing, constructing, otherwise acquiring, reconstructing, extending, improving, equipping, furnishing or acquiring real property or any interest in real property for the site or grounds for tourist-related facilities and attractions or tourist-related transportation systems of the municipality, the county in which the municipality is located or the county;

(3) the principal of and interest on any prior redemption premiums due in connection with and any other charges pertaining to revenue bonds authorized by Section 3-38-23 or 3-38-24 NMSA 1978;

(4) advertising, publicizing and promoting tourist-related attractions, facilities and events of the municipality or county and tourist-related facilities, attractions and events within the area;

(5) providing police and fire protection and sanitation service for tourist-related facilities, attractions and events located in the respective municipality or county;

(6) providing a required minimum revenue guarantee for air service to the municipality or county to increase the ability of tourists to easily access the municipality's or county's tourist-related facilities, attractions and events; or

(7) any combination of the foregoing purposes or transactions stated in this section, but for no other municipal or county purpose.

B. A municipality or county imposing an occupancy tax may use the proceeds from the occupancy tax that are collected based on the thirty-first and subsequent days a vendee rents lodgings in taxable premises for any municipality or county purpose; provided that the use is stated in the ordinance imposing the tax.

C. As used in this section, "minimum revenue guarantee" is the amount of money guaranteed by a municipality or county to be earned by an airline providing air services to and from that municipality or county, which is the difference between the minimum flight charge revenue specified in the contract between the municipality or county and the airline and the amount of actual flight charge revenue received by the airline that is less than that contractual amount."

Chapter 19 Section 6 Laws 2020

SECTION 6. A new section of the Lodgers' Tax Act, Section 3-38-25 NMSA 1978, is enacted to read:

"3-38-25. MAINTAINING REVENUE DEDICATION.--If a municipality or county has dedicated any amount of revenue attributable to a tax imposed pursuant to the Lodgers' Tax Act, the municipality or county shall continue to dedicate the same amount of revenue attributable to the tax until the ordinance dedicating the revenue expires, the term of the dedication expires, the governing body acts to change the dedication or, in the case of bonded indebtedness, the debt is fully discharged or otherwise provided for in full."

Chapter 19 Section 7 Laws 2020

SECTION 7. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2020.

LAWS 2020, CHAPTER 20

House Bill 146
Approved March 4, 2020

AN ACT

RELATING TO TAXATION; EXTENDING THE AGRICULTURAL BIOMASS INCOME TAX CREDIT AND AGRICULTURAL BIOMASS CORPORATE INCOME TAX CREDIT; REQUIRING THE TAXATION AND REVENUE DEPARTMENT TO COMPILE AND PRESENT AN ANNUAL REPORT ON THE CREDITS.

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

Chapter 20 Section 1 Laws 2020

SECTION 1. Section 7-2-18.26 NMSA 1978 (being Laws 2010, Chapter 84, Section 1) is amended to read:

"7-2-18.26. AGRICULTURAL BIOMASS INCOME TAX CREDIT.--

A. A taxpayer who owns a dairy or feedlot and who files an individual New Mexico income tax return for a taxable year beginning on or after January 1, 2011 and ending prior to January 1, 2030, may apply for, and the department may allow, a tax credit equal to five dollars (\$5.00) per wet ton of agricultural biomass transported from the taxpayer's dairy or feedlot to a facility that uses agricultural biomass to generate electricity or make biocrude or other liquid or gaseous fuel for commercial use. The tax credit created in this section may be referred to as the "agricultural biomass income tax credit".

B. If the requirements of this section have been complied with, the department shall issue to the taxpayer a document granting an agricultural biomass income tax credit. The document shall be numbered for identification and declare its date of issuance and the amount of the tax credit allowed pursuant to this section. The document may be submitted by the taxpayer with that taxpayer's income tax return or may be sold, exchanged or otherwise transferred to another taxpayer. The parties to such a transaction shall notify the department of the sale, exchange or transfer within ten days of the sale, exchange or transfer.

C. Any portion of the agricultural biomass income tax credit that remains unused in a taxable year may be carried forward for a maximum of four consecutive taxable years following the taxable year in which the credit originates until fully expended.

D. A taxpayer who otherwise qualifies and claims an agricultural biomass income tax credit with respect to a dairy or feedlot owned by a partnership or other business association of which the taxpayer is a member may claim the credit only in proportion to that taxpayer's interest in the partnership or business association. The total agricultural biomass income tax credits claimed in the aggregate with respect to the same dairy or feedlot by all members of the partnership or business association shall not exceed the amount of the credit that could have been claimed by a single owner of the dairy or feedlot.

E. Married individuals who file separate returns for a taxable year in which they could have filed a joint return may each claim only one-half of the credit that would have been allowed on a joint return.

F. The energy, minerals and natural resources department shall adopt rules establishing procedures to provide certification of transportation of agricultural biomass to a qualified facility that uses agricultural biomass to generate electricity or make biocrude or other liquid or gaseous fuel for commercial use for purposes of obtaining an agricultural biomass income tax credit. The rules may be modified as determined necessary by the energy, minerals and natural resources department to determine accurate recording of the quantity of agricultural biomass transported and used for the purpose allowable in this section.

G. A taxpayer who claims an agricultural biomass income tax credit shall not also claim an agricultural biomass corporate income tax credit for transportation of the same agricultural biomass on which the claim for that agricultural biomass income tax credit is based.

H. The department shall limit the annual combined total of all agricultural biomass income tax credits and all agricultural biomass corporate income tax credits allowed to a maximum of five million dollars (\$5,000,000). Applications for the credit shall be considered in the order received by the department.

I. A taxpayer allowed a tax credit pursuant to this section shall report the amount of the credit to the department in a manner required by the department.

J. The department shall compile an annual report on the agricultural biomass income tax credit that shall include the number of taxpayers approved by the department to receive the credit, the aggregate amount of credits approved and any other information necessary to evaluate the credit. The department shall present the report to the revenue stabilization and tax policy committee and the legislative finance committee with an analysis of the cost of the tax credit.

K. As used in this section:

(1) "agricultural biomass" means wet manure meeting specifications established by the energy, minerals and natural resources department from either a dairy or feedlot commercial operation;

(2) "biocrude" means a nonfossil form of energy that can be transported and refined using existing petroleum refining facilities and that is made from biologically derived feedstocks and other agricultural biomass;

(3) "feedlot" means an operation that fattens livestock for market; and

(4) "dairy" means a facility that raises livestock for milk production."

Chapter 20 Section 2 Laws 2020

SECTION 2. Section 7-2A-26 NMSA 1978 (being Laws 2010, Chapter 84, Section 2) is amended to read:

"7-2A-26. AGRICULTURAL BIOMASS CORPORATE INCOME TAX CREDIT.--

A. A taxpayer that files a New Mexico corporate income tax return for a taxable year beginning on or after January 1, 2011 and ending prior to January 1, 2030 for a dairy or feedlot owned by the taxpayer may claim against the taxpayer's corporate income and franchise tax liability, and the department may allow, a tax credit equal to five dollars (\$5.00) per wet ton of agricultural biomass transported from the taxpayer's dairy or feedlot to a facility that uses agricultural biomass to generate electricity or make biocrude or other liquid or gaseous fuel for commercial use. The credit provided in this section may be referred to as the "agricultural biomass corporate income tax credit".

B. If the requirements of this section have been complied with, the department shall issue to the taxpayer a document granting an agricultural biomass corporate income tax credit. The document shall be numbered for identification and declare its date of issuance and the amount of the tax credit allowed pursuant to this section. The document may be submitted by the taxpayer with that taxpayer's corporate income tax return or may be sold, exchanged or otherwise transferred to another taxpayer. The parties to such a transaction shall notify the department of the sale, exchange or transfer within ten days of the sale, exchange or transfer.

C. A portion of the agricultural biomass corporate income tax credit that remains unused in a taxable year may be carried forward for a maximum of four consecutive taxable years following the taxable year in which the credit originates until the credit is fully expended.

D. The energy, minerals and natural resources department shall adopt rules establishing procedures to provide certification of transportation of agricultural biomass to a qualified facility that uses agricultural biomass to generate electricity or make biocrude or other liquid or gaseous fuel for commercial use for purposes of obtaining an agricultural biomass corporate income tax credit. The rules may be modified as determined necessary by the energy, minerals and natural resources department to determine accurate recording of the quantity of agricultural biomass transported and used for the purpose allowable in this section.

E. A taxpayer that claims an agricultural biomass corporate income tax credit shall not also claim an agricultural biomass income tax credit for transportation of the same agricultural biomass on which the claim for that agricultural biomass income tax credit is based.

F. The department shall limit the annual combined total of all agricultural biomass income tax credits and all agricultural biomass corporate income tax credits

allowed to a maximum of five million dollars (\$5,000,000). Applications for the credit shall be considered in the order received by the department.

G. A taxpayer allowed a tax credit pursuant to this section shall report the amount of the credit to the department in a manner required by the department.

H. The department shall compile an annual report on the agricultural biomass corporate income tax credit that shall include the number of taxpayers approved by the department to receive the credit, the aggregate amount of credits approved and any other information necessary to evaluate the credit. The department shall present the report to the revenue stabilization and tax policy committee and the legislative finance committee with an analysis of the cost of the tax credit.

I. As used in this section:

(1) "agricultural biomass" means wet manure meeting specifications established by the energy, minerals and natural resources department from either a dairy or feedlot commercial operation;

(2) "biocrude" means a nonfossil form of energy that can be transported and refined using existing petroleum refining facilities and that is made from biologically derived feedstocks and other agricultural biomass;

(3) "feedlot" means an operation that fattens livestock for market; and

(4) "dairy" means a facility that raises livestock for milk production."

LAWS 2020, CHAPTER 21

House Bill 176
Approved March 4, 2020

AN ACT

RELATING TO PUBLIC LAND LEASES; CLARIFYING THAT A MUNICIPALITY MAY USE CERTAIN LEASED LAND FOR ECONOMIC DEVELOPMENT; INCREASING THE TERM FOR CERTAIN LEASES ENTERED INTO BETWEEN A MUNICIPALITY AND THE STATE; INCREASING THE TERM FOR CERTAIN LEASES ENTERED INTO BETWEEN A COUNTY AND THE STATE.

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

Chapter 21 Section 1 Laws 2020

SECTION 1. Section 19-7-54 NMSA 1978 (being Laws 1929, Chapter 53, Section 1) is amended to read:

"19-7-54. MUNICIPALITIES LEASING LANDS WITHIN FIVE MILES OF LIMITS--USES--TERM.--Wherever any lands belonging to the state or under the supervision of the commissioner are situate within five miles of any municipality and the municipality may have use for the state lands for airports, parks, swimming pools, fairgrounds, playgrounds, economic development or other municipal purposes, the municipality is authorized and empowered to lease the lands or so much thereof as may be reasonably necessary for such purpose from the commissioner, and upon receipt of a request for such a lease, the commissioner is authorized and empowered to enter into such a lease for a term not exceeding forty years upon such reasonable terms and conditions as may be prescribed by the commissioner."

Chapter 21 Section 2 Laws 2020

SECTION 2. Section 19-7-55 NMSA 1978 (being Laws 1929, Chapter 53, Section 2, as amended) is amended to read:

"19-7-55. COUNTIES AND SCHOOL DISTRICTS LEASING STATE LANDS--USES--TERM.--

A. Any county or school district within the state that may have use for any state lands for any purpose incidental to the powers of the county or school district shall have the right and power to lease the lands or so much thereof as may be reasonably necessary for such purpose from the commissioner, and upon receipt of a request for such a lease, the commissioner is authorized and empowered to enter into such a lease for a term not exceeding forty years upon such reasonable terms and conditions as may be prescribed by the commissioner.

B. In setting the terms and conditions of any lease to a school district, the commissioner shall, upon the request of the governing body of the school district, provide that the rental costs for the lease be paid from the school district's share of the current school fund established in Article 12, Section 4 of the constitution of New Mexico, or the common school current fund created in Section 19-1-17 NMSA 1978.

C. The necessary documentation to achieve this appropriation shall be submitted to the state treasurer by the commissioner. The appropriation made hereby is a continuing appropriation."

Chapter 21 Section 3 Laws 2020

SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2020.

LAWS 2020, CHAPTER 22

House Bill 255, aa

Approved March 4, 2020

AN ACT

RELATING TO TAXATION; CREATING A TEMPORARY TECHNOLOGY READINESS GROSS RECEIPTS TAX CREDIT; CREATING THE TECHNOLOGY READINESS GROSS RECEIPTS TAX CREDIT FUND; MAKING A DISTRIBUTION TO THE TECHNOLOGY READINESS GROSS RECEIPTS TAX CREDIT FUND; PROVIDING A DELAYED REPEAL.

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

Chapter 22 Section 1 Laws 2020

SECTION 1. A new section of the Gross Receipts and Compensating Tax Act is enacted to read:

"TECHNOLOGY READINESS GROSS RECEIPTS TAX CREDIT--
TECHNOLOGY READINESS GROSS RECEIPTS TAX CREDIT FUND.--

A. For taxable periods beginning July 1, 2020 and prior to July 1, 2023, a taxpayer that is a national laboratory that provides technology readiness assistance to a business that is registered to do business in New Mexico and has licensed a technology from the national laboratory or is a participant in a cooperative research and development agreement with the national laboratory may claim a tax credit against the taxpayer's gross receipts tax liability imposed pursuant to the Gross Receipts and Compensating Tax Act, excluding any local option gross receipts tax liability. The tax credit provided by this section may be referred to as the "technology readiness gross receipts tax credit".

B. The purpose of the technology readiness gross receipts tax credit is to help businesses in New Mexico achieve technology maturation of the businesses' technologies developed at New Mexico national laboratories and increase economic development in the state.

C. The "technology readiness gross receipts tax credit fund" is created in the state treasury. The department shall administer the fund, and money in the fund shall be used to offset technology readiness gross receipts tax credits; provided that money in the fund is subject to appropriation by the legislature for any purpose. Technology readiness gross receipts tax credits shall not be credited against any other fund. If the department approves a technology readiness gross receipts tax credit, the amount of the credit shall be transferred from the fund to the general fund. Disbursements from the fund shall be made upon warrants drawn by the secretary of finance and administration pursuant to vouchers signed by the secretary of taxation and revenue. Money in the fund shall revert to the general fund at the end of fiscal year 2024.

D. Subject to the availability of funds in the technology readiness gross receipts tax credit fund, the amount of a technology readiness gross receipts tax credit shall equal the amount of qualified expenditures incurred by a national laboratory to provide technology readiness assistance to a business, not to exceed one hundred fifty thousand dollars (\$150,000) in a fiscal year per business; provided that the annual aggregate amount of credits allowed per national laboratory per fiscal year shall be limited as follows:

(1) beginning July 1, 2020 and prior to July 1, 2021, five hundred thousand dollars (\$500,000);

(2) beginning July 1, 2021 and prior to July 1, 2022, seven hundred fifty thousand dollars (\$750,000); and

(3) beginning July 1, 2022 and prior to July 1, 2023, one million dollars (\$1,000,000).

E. A taxpayer may claim a technology readiness gross receipts tax credit for the taxable period in which the taxpayer provides technology assistance pursuant to this section. That portion of a technology readiness gross receipts tax credit that exceeds a taxpayer's tax liability in the taxable period in which the credit is claimed may be carried forward to succeeding taxable periods.

F. To receive a technology readiness gross receipts tax credit, a taxpayer shall apply to the department on forms and in the manner required by the department. The application shall include the following:

(1) certification from each business that received technology readiness assistance that:

(a) the assistance was made in good faith to help the business demonstrate the feasibility of real-world application of the business's technology; and

(b) the assistance was not otherwise available to the business at a reasonable cost through private industry;

(2) evidence that the business that received the technology readiness assistance is registered to do business in New Mexico; and

(3) evidence that the business's technology is a licensed technology from the national laboratory or the business is a participant in a cooperative research and development agreement with the national laboratory.

G. In addition to the requirements in Subsection F of this section, a national laboratory shall:

(1) create forms for technology readiness assistance requests and completion of technology maturation;

(2) establish a technology readiness assistance program that will assist businesses to reach technology maturation;

(3) consult with the secretary of economic development to seek advice on improvements in the operation of the technology readiness assistance program; and

(4) establish a methodology to use state educational institutions that have demonstrated the capability to provide technology readiness assistance.

H. A taxpayer shall not claim both a technology readiness gross receipts tax credit and a credit pursuant to the Laboratory Partnership with Small Business Tax Credit Act for assistance provided to the same business in the same taxable period.

I. If more than one national laboratory provides technology readiness assistance to a business, the national laboratories shall not claim a technology readiness gross receipts tax credit until coordination is developed between the national laboratories providing the assistance that generates a joint operational plan to ensure that:

(1) the assistance provided by each national laboratory suits the business's needs and challenges; and

(2) the combined claims for a technology readiness gross receipts tax credit will not exceed the limitations provided in Subsection D of this section.

J. A national laboratory that claims a technology readiness gross receipts tax credit shall submit an annual report in writing to the department, the economic development department and an appropriate legislative interim committee. If more than one national laboratory claims a technology readiness gross receipts tax credit, those laboratories shall jointly submit an annual report. The annual report shall summarize activities related to and the results of the technology readiness assistance programs created by the national laboratories and shall include:

(1) a description of each business's technology that has received technology readiness assistance, including progress toward technology maturation and whether, and to what extent, the business is still doing business in New Mexico;

(2) results of surveys of businesses to which technology readiness assistance is provided;

(3) the total amount of the technology readiness gross receipts tax credits received in the previous fiscal year; and

(4) an economic impact study performed by an uninterested third party.

K. At any time after receipt of an annual report required pursuant to this section, the department or the economic development department may provide written instructions to a national laboratory identifying future improvements in the national laboratory's technology readiness assistance program for which it receives a technology readiness gross receipts tax credit.

L. As used in this section:

(1) "cooperative research and development agreement" means any agreement between a national laboratory and a non-federal party under which the laboratory provides personnel, services, facilities, equipment, intellectual property or other resources and a non-federal party provides funds, personnel, services, facilities, equipment, intellectual property or other resources toward the conduct of specified research or development efforts that are consistent with the missions of the laboratory;

(2) "national laboratory" means a prime contractor designated as a national laboratory by act of congress that is operating a facility in New Mexico;

(3) "qualified expenditure" means an expenditure by a national laboratory in providing technology readiness assistance and is limited to the following:

(a) employee salaries, wages, benefits and employer payroll taxes;

(b) administrative costs related directly to the provision of technology readiness assistance;

(c) in-state travel expenses, including per diem and mileage at the internal revenue service standard rate; and

(d) supplies and services of contractors that are related to the provision of technology readiness assistance;

(4) "state educational institution" means a state educational institution named in Article 12, Section 11 of the constitution of New Mexico;

(5) "technology maturation" means technology that has been developed to a stage that results in a prototype or demonstration of the feasibility of real-world application of the technology; and

(6) "technology readiness assistance" means assistance provided to a business by a national laboratory with the intent to help the business's technology achieve technology maturation."

Chapter 22 Section 2 Laws 2020

SECTION 2. A new section of the Tax Administration Act is enacted to read:

"DISTRIBUTION--GROSS RECEIPTS TAX--TECHNOLOGY READINESS GROSS RECEIPTS TAX CREDIT FUND.--Beginning July 1, 2020 and prior to July 1, 2023, a distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the technology readiness gross receipts tax credit fund in an amount equal to one hundred twenty-five thousand dollars (\$125,000) of the net receipts attributable to the gross receipts tax."

Chapter 22 Section 3 Laws 2020

SECTION 3. DELAYED REPEAL.--Sections 1 and 2 of this act are repealed effective July 1, 2024.

LAWS 2020, CHAPTER 23

House Bill 59, aa
Approved March 4, 2020

AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; AMENDING THE AT-RISK PROGRAM UNITS; CHANGING THE AT-RISK INDEX CALCULATION.

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

Chapter 23 Section 1 Laws 2020

SECTION 1. Section 22-8-23.3 NMSA 1978 (being Laws 1997, Chapter 40, Section 7, as amended by Laws 2019, Chapter 206, Section 15 and by Laws 2019, Chapter 207, Section 15) is amended to read:

"22-8-23.3. AT-RISK PROGRAM UNITS.--

A. A school district is eligible for additional program units if it establishes within its department-approved educational plan identified services to assist students to reach their full academic potential. A school district receiving additional at-risk program units shall include a report of specified services implemented to improve the academic success of at-risk students. The report shall identify the ways in which the school district and individual public schools use funding generated through the at-risk index and the intended outcomes. For purposes of this section, "at-risk student" means a student who meets the criteria to be included in the calculation of the three-year average total rate in

Subsection B of this section. The number of additional units to which a school district is entitled under this section is computed in the following manner:

$$\text{At-Risk Index} \times \text{MEM} = \text{Units}$$

where MEM is equal to the total district membership, including early childhood education, full-time-equivalent membership and special education membership and where the at-risk index is calculated in the following manner:

$$\text{Three-Year Average Total Rate} \times 0.30 = \text{At-Risk Index.}$$

B. To calculate the three-year average total rate, the department shall compute a three-year average of the school district's percentage of membership used to determine its Title 1 allocation, a three-year average of the percentage of membership classified as English language learners using criteria established by the office for civil rights of the United States department of education and a three-year average of the percentage of student mobility. The department shall then add the three-year average rates. The number obtained from this calculation is the three-year average total rate.

C. The department shall recalculate the at-risk index for each school district every year.

D. For purposes of this section, "services" means research-based or evidence-based social, emotional or academic interventions, such as:

(1) case management, tutoring, reading interventions and after-school programs that are delivered by social workers, counselors, teachers or other professional staff;

(2) culturally relevant professional and curriculum development, including those necessary to support language acquisition, bilingual and multicultural education;

(3) additional compensation strategies for high-need schools;

(4) whole school interventions, including school-based health centers and community schools;

(5) educational programming intended to improve career and college readiness of at-risk students, including dual or concurrent enrollment, career and technical education, guidance counseling services and coordination with post-secondary institutions; and

(6) services to engage and support parents and families in the education of students."

Chapter 23 Section 2 Laws 2020

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2020.

LAWS 2020, CHAPTER 24

House Bill 62, aa
Approved March 4, 2020

AN ACT

RELATING TO SCHOOL PERSONNEL; REQUIRING SCHOOL DISTRICTS AND CHARTER SCHOOLS TO HAVE FORMAL TEACHER MENTORSHIP PROGRAMS THAT ARE APPROVED ANNUALLY BY THE PUBLIC EDUCATION DEPARTMENT; CREATING THE BEGINNING TEACHER MENTORSHIP FUND.

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

Chapter 24 Section 1 Laws 2020

SECTION 1. A new section of the Public School Finance Act is enacted to read:

"BEGINNING TEACHER MENTORSHIP FUND--CREATED.--The "beginning teacher mentorship fund" is created as a nonreverting fund in the state treasury. The fund consists of appropriations, gifts, grants and donations. Money in the fund is subject to appropriation by the legislature to provide funding to school districts and charter schools for their beginning teacher mentorship programs. The fund shall be administered by the public education department, and expenditures from the fund shall be by warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of public education or the secretary's authorized representative."

Chapter 24 Section 2 Laws 2020

SECTION 2. Section 22-10A-9 NMSA 1978 (being Laws 2003, Chapter 153, Section 40, as amended) is amended to read:

"22-10A-9. TEACHER MENTORSHIP PROGRAM FOR BEGINNING TEACHERS--PURPOSE--DEPARTMENT DUTIES.--

A. The purpose of the teacher mentorship program is to provide beginning teachers with an effective transition into the teaching field, to build on their initial preparation and to ensure their success in teaching; to improve the achievement of

students; and to retain capable teachers in the classroom and to remove teachers who show little promise of success.

B. The department shall develop a framework for a teacher mentorship program for all beginning teachers. The program shall provide mentorship services by level two or level three mentors to the beginning teacher for the full school year.

C. The department shall work with licensed school employees, representatives from teacher preparation programs and the higher education department to establish the framework.

D. The framework shall include:

(1) individual support and assistance for each beginning teacher from a designated mentor;

(2) structured training for mentors;

(3) an ongoing, formative evaluation that is used for the improvement of teaching practice;

(4) procedures for a summative evaluation of beginning teachers' performance during at least the first three years of teaching, including annual assessment of suitability for license renewal, and for final assessment of beginning teachers seeking level two licensure;

(5) support from local school boards or governing bodies of charter schools, school administrators and other school district or charter school personnel; and

(6) regular review and evaluation of the teacher mentorship program.

E. The department shall:

(1) require annual submission and approval of each school district's and charter school's teacher mentorship program;

(2) provide technical assistance to school districts and charter schools that do not have a well-developed teacher mentorship program in place;

(3) encourage school districts and charter schools to collaborate with teacher preparation program administrators at institutions of higher education, career educators, educational organizations, regional educational cooperatives and other state and community leaders in the teacher mentorship program; and

(4) distribute up to two thousand dollars (\$2,000) per year per beginning teacher from the beginning teacher mentorship fund for mentorship programs

to school districts and charter schools; provided that no less than fifty percent of available funds shall be distributed on or before September 15 of each fiscal year according to the estimated number of teachers eligible to participate in their mentorship programs and, on or before January 15 of each fiscal year, distribute funding based on the actual number of eligible teachers participating in a mentorship program on the first reporting date of the school year, adjusted for any over- or under-estimation made in the first allocation.

F. Each school district and charter school shall submit as part of its teacher mentorship program submission:

(1) the number of teachers that have completed each of their mentorship programs the previous spring or summer and have been hired by the school district or charter school for the following school year; and

(2) a description of the mentorship services that will be provided to each of its teachers, including the name of the teacher, the grade level the teacher has been hired to teach and the name of the public school and, if applicable, school district where the teacher has been hired."

LAWS 2020, CHAPTER 25

House Bill 92, aa
Approved March 4, 2020

AN ACT

RELATING TO PUBLIC EDUCATION; ENACTING THE TEACHER RESIDENCY ACT; CREATING A TEACHER RESIDENCY PROGRAM; PROVIDING PROGRAM COMPONENTS; PROVIDING ELIGIBILITY REQUIREMENTS; PROVIDING PARTICIPANT SELECTION REQUIREMENTS; PROVIDING RULEMAKING AUTHORITY; PROVIDING REPORTING REQUIREMENTS; CREATING A FUND.

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

Chapter 25 Section 1 Laws 2020

SECTION 1. A new section of the Public School Code is enacted to read:

"SHORT TITLE.--This act may be cited as the "Teacher Residency Act"."

Chapter 25 Section 2 Laws 2020

SECTION 2. A new section of the Public School Code is enacted to read:

"DEFINITIONS.--As used in the Teacher Residency Act:

- A. "department-approved teacher preparation program" means a department-approved teacher preparation program at a public post-secondary educational institution or tribal college;
- B. "program" means a teacher residency program created pursuant to the Teacher Residency Act that is designed to result in teacher licensure; and
- C. "teaching resident" means a participant in a department-approved teacher residency program."

Chapter 25 Section 3 Laws 2020

SECTION 3. A new section of the Public School Code is enacted to read:

"TEACHER RESIDENCY PROGRAM--CREATED.--

- A. On or before July 1 of each year, the secretary shall, through a competitive selection process, provide grants to establish New Mexico teacher residency programs at public post-secondary educational institutions and tribal colleges that have a department-approved teacher preparation program and have developed a commitment to investing in teacher education. In selecting grant recipients, the department shall ensure, to the extent practicable, that grant recipients include representation from rural, urban and suburban areas across the state.
- B. The public post-secondary educational institution or tribal college shall form a partnership with one or more school districts or charter schools to coadminister the teacher residency program and to provide employment to residents in the program following their graduation.
- C. The program must be designed to:
 - (1) diversify the teaching profession with teaching residents that reflect the diversity of students in the public schools in the state or the geographic area where the school is located;
 - (2) fill high-need teaching positions within the state and ensure that teaching residents are prepared for a department-issued teaching license at the end of the program; and
 - (3) provide at least one full academic year of rigorous department-approved teacher preparation program coursework and provide a full academic year of guided apprenticeship in the classroom of an expert teacher at the partner area school district or charter school.

D. The public post-secondary educational institution or tribal college shall ensure faculty or university supervisors who work with the teacher residency program visit residency sites no less than three times per month to monitor teacher residents' programs."

Chapter 25 Section 4 Laws 2020

SECTION 4. A new section of the Public School Code is enacted to read:

"TEACHER RESIDENCY PROGRAM COMPONENTS.--A teacher residency program established pursuant to the Teacher Residency Act shall include:

- A. competitive admission requirements with multiple criteria;
- B. rigorous department-approved teacher preparation program coursework, which shall be offered while the teaching resident undertakes a full academic year of guided apprenticeship in the classroom of an expert teacher at the partner area school district or charter school;
- C. a team mentorship approach to expose teaching residents to a variety of teaching methods, philosophies and classroom environments;
- D. clear criteria for the selection of expert teachers based on measures of teacher effectiveness and the appropriate subject area knowledge;
- E. providing expert teachers with ongoing evidence-based training in coaching and mentoring teaching residents and compensation for time and added responsibility;
- F. grouping teaching residents in cohorts to facilitate professional collaboration among residents and placing teaching residents in teaching schools or professional development programs that are organized to support a high-quality teacher learning experience in a supportive work environment;
- G. measures of appropriate progress through the program;
- H. a stipend of no less than twenty thousand dollars (\$20,000) per year for teaching residents;
- I. a post-completion commitment by teaching residents to serve three years at schools in the sponsoring school district;
- J. an expectation of employment for the teaching resident from the partner school district or charter school;

K. support for teaching residents for not less than one year following the resident's completion of the program through the provision of mentoring, professional development and networking opportunities; and

L. demonstration of the integral role and responsibilities of the partner area school district or charter school in fulfilling the purpose of the program."

Chapter 25 Section 5 Laws 2020

SECTION 5. A new section of the Public School Code is enacted to read:

"TEACHER RESIDENCY PROGRAM ELIGIBILITY.--To be eligible to be admitted and hired as a teaching resident under the program, an individual must:

- A. hold a bachelor's degree; and
- B. be a professional from outside the field of education and have strong content knowledge or a record of achievement; or
- C. not hold a level one, two or three-A teaching license."

Chapter 25 Section 6 Laws 2020

SECTION 6. A new section of the Public School Code is enacted to read:

"TEACHER RESIDENCY PROGRAM PARTICIPANT SELECTION REQUIREMENTS.--The public post-secondary educational institution or tribal college shall establish criteria for selection of individuals to participate in the program. The selection criteria shall include:

- A. a demonstration of comprehensive subject area knowledge or a record of accomplishment or professional experience in the field or subject area to be taught;
- B. strong verbal and written communication skills, which may be demonstrated by performance on appropriate tests or performance assessments;
- C. other dispositions linked to effective teaching, which may be determined by interviews or performance assessments; and
- D. consideration given to a participant's ability to increase the racial, ethnic or linguistic diversity of the teacher workforce."

Chapter 25 Section 7 Laws 2020

SECTION 7. A new section of the Public School Code is enacted to read:

"RULEMAKING AUTHORITY.--The department shall adopt rules as necessary to implement the Teacher Residency Act."

Chapter 25 Section 8 Laws 2020

SECTION 8. A new section of the Public School Code is enacted to read:

"TEACHER RESIDENCY FUND--CREATED--PURPOSE.--The "teacher residency fund" is created as a nonreverting fund in the state treasury. The fund consists of appropriations, gifts, grants and donations to the fund. Money in the fund is subject to appropriation by the legislature to implement the provisions of the Teacher Residency Act. Disbursements from the fund shall be made by warrants of the secretary of finance and administration pursuant to vouchers signed by the secretary of public education or the secretary's authorized representative."

Chapter 25 Section 9 Laws 2020

SECTION 9. A new section of the Public School Code is enacted to read:

"REPORTING REQUIREMENTS.--Public post-secondary educational institutions and tribal colleges shall collaborate with their partner school district or charter school to submit data to the department no later than July 1 of each year. The department shall compile data from all residency sites and submit a report to the legislature no later than November of each year. The report shall include the following indicators of teacher residency program success:

- A. the standards for entering and exiting the program;
- B. the number of credit hours required to complete the program;
- C. the number and percentage of teaching residents completing the program;
- D. the number and types of teaching licenses teaching residents are obtaining, including endorsements;
- E. the educator evaluation rating for teaching residents during their first five years of teaching;
- F. the educator evaluation rating for expert teachers during their time supporting a teacher resident;
- G. the number and percentage of teaching residents who continue to teach in New Mexico school districts or charter schools after one, two, three, four and five years;

H. the percentage of teaching residents who are diverse candidates that reflect the diversity of the public schools in the state or the geographic area where the school is located;

I. academic performance of pre-kindergarten through twelfth grade students in classes taught by residency graduates in comparison to students in classes taught by other trained teachers;

J. principal perception surveys of teaching resident and expert teacher effectiveness;

K. state-student perception surveys;

L. the residency program graduate achievement, as determined by first-time pass rates on the state teaching performance assessment; and

M. other data as determined by the department."

LAWS 2020, CHAPTER 26

House Bill 102, aa
Approved March 4, 2020

AN ACT

RELATING TO SCHOOL PERSONNEL; ENACTING THE NATIONAL BOARD CERTIFICATION SCHOLARSHIP ACT; PROVIDING POWERS AND DUTIES; PROVIDING FOR APPLICANT QUALIFICATIONS; CREATING A FUND.

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

Chapter 26 Section 1 Laws 2020

SECTION 1. A new section of the Public School Code is enacted to read:

"SHORT TITLE.--This act may be cited as the "National Board Certification Scholarship Act"."

Chapter 26 Section 2 Laws 2020

SECTION 2. A new section of the Public School Code is enacted to read:

"DEFINITION.--As used in the National Board Certification Scholarship Act, "school principal" includes a charter school head administrator."

Chapter 26 Section 3 Laws 2020

SECTION 3. A new section of the Public School Code is enacted to read:

"SCHOLARSHIP PROGRAM--DEPARTMENT POWERS AND DUTIES--QUALIFICATIONS--APPLICATIONS--PREFERENCES--REPORTS.--

A. The department may award a "national board certification scholarship" to an eligible teacher seeking certification from the national board for professional teaching standards, which scholarship shall be equal to the certification fees assessed by the national board. A scholarship shall be for no longer than three years, paid annually upon notification that the teacher is still an active participant in the certification process, unless the department finds that exigent circumstances prevent the teacher from finishing the certification process within three years. The department shall provide by rule what circumstances qualify as exigent circumstances.

B. A teacher is eligible to apply for a national board certification scholarship if the teacher:

- (1) is a New Mexico resident;
- (2) holds a valid level two or higher teaching license;
- (3) is teaching in a New Mexico public school; and
- (4) submits a reference letter from the teacher's school principal.

C. Applications shall be submitted to the department on forms and in a manner provided by rule of the department.

D. The department may provide by rule for scholarship contractual terms and application evaluation and other criteria to implement the scholarship program, including subject matter and grade-level preferences if there are more applications than available funding. The department may interview applicants.

E. The department shall provide an annual report on the national board certification scholarship program to the governor and the legislature, including the:

- (1) number of teachers who receive scholarships each year and the value of each scholarship;
- (2) number of teachers who receive national board certification each year through the scholarship program;
- (3) length of time each teacher takes to receive certification;

(4) educator evaluation rating for scholarship recipients during their first five years of teaching as board-certified teachers;

(5) name of the school district and public school where the scholarship recipient is employed; and

(6) performance of students in classes taught by scholarship-supported board-certified teachers in comparison to students taught by non-board-certified teachers in the school district or charter school."

Chapter 26 Section 4 Laws 2020

SECTION 4. A new section of the Public School Code is enacted to read:

"FUND CREATED--METHOD OF PAYMENT.--The "national board certification scholarship fund" is created as a nonreverting fund in the state treasury. The fund consists of appropriations, gifts, grants and donations. The fund is subject to appropriation by the legislature. Money in the fund shall be expended solely for the purpose of awarding scholarships pursuant to the National Board Certification Scholarship Act. Payments from the fund shall be on warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of public education or the secretary's authorized representative."

LAWS 2020, CHAPTER 27

House Bill 106, aa
Approved March 4, 2020

AN ACT

RELATING TO PUBLIC ACCOUNTANCY; REMOVING CERTAIN LIMITATIONS ON TESTING.

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

Chapter 27 Section 1 Laws 2020

SECTION 1. Section 61-28B-8 NMSA 1978 (being Laws 1999, Chapter 179, Section 8, as amended) is amended to read:

"61-28B-8. QUALIFICATIONS FOR A CERTIFICATE AS A CERTIFIED PUBLIC ACCOUNTANT.--

A. An applicant for a certificate shall complete the application form provided by the board and demonstrate to the board's satisfaction that the applicant:

(1) is of good moral character and lacks a history of dishonest or felonious acts; and

(2) meets the education, experience and examination requirements of the board.

B. The board may refuse to grant a certificate on the ground that the applicant failed to satisfy the requirement of good moral character.

C. The education requirement for examination shall be a baccalaureate degree or its equivalent conferred by a college or university acceptable to the board, with thirty semester hours in accounting or the equivalent as determined by the board. An applicant for a certificate shall have at least one hundred fifty semester hours of college education or its equivalent earned at a college or university acceptable to the board.

D. The examination for certification shall be offered continuously via a computer-based testing system at a designated testing center and shall test an applicant's knowledge of the subjects of accounting and auditing and other related subjects as prescribed by the board. The board shall prescribe the method of applying for the examination and the dissemination of scores, and it shall rely on the American institute of certified public accountants for the grading of the examination. The board may use all or any part of the uniform certified public accountant examination services of the national association of state boards of accountancy to perform administrative services with respect to the examination. The board or its designee shall report all eligibility and score data to the national candidate database, and it shall, to the extent possible, provide that the passing scores are uniform with passing scores of other states.

E. An applicant must pass all sections of the examination to qualify for a certificate. A passing scaled score for each section shall be seventy-five. Sections may be taken individually and in any order. Credit for any section passed shall be valid for eighteen months from the actual date the applicant took that section, without having to attain a minimum score on any failed test section and without regard to whether the applicant has taken other test sections. An applicant must pass all four test sections within a continuous eighteen-month period, which begins on the date that the first section passed is taken. If all four test sections are not passed within the continuous eighteen-month period, credit for any test section passed outside the eighteen-month period will expire, and that test section must be retaken.

F. An applicant shall be given credit for examination sections passed in another state if such credit would have been given in New Mexico.

G. The board may waive or defer requirements of this section regarding the circumstances in which sections of the examination must be passed, upon a showing

that, by reason of circumstances beyond the applicant's control, the applicant was unable to meet the requirement.

H. An applicant for initial issuance of a certified public accountant certificate shall show that the applicant has had at least one year of experience. This experience shall include providing service or advice involving the use of accounting, attest, management advisory, financial advisory, tax or consulting skills as verified by a certified public accountant who meets requirements prescribed by the board. The experience is acceptable if it was gained through employment in government, industry, academia or public practice."

LAWS 2020, CHAPTER 28

House Bill 158
Approved March 4, 2020

AN ACT

RELATING TO TAXATION; TRANSFERRING REVIEW AND APPROVAL OF ANGEL INVESTMENT CREDITS FROM THE ECONOMIC DEVELOPMENT DEPARTMENT TO THE TAXATION AND REVENUE DEPARTMENT; REQUIRING APPLICATION MATERIALS FOR THE TAX CREDIT TO CONTINUE TO BE SENT TO THE ECONOMIC DEVELOPMENT DEPARTMENT.

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

Chapter 28 Section 1 Laws 2020

SECTION 1. Section 7-2-18.17 NMSA 1978 (being Laws 2007, Chapter 172, Section 1, as amended) is amended to read:

"7-2-18.17. ANGEL INVESTMENT CREDIT.--

A. A taxpayer who files a New Mexico income tax return, is not a dependent of another taxpayer, is an accredited investor and makes a qualified investment may apply for, and the department may allow, a claim for a credit in an amount not to exceed twenty-five percent of the qualified investment; provided that a credit for each qualified investment shall not exceed sixty-two thousand five hundred dollars (\$62,500). The tax credit provided in this section shall be known as the "angel investment credit".

B. A taxpayer may claim the angel investment credit:

- (1) for not more than one qualified investment per investment round;
- (2) for qualified investments in no more than five qualified businesses per taxable year; and

(3) for a qualified investment made on or before December 31, 2025.

C. A taxpayer may apply for an angel investment credit by submitting a completed application to the taxation and revenue department on forms and in a manner required by the department no later than one year following the end of the calendar year in which the qualified investment is made. A taxpayer shall not apply for more than one credit for the same qualified investment in the same investment round.

D. Except as provided in Subsection J of this section, a taxpayer shall claim the angel investment credit no later than one year following the date the completed application for the credit is approved by the department.

E. Applications and all subsequent materials submitted to the taxation and revenue department related to the application shall also be submitted to the economic development department.

F. The taxation and revenue department shall allow a maximum annual aggregate of two million dollars (\$2,000,000) in angel investment credits per calendar year. Completed applications shall be considered in the order received. Applications for credits that would have been allowed but for the limit imposed by this subsection shall be allowed in subsequent calendar years.

G. The taxation and revenue department shall report annually to the revenue stabilization and tax policy committee and the legislative finance committee on the utilization and effectiveness of the angel investment credit. The report shall include, at a minimum: the number of accredited investors determined to be eligible for the credit in the previous year; the names of those investors; the amount of credit for which each investor was determined to be eligible; and the number and names of the businesses determined to be qualified businesses for purposes of an investment by an accredited investor.

H. A taxpayer who otherwise qualifies for and claims a credit pursuant to this section for a qualified investment made by a partnership or other business association of which the taxpayer is a member may claim a credit only in proportion to the taxpayer's interest in the partnership or business association.

I. Married individuals who file separate returns for a taxable year in which they could have filed a joint return may each claim one-half of the credit that would have been allowed on a joint return.

J. The angel investment credit may only be deducted from the taxpayer's income tax liability. Any portion of the tax credit provided by this section that remains unused at the end of the taxpayer's taxable year may be carried forward for five consecutive years.

K. As used in this section:

(1) "accredited investor" means a person who is an accredited investor within the meaning of Rule 501 issued by the federal securities and exchange commission pursuant to the federal Securities Act of 1933, as amended;

(2) "business" means a corporation, general partnership, limited partnership, limited liability company or other similar entity, but excludes an entity that is a government or a nonprofit organization designated as such by the federal government or any state;

(3) "equity" means common or preferred stock of a corporation, a partnership interest in a limited partnership or a membership interest in a limited liability company, including debt subject to an option in favor of the creditor to convert the debt into common or preferred stock, a partnership interest or a membership interest;

(4) "investment round" means an offer and sale of securities and all other offers and sales of securities that would be integrated with such offer and sale of securities under Regulation D issued by the federal securities and exchange commission pursuant to the federal Securities Act of 1933, as amended;

(5) "manufacturing" means combining or processing components or materials to increase their value for sale in the ordinary course of business, but does not include:

(a) construction;

(b) farming;

(c) processing natural resources, including hydrocarbons; or

(d) preparing meals for immediate consumption, on- or off-premises;

(6) "qualified business" means a business that:

(a) maintains its principal place of business and employs a majority of its full-time employees, if any, in New Mexico and a majority of its tangible assets, if any, are located in New Mexico;

(b) engages in qualified research or manufacturing activities in New Mexico;

(c) is not primarily engaged in or is not primarily organized as any of the following types of businesses: credit or finance services, including banks, savings and loan associations, credit unions, small loan companies or title loan companies; financial brokering or investment; professional services, including accounting, legal services, engineering and any other service the practice of which

requires a license; insurance; real estate; construction or construction contracting; consulting or brokering; mining; wholesale or retail trade; providing utility service, including water, sewerage, electricity, natural gas, propane or butane; publishing, including publishing newspapers or other periodicals; broadcasting; or providing internet operating services;

(d) has not issued securities registered pursuant to Section 6 of the federal Securities Act of 1933, as amended; has not issued securities traded on a national securities exchange; is not subject to reporting requirements of the federal Securities Exchange Act of 1934, as amended; and is not registered pursuant to the federal Investment Company Act of 1940, as amended, at the time of the investment;

(e) has one hundred or fewer employees calculated on a full-time-equivalent basis in the taxable year in which the investment was made; and

(f) has not had gross revenues in excess of five million dollars (\$5,000,000) in any fiscal year ending on or before the date of the investment;

(7) "qualified investment" means a cash investment in a qualified business for equity, but does not include an investment by a taxpayer if the taxpayer, a member of the taxpayer's immediate family or an entity affiliated with the taxpayer receives compensation from the qualified business in exchange for services provided to the qualified business within one year of investment in the qualified business; and

(8) "qualified research" means "qualified research" as defined by Section 41 of the Internal Revenue Code."

Chapter 28 Section 2 Laws 2020

SECTION 2. APPLICABILITY.--The provisions of this act apply to applications for an angel investment credit for qualified investments made on or after January 1, 2019.

LAWS 2020, CHAPTER 29

House Bill 170, aa
Approved March 4, 2020

AN ACT

RELATING TO TAXATION; EXTENDING THE SUNSET DATE FOR RETAIL SALES MADE BY CERTAIN BUSINESSES ON THE FIRST SATURDAY AFTER THANKSGIVING.

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

Chapter 29 Section 1 Laws 2020

SECTION 1. Section 7-9-116 NMSA 1978 (being Laws 2018, Chapter 46, Section 1) is amended to read:

"7-9-116. DEDUCTION--GROSS RECEIPTS TAX--RETAIL SALES BY CERTAIN BUSINESSES.--

A. Prior to July 1, 2025, receipts from the sale at retail of the following types of tangible personal property may be deducted if the sales price of the property is less than five hundred dollars (\$500) and:

(1) the sale occurs during the period beginning at 12:01 a.m. on the first Saturday after Thanksgiving and ending at midnight on the same Saturday;

(2) the sale is for:

(a) an article of clothing or footwear designed to be worn on or about the human body;

(b) accessories, including jewelry, handbags, book bags, backpacks, luggage, wallets, watches and similar items worn or carried on or about the human body, without regard to whether worn on the body in a manner characteristic of clothing;

(c) sporting goods and camping equipment;

(d) tools used for home improvement, gardening and automotive maintenance and repair;

(e) books, journals, paper, writing instruments, art supplies, greeting cards and postcards;

(f) works of art, including any painting, drawing, print, photograph, sculpture, pottery or ceramics, carving, textile, basketry, artifact, natural specimen, rare book, authors' papers, objects of historical or technical interest or other article of intrinsic cultural value;

(g) floral arrangements and indoor plants;

(h) cosmetics and personal grooming items;

(i) musical instruments;

(j) cookware and small home appliances for residential use;

(k) bedding, towels and bath accessories;

(l) furniture;

(m) a toy or game that is a physical item, product or object clearly intended and designed to be used by children or families in play;

(n) a video game or video game console and any associated accessories for the video game console; or

(o) home electronics such as computers, phones, tablets, stereo equipment and related electronics accessories; and

(3) the sale is made by a seller that carries on a trade or business in New Mexico, maintains its primary place of business in New Mexico, as determined by the department, and employed no more than ten employees at any one time during the previous fiscal year.

B. Receipts for sales made by a business that operates under a franchise agreement may not be deducted pursuant to this section.

C. The purpose of the deduction provided by this section is to increase sales at small local businesses.

D. A taxpayer allowed a deduction pursuant to this section shall report the amount of the deduction separately in a manner required by the department.

E. The department shall compile an annual report on the deduction provided by this section that shall include the number of taxpayers that claimed the deduction, the aggregate amount of deductions claimed and any other information necessary to evaluate the effectiveness of the deduction. The department shall present the annual report to the revenue stabilization and tax policy committee and the legislative finance committee with an analysis of the effectiveness and cost of the deduction and whether the deduction is performing the purpose for which it was created."

LAWS 2020, CHAPTER 30

House Bill 193, aa
Approved March 4, 2020

AN ACT

RELATING TO THE STATE AVIATION FUND; EXTENDING THE DISTRIBUTION OF A PORTION OF THE GROSS RECEIPTS TAX TO THE STATE AVIATION FUND.

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

Chapter 30 Section 1 Laws 2020

SECTION 1. Section 7-1-6.7 NMSA 1978 (being Laws 1994, Chapter 5, Section 2, as amended) is amended to read:

"7-1-6.7. DISTRIBUTIONS--STATE AVIATION FUND.--

A. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the state aviation fund in an amount equal to four and seventy-nine hundredths percent of the taxable gross receipts attributable to the sale of fuel specially prepared and sold for use in turboprop or jet-type engines as determined by the department.

B. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the state aviation fund in an amount equal to twenty-six hundredths percent of gasoline taxes, exclusive of penalties and interest, collected pursuant to the Gasoline Tax Act.

C. From July 1, 2013 through June 30, 2031, a distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the state aviation fund in an amount equal to forty-six thousandths percent of the net receipts attributable to the gross receipts tax distributable to the general fund.

D. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the state aviation fund from the net receipts attributable to the gross receipts tax distributable to the general fund in an amount equal to:

(1) eighty thousand dollars (\$80,000) monthly from July 1, 2007 through June 30, 2008;

(2) one hundred sixty-seven thousand dollars (\$167,000) monthly from July 1, 2008 through June 30, 2009; and

(3) two hundred fifty thousand dollars (\$250,000) monthly after July 1, 2009."

Chapter 30 Section 2 Laws 2020

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2020.

LAWS 2020, CHAPTER 31

House Bill 207, aa
Approved March 4, 2020

AN ACT

RELATING TO TRANSPORTATION; CHANGING THE "LOCAL GOVERNMENT TRANSPORTATION PROJECT FUND" TO THE "TRANSPORTATION PROJECT FUND"; ALLOWING INDIAN NATION, TRIBE OR PUEBLO PROJECTS TO BE FUNDED BY THE TRANSPORTATION PROJECT FUND.

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

Chapter 31 Section 1 Laws 2020

SECTION 1. Section 67-3-78 NMSA 1978 (being Laws 2019, Chapter 205, Section 1) is amended to read:

"67-3-78. TRANSPORTATION PROJECT FUND CREATED--PLANNING AND PRIORITIZATION OF FUNDING TRANSPORTATION PROJECTS FOR COUNTIES, MUNICIPALITIES AND INDIAN NATIONS, TRIBES AND PUEBLOS.--

A. The "transportation project fund" is created in the state treasury. The fund consists of appropriations, donations, interest from investment of the fund and other money distributed to the fund. The department shall administer the fund and may establish subaccounts for the fund as it deems necessary. Money in the fund is appropriated to the department for expenditure as provided in this section. Disbursements from the fund shall be made by warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of transportation or the secretary's designee. Money in the fund shall not revert at the end of a fiscal year.

B. Money in the fund may be used to make a grant to a county, municipality or tribe for a transportation project that has been approved pursuant to Subsection C of this section for up to:

(1) ninety-five percent of the total cost of a transportation project; provided that the county, municipality or tribe has demonstrated an ability, and has contracted, to provide the remainder of the project costs in non-state money; or

(2) one hundred percent of the total cost of a transportation project if a financial hardship qualification certificate is issued to the county, municipality or tribe by the department of finance and administration and the level of hardship assistance is approved by the state transportation commission; provided that the county, municipality or tribe has demonstrated an ability, and has contracted, to provide the remainder, if any, of the project costs in non-state money.

C. By August 1 of each year, the secretary shall submit a proposed list to the state transportation commission of transportation projects identified through a transportation planning process by metropolitan planning organizations and regional transportation planning organizations. The commission shall approve a prioritized list of the transportation projects for funding from the fund by September 1 of each year. The

commission may approve subsequent changes to a priority list as the commission deems necessary.

D. By November 30 of each year, the department shall provide a report to the appropriate interim legislative committee on the status of the fund, the status of the transportation projects for which grants have been made from the fund and the outstanding demand for assistance from the fund.

E. As used in this section:

(1) "fund" means the transportation project fund;

(2) "metropolitan planning organization" means the policy board of an organization designated by the state to carry out a transportation planning process as permitted by federal law pursuant to 23 U.S.C. 134, as that section may be amended or renumbered;

(3) "non-state money" means money that does not derive from revenue or interest into the state treasury or into a state fund;

(4) "regional transportation planning organization" means the policy board of an organization designated by the state to carry out a transportation planning process as permitted by federal law pursuant to 23 U.S.C. 135, as that section may be amended or renumbered;

(5) "transportation infrastructure" means highways, streets, roadways, bridges, crossing structures and parking facilities, including all areas for vehicular, transit, bicycle or pedestrian use for travel, ingress, egress and parking;

(6) "transportation project" means environmental and other studies, planning, design, construction and maintenance of transportation infrastructure, and acquisition of rights of way necessary for the development of transportation infrastructure, in a county, municipality or tribe, but "transportation project" does not mean a transportation beautification project, as determined by the state transportation commission; and

(7) "tribe" means an Indian nation, tribe or pueblo located wholly or partially in New Mexico."

LAWS 2020, CHAPTER 32

House Bill 312
Approved March 4, 2020

AN ACT

RELATING TO ENVIRONMENTAL IMPROVEMENT; CREATING THE ENVIRONMENTAL HEALTH FUND; PROVIDING THAT THE ENVIRONMENTAL HEALTH FUND MAY BE USED FOR REGULATION OF LIQUID WASTE, WATER RECREATION FACILITIES, FOOD SERVICE SANITATION AND HEMP; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Chapter 32 Section 1 Laws 2020

SECTION 1. A new section of the Environmental Improvement Act is enacted to read:

"ENVIRONMENTAL HEALTH FUND--CREATED.--

A. The "environmental health fund" is created in the state treasury. The fund consists of fees collected from the regulation of on-site liquid waste systems and water recreation facilities pursuant to the Environmental Improvement Act, food establishments pursuant to the Food Service Sanitation Act and hemp pursuant to the Hemp Manufacturing Act. Money in the fund is subject to appropriation by the legislature to the department for the administration of regulations pertaining to liquid waste, water recreation facilities, food service sanitation and hemp. Disbursements from the fund shall be by warrant drawn by the secretary of finance and administration pursuant to vouchers signed by the secretary of environment or the secretary of environment's designee. Any unexpended or unencumbered balance in the environmental health fund remaining at the end of any fiscal year shall not revert to the general fund.

B. Up to two hundred thousand dollars (\$200,000) from unexpended and unencumbered money in the environmental health fund may be transferred to the liquid waste disposal system assistance fund on an annual basis."

Chapter 32 Section 2 Laws 2020

SECTION 2. Section 25-1-5 NMSA 1978 (being Laws 1977, Chapter 309, Section 5, as amended) is amended to read:

"25-1-5. OPTIONAL POWERS.--

A. The board may establish a system of grading food service establishments for the purpose of certifying compliance with the Food Service Sanitation Act and regulations requiring food service establishments to display in a designated manner a grade as notice of compliance to the public. Such regulations shall include provisions for the revocation and reinstatement of the permit that are consistent with due process of law.

B. The board shall establish a schedule of fees for the issuance and renewal of permits issued by the division under the Food Service Sanitation Act. The board shall set the schedule of fees so that no fee established by such schedule shall be less than one hundred dollars (\$100) or more than two hundred dollars (\$200) annually for a food service establishment with not more than a twenty-five-dollar (\$25.00) incremental increase per fiscal year. The board shall establish a separate schedule of fees not to exceed twenty-five dollars (\$25.00) per single event or celebration per temporary food service establishment. Fees shall be waived for all temporary non-potentially hazardous food service operations, for any temporary food service establishment operating no more than two calendar days in any calendar month and for any food service establishment that provides food to the general public at no charge. Fees collected for the issuance and renewal of permits pursuant to the Food Service Sanitation Act shall be deposited in the environmental health fund."

Chapter 32 Section 3 Laws 2020

SECTION 3. Section 74-1-8 NMSA 1978 (being Laws 1971, Chapter 277, Section 11, as amended by Laws 2000, Chapter 86, Section 2 and also by Laws 2000, Chapter 96, Section 2) is amended to read:

"74-1-8. BOARD--DUTIES.--

A. The board is responsible for environmental management and consumer protection. In that respect, the board shall promulgate rules and standards in the following areas:

- (1) food protection;
- (2) water supply, including a capacity development program to assist water systems in acquiring and maintaining technical, managerial and financial capacity in accordance with Section 1420 of the federal Safe Drinking Water Act of 1974 and rules authorizing imposition of administrative penalties for enforcement;
- (3) liquid waste, including exclusive authority to establish on-site liquid waste system fees that are no more than the average charged by the contiguous states to New Mexico for similar permits and services and to implement and administer an inspection and permitting program for on-site liquid waste systems;
- (4) air quality management as provided in the Air Quality Control Act;
- (5) radiation control and establishment of license and registration and other related fees not to exceed fees charged by the United States nuclear regulatory commission for similar licenses as provided in the Radiation Protection Act;
- (6) noise control;

- (7) nuisance abatement;
- (8) vector control;
- (9) occupational health and safety as provided in the Occupational Health and Safety Act;
- (10) sanitation of public swimming pools and public baths;
- (11) plumbing, drainage, ventilation and sanitation of public buildings in the interest of public health;
- (12) medical radiation, health and safety certification and standards for radiologic technologists as provided in the Medical Imaging and Radiation Therapy Health and Safety Act;
- (13) hazardous wastes and underground storage tanks as provided in the Hazardous Waste Act; and
- (14) solid waste as provided in the Solid Waste Act.

B. Nothing in Subsection A of this section imposes requirements for the approval of subdivision plats in addition to those required elsewhere by law. Nothing in Subsection A of this section preempts the authority of any political subdivision to approve subdivision plats.

C. Administrative penalties collected pursuant to Paragraph (2) of Subsection A of this section shall be deposited in the water conservation fund.

D. On-site liquid waste system fees shall be deposited in the environmental health fund.

E. Radiation license and registration and other related fees shall be deposited in the radiation protection fund."

Chapter 32 Section 4 Laws 2020

SECTION 4. Section 74-1-15.1 NMSA 1978 (being Laws 2009, Chapter 203, Section 1) is amended to read:

"74-1-15.1. LIQUID WASTE DISPOSAL SYSTEM ASSISTANCE FUND--
CREATED--PURPOSE.--

A. The "liquid waste disposal system assistance fund" is created in the state treasury. The department shall administer the fund. The fund may be composed of appropriations and transfers of money earned from investment of the fund and

otherwise accruing to the fund and transfers of money from the environmental health fund not to exceed two hundred thousand dollars (\$200,000) from the unexpended balance in the fund. Balances remaining in the fund at the end of a fiscal year shall remain to the credit of the fund. Disbursements from the fund shall be drawn on warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of environment or the secretary's authorized representative. Money in the fund is appropriated to the department for the sole purpose of assisting indigent individuals or households that qualify for funding to accomplish one of the following purposes where there is a real or potential negative impact to public health or water quality from on-site liquid waste disposal system effluent:

(1) to pay for a liquid waste disposal system to replace a cesspool or other failed or improper on-site liquid waste disposal system;

(2) to purchase, install or maintain an advanced treatment system as required by the Environmental Improvement Act or regulations issued pursuant to that act;

(3) to pay for the decommissioning and removal of a cesspool or other failed or improper on-site liquid waste disposal system; or

(4) to pay for all or a portion of the connection fees in order to connect an individual or household to a centralized wastewater collection and treatment system.

B. Construction activities sponsored by the fund shall be performed by licensed contractors selected through competitive bid by the department and shall be managed by the department.

C. No more than five percent of the fund shall be used by the department on an annual basis to pay for the department costs associated with management and implementation of fund activities.

D. As used in this section:

(1) "advanced treatment system" means an on-site liquid wastewater treatment system that removes a greater amount of contaminants than is accomplished by a primary treatment system;

(2) "connection fee" means the fee paid directly to a public water or wastewater system or other wastewater management organization and does not include other fees, such as legal fees, related to connecting an individual or household to a centralized wastewater collection and treatment system; and

(3) "indigent individuals or households" means individuals or households whose annual incomes do not exceed the federal poverty guidelines."

Chapter 32 Section 5 Laws 2020

SECTION 5. Section 74-1-16 NMSA 1978 (being Laws 2003, Chapter 335, Section 1) is amended to read:

"74-1-16. WATER RECREATION FACILITIES--FEE IMPOSITION.--The board may assess an annual fee not to exceed one hundred fifty dollars (\$150) on the owner or operator of a public swimming pool, public spa or other public water recreation facility to defray the cost of administering and enforcing rules adopted in accordance with the Environmental Improvement Act pertaining to public water recreation facilities. The fee shall be based on the size of the public water recreation facility. Fees collected pursuant to this section shall be deposited in the environmental health fund."

Chapter 32 Section 6 Laws 2020

SECTION 6. Section 76-24-8 NMSA 1978 (being Laws 2019, Chapter 116, Section 6) is amended to read:

"76-24-8. HEMP MANUFACTURERS--PERMITS--RULES--REQUIREMENTS.--

A. The department of environment shall issue permits pursuant to rules issued under Subsection C of this section to extract, process or engage in other manufacturing activities regarding hemp, including manufacturing intermediate hemp-derived products and hemp finished products.

B. A person shall not extract, process or engage in other manufacturing activities regarding hemp, including manufacturing intermediate hemp-derived products and hemp finished products without a permit issued by the department of environment or a license issued pursuant to Subsection C of Section 76-24-10 NMSA 1978.

C. The department of environment shall adopt rules that include:

(1) procedures for the issuance, denial, renewal, suspension and revocation of a permit issued by the department of environment to manufacture hemp products, including permit terms and procedures for appeal of a denial, suspension or revocation that include notice and opportunity for a hearing;

(2) qualifications for permitting that include health, sanitation, safety and security;

(3) proficiency standards and requirements for storage, recordkeeping and inspections;

(4) requiring, and providing a process for, the use or disposal of hemp-derived material containing THC levels of more than three-tenths percent; and

(5) fees not to exceed the lesser of one thousand dollars (\$1,000) or the cost of administration of a permit issued pursuant to this section.

D. A hemp manufacturer that produces intermediate hemp-derived products or hemp finished products intended for human consumption by eating or drinking are subject to the provisions of the Food Service Sanitation Act and the New Mexico Food Act.

E. Hemp finished products produced by a hemp manufacturer holding a permit issued pursuant to this section shall not be deemed adulterated as that term is used in the Food Service Sanitation Act and the New Mexico Food Act.

F. Fees collected pursuant to this section shall be deposited in the environmental health fund.

G. A permit issued pursuant to this section does not relieve the holder of the permit of the responsibility to obtain other licenses or permits as required by law."

Chapter 32 Section 7 Laws 2020

SECTION 7. TEMPORARY PROVISION.--On the effective date of this act, unexpended and unencumbered balances in the food service sanitation fund, the liquid waste fund and the water recreation facilities fund shall be transferred to the environmental health fund.

Chapter 32 Section 8 Laws 2020

SECTION 8. REPEAL.--Sections 25-1-5.1 and 74-1-15 NMSA 1978 (being Laws 1993, Chapter 100, Section 5 and Laws 2000, Chapter 96, Section 3, as amended) are repealed.

LAWS 2020, CHAPTER 33

House Bill 317, aa
Approved March 4, 2020

AN ACT

RELATING TO HIGHWAYS; REVISING DEFINITIONS AND DUTIES OF THE TOURISM DEPARTMENT; CHANGING COMPOSITION OF THE NEW MEXICO CLEAN AND BEAUTIFUL ADVISORY COMMITTEE; AMENDING USES OF THE LITTER CONTROL AND BEAUTIFICATION FUND.

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

Chapter 33 Section 1 Laws 2020

SECTION 1. Section 67-16-1 NMSA 1978 (being Laws 1985, Chapter 23, Section 1) is amended to read:

"67-16-1. SHORT TITLE.--Chapter 67, Article 16 NMSA 1978 may be cited as the "Litter Control and Beautification Act"."

Chapter 33 Section 1 Laws 2020

SECTION 2. Section 67-16-2 NMSA 1978 (being Laws 1985, Chapter 23, Section 2, as amended) is amended to read:

"67-16-2. LEGISLATIVE FINDINGS--PURPOSE--INTENT.--

A. The legislature finds that the proliferation and accumulation of litter discarded throughout the state constitutes a public nuisance and damages the economy of the state by making it less attractive to tourists and newcomers. There is a need to anticipate, plan for and accomplish effective litter control through a state-coordinated plan of education, control, prevention, recycling and elimination.

B. The purpose of the Litter Control and Beautification Act is to accomplish litter control by vesting in the department authority to eliminate litter from the state to the maximum practical extent. The department shall aid in establishing a statewide keep America beautiful program. The department shall cooperate with cities, counties and other departments of state government in developing a statewide litter and solid waste reduction program.

C. The Litter Control and Beautification Act is intended to add to and coordinate existing litter control and removal efforts, except as specifically stated in that act."

Chapter 33 Section 3 Laws 2020

SECTION 3. Section 67-16-3 NMSA 1978 (being Laws 1985, Chapter 23, Section 3, as amended) is amended to read:

"67-16-3. DEFINITIONS.--As used in the Litter Control and Beautification Act:

A. "keep America beautiful program" means a comprehensive program to end littering, improve recycling and beautify American communities;

B. "committee" means the New Mexico clean and beautiful advisory committee;

C. "department" means the tourism department;

D. "litter" means weeds, graffiti and all waste material, including disposable packages or containers, but not including the waste of the primary processes of mining, logging, sawmilling or farming;

E. "New Mexico clean and beautiful program" means the statewide keep America beautiful program established by the department to carry out the purposes of the Litter Control and Beautification Act;

F. "person" means an individual, corporation, partnership, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary or representative or group of individuals or entities of any kind;

G. "public place" means an area that is used or held out for use by the public, whether owned or operated by public or private interests;

H. "recycling" means the collection, separation or processing and return to the economic mainstream of raw materials or products that would otherwise become solid waste; and

I. "tourism region" means one of the following:

(1) the central region consisting of Bernalillo, Sandoval, Torrance and Valencia counties;

(2) the north-central region consisting of Los Alamos, Rio Arriba, Santa Fe and Taos counties;

(3) the northeast region consisting of Colfax, Guadalupe, Harding, Mora, Quay, San Miguel and Union counties;

(4) the northwest region consisting of Cibola, McKinley and San Juan counties;

(5) the southeast region consisting of Chaves, Curry, De Baca, Eddy, Lea, Lincoln, Otero and Roosevelt counties; and

(6) the southwest region consisting of Catron, Dona Ana, Grant, Hidalgo, Luna, Sierra and Socorro counties."

Chapter 33 Section 4 Laws 2020

SECTION 4. Section 67-16-4 NMSA 1978 (being Laws 2017, Chapter 30, Section 2) is amended to read:

"67-16-4. NEW MEXICO CLEAN AND BEAUTIFUL ADVISORY COMMITTEE.--

A. The "New Mexico clean and beautiful advisory committee" is created, consisting of seven to eleven members appointed by the tourism commission. No two members shall be residents of the same county. The tourism commission shall appoint members to the committee who are knowledgeable in the areas of beautification, blight reduction, litter eradication, waste diversion and modification of human behavior patterns; provided that no member shall be an employee of the state. One member of the committee shall be appointed from each of the six tourism regions, and one to five members shall be appointed from the state at large; provided that at least two of the members shall have experience in tourism, economic development, community beautification, sustainable materials management or recycling initiatives.

B. The committee shall select a person from its membership to serve as chair, and the committee shall meet at least quarterly to conduct its business.

C. Notwithstanding the provisions of the Per Diem and Mileage Act, the members of the committee shall not receive any compensation, perquisite or allowance in connection with their duties."

Chapter 33 Section 5 Laws 2020

SECTION 5. Section 67-16-5 NMSA 1978 (being Laws 1985, Chapter 23, Section 5, as amended) is amended to read:

"67-16-5. CLEAN AND BEAUTIFUL PROGRAM COORDINATOR.--The department shall designate a clean and beautiful program coordinator to coordinate the activities of the New Mexico clean and beautiful program and the committee."

Chapter 33 Section 6 Laws 2020

SECTION 6. Section 67-16-7 NMSA 1978 (being Laws 1989, Chapter 10, Section 4, as amended) is amended to read:

"67-16-7. MEASUREMENT AND EVALUATION.--The committee shall document and report on an annual basis the effectiveness and impact of department-sponsored litter control and beautification programs through the following:

A. report on all projects and activities funded by the department through allocations from the litter control and beautification fund. The community appearance index technique shall be a part of this report in communities where appropriate and available; and

B. investigate and report on the feasibility, appropriateness and cost of a statewide community appearance index or other technique for the evaluation of highway litter."

Chapter 33 Section 7 Laws 2020

SECTION 7. Section 67-16-12 NMSA 1978 (being Laws 1985, Chapter 23, Section 12, as amended) is amended to read:

"67-16-12. FURTHER DUTIES OF DEPARTMENT.--

A. The department shall:

- (1) serve as the coordinating agency between various industry and business organizations seeking to aid in the anti-litter effort;
- (2) cooperate with all local governments to accomplish coordination of local anti-litter efforts;
- (3) encourage voluntary local anti-litter campaigns seeking to focus the attention of the public on programs to control and remove litter;
- (4) encourage voluntary recycling programs and aid in identifying programs and available markets for recycled materials;
- (5) apply for funds available from any other source for use in the administration of the Litter Control and Beautification Act;
- (6) adopt rules to enter into contracts for making either direct or matching grants with other state agencies, cities or counties or with an Indian nation, tribe or pueblo government for the purpose of promoting local keep America beautiful programs; and
- (7) aid in the adoption and enforcement of model anti-litter statutes and ordinances and improve state and local litter control programs.

B. The department shall also allocate funds appropriated to it from the litter control and beautification fund for the following areas:

- (1) operating expenses directly related to the administration of the committee, including:
 - (a) research, development and implementation of a statewide evaluation system;
 - (b) professional services provided to the state by representatives of the national keep America beautiful program; and
 - (c) the promotion of and encouragement of voluntary recycling efforts for all recyclable items;

(2) purchase of litter bags and receptacles and to conduct a public awareness and media campaign to include brochures, literature and educational materials, production of public service announcements and other expenses relating to public relations;

(3) at least fifty percent of the fees received in a year to local governments or Indian nation, tribe or pueblo governments to establish and help continue local keep America beautiful programs and youth employment programs to aid in litter control, recycling and beautification projects;

(4) no more than fifteen percent of the fees received in a year for operating expenses for the New Mexico clean and beautiful program; and

(5) no more than ten percent of fees received in a year to a clearinghouse for nonprofit organizations' beautification and related educational programs."

Chapter 33 Section 8 Laws 2020

SECTION 8. REPEAL.--Section 67-16-9 NMSA 1978 (being Laws 1985, Chapter 23, Section 9, as amended) is repealed.

LAWS 2020, CHAPTER 34

House Bill 341, aa
Approved March 4, 2020

AN ACT

RELATING TO STATE RESERVE FUNDS; PROVIDING FOR THE TRANSFER OF A PORTION OF THE BALANCE IN THE TAX STABILIZATION RESERVE IF THE BALANCE IN THE GENERAL FUND OPERATING RESERVE IS LESS THAN ONE PERCENT OF AGGREGATE APPROPRIATIONS.

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

Chapter 34 Section 1 Laws 2020

SECTION 1. Section 6-4-2.2 NMSA 1978 (being Laws 1987, Chapter 347, Section 3, as amended) is amended to read:

"6-4-2.2. GENERAL FUND TAX STABILIZATION RESERVE.--

A. The "tax stabilization reserve" is created within the state treasury as a reserve fund of the state.

B. The tax stabilization reserve consists of money directed or appropriated to it by law and all income from investment of the reserve. The state investment officer, subject to the approval of the state investment council, shall invest money in the reserve:

(1) in accordance with the prudent investor rule set forth in the Uniform Prudent Investor Act; and

(2) in consultation with the state treasurer.

C. The state investment officer shall report quarterly to the legislative finance committee and the state investment council on the investments made pursuant to this section. Annually, a report shall be submitted no later than October 1 each year to the legislative finance committee, the revenue stabilization and tax policy committee and any other appropriate interim committees.

D. Except as otherwise provided in Subsection E of this section and Subsection B of Section 6-4-4 NMSA 1978, any balance of the tax stabilization reserve may be:

(1) appropriated only by a two-thirds' majority vote of both houses of the legislature following receipt by the legislature of a declaration of the governor that such an appropriation is necessary for the public peace, health and safety; or

(2) expended by the governor only:

(a) pursuant to an appropriation made by a two-thirds' majority vote of both houses of the legislature specifying the amount of the appropriation and the purpose of the expenditure; and

(b) if the governor declares that the expenditure is necessary for the public peace, health and safety.

E. If general fund revenues, including all transfers to the general fund authorized by law, are projected by the governor to be insufficient either to meet the level of appropriations authorized by law from the general fund for the current fiscal year or to meet the level of appropriations recommended in the budget and appropriations bill submitted in accordance with Section 6-3-21 NMSA 1978 for the next fiscal year, the balance in the tax stabilization reserve may be appropriated by the legislature up to the amount of the projected insufficiency for either or both fiscal years."

Chapter 34 Section 2 Laws 2020

SECTION 2. Section 6-4-4 NMSA 1978 (being Laws 1987, Chapter 347, Section 4, as amended) is amended to read:

"6-4-4. TRANSFERS BETWEEN GENERAL FUND RESERVES.--

A. For the seventy-seventh and subsequent fiscal years, if the revenues of the general fund exceed the total of appropriations from the general fund, the excess revenue shall be transferred to the general fund operating reserve; provided that if the sum of the excess revenue plus the balance in the general fund operating reserve prior to the transfer is greater than eight percent of the aggregate recurring appropriations from the general fund for the previous fiscal year, then an amount equal to the smaller of either the amount of the excess revenue or the difference between the sum and eight percent of the aggregate recurring appropriations from the general fund for the previous fiscal year shall be transferred to the tax stabilization reserve.

B. If the balance in the general fund operating reserve as of the end of a fiscal year is less than one percent of aggregate general fund appropriations for that fiscal year, as determined by the department of finance and administration, then an amount equal to the smaller of either one percent of aggregate general fund appropriations for that fiscal year or the amount necessary to bring the balance of the general fund operating reserve to one percent of aggregate general fund appropriations for that fiscal year shall be transferred from the tax stabilization reserve to the general fund operating reserve."

LAWS 2020, CHAPTER 35

HJC/House Bill 100, aa
Approved March 4, 2020

AN ACT

RELATING TO THE NEW MEXICO HEALTH INSURANCE EXCHANGE; AMENDING AND ENACTING SECTIONS OF THE NEW MEXICO HEALTH INSURANCE EXCHANGE ACT; ADDING DUTIES AND POWERS FOR THE BOARD OF DIRECTORS OF THE NEW MEXICO HEALTH INSURANCE EXCHANGE; PROVIDING FOR STANDARDIZED HEALTH PLANS; REQUIRING REPORTING.

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

Chapter 35 Section 1 Laws 2020

SECTION 1. Section 59A-23F-1 NMSA 1978 (being Laws 2013, Chapter 54, Section 1) is amended to read:

"59A-23F-1. SHORT TITLE.--Chapter 59A, Article 23F NMSA 1978 may be cited as the "New Mexico Health Insurance Exchange Act"."

Chapter 35 Section 2 Laws 2020

SECTION 2. Section 59A-23F-2 NMSA 1978 (being Laws 2013, Chapter 54, Section 2) is amended to read:

"59A-23F-2. DEFINITIONS.--As used in the New Mexico Health Insurance Exchange Act:

- A. "board" means the board of directors of the exchange;
- B. "bronze plan" means a level of coverage that is designed to provide benefits that are actuarially equivalent to sixty percent of the full actuarial value of the benefits provided under a health benefit plan or the allowable value for a bronze plan as defined by federal regulation;
- C. "enrollee" means:
 - (1) a qualified individual or qualified employee enrolled in a qualified health plan;
 - (2) the dependent of a qualified employee enrolled in a qualified health plan through the small business health options program;
 - (3) a person who is enrolled in a qualified health plan through the small business health options program, consistent with applicable law and the terms of the group health plan; or
 - (4) a business owner enrolled in a qualified health plan through the small business health options program, provided that at least one employee of the business owner enrolls in a qualified health plan through the small business health options program, or the dependent of a business owner enrolled in a qualified health plan through the small business health options program;
- D. "exchange" means the New Mexico health insurance exchange, composed of an exchange for the individual market and a small business health options program or "SHOP" exchange under a single governance and administrative structure;
- E. "gold plan" means a level of coverage that is designed to provide benefits that are actuarially equivalent to eighty percent of the full actuarial value of the benefits provided under a health benefit plan or the allowable value for a gold plan as defined by federal regulation;
- F. "health benefit plan" means an individual or group policy or agreement entered into, offered or issued by a health insurance carrier to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services;

G. "health insurance issuer" means an insurance company, insurance service or insurance organization, including a health maintenance organization, that is licensed to engage in the business of insurance in the state;

H. "insurance producer" means a person required to be licensed in this state to sell, solicit or negotiate insurance;

I. "Native American" means:

(1) an individual who is a member of any federally recognized Indian nation, tribe or pueblo or who is an Alaska native; or

(2) an individual who has been deemed eligible for services and programs provided to Native Americans by the United States public health service or the bureau of Indian affairs;

J. "navigator" means a person that, in a manner culturally and linguistically appropriate to the state's diverse populations, conducts public education, distributes tax credit and qualified health plan enrollment information, facilitates enrollment in qualified health plans or provides referrals to consumer assistance or ombudsman services. "Navigator" does not mean a health insurance issuer or a person that receives any consideration, directly or indirectly, from any health insurance issuer in connection with the enrollment of a qualified individual in a qualified health plan; provided that an insurance producer may be a navigator if the insurance producer receives no consideration, directly or indirectly, from any health insurance issuer in connection with the enrollment of a qualified individual or qualified employer in a qualified health plan, an approved health plan or any other health coverage;

K. "qualified employee" means an employee or former employee of a qualified employer who has been offered health insurance coverage by that qualified employer through the small business health options program for the employee or former employee and, if the qualified employer offers dependent coverage through the small business health options program, for the employee or former employee's dependents;

L. "qualified employer" means a small employer that elects to make, at a minimum, all of the employer's full-time employees eligible for one or more qualified health plans in the small group market offered through a small business health options program;

M. "qualified health plan" means a health plan that has in effect a certification from the superintendent that it meets the standards set forth in applicable federal and state law and regulations and rules as well as any additional requirements established by the board;

N. "qualified individual" means an individual who has been determined eligible to enroll through the exchange in a qualified health plan in the individual market;

O. "silver plan" means a level of coverage that is designed to provide benefits that are actuarially equivalent to seventy percent of the full actuarial value of the benefits provided under a health benefit plan or the allowable value for a silver plan as defined by federal regulation;

P. "small business health options program" means a program operated by the exchange through which a qualified employer can provide its employees and their dependents with access to one or more qualified health plans; and

Q. "superintendent" means the superintendent of insurance."

Chapter 35 Section 3 Laws 2020

SECTION 3. Section 59A-23F-3 NMSA 1978 (being Laws 2013, Chapter 54, Section 3, as amended) is amended to read:

"59A-23F-3. NEW MEXICO HEALTH INSURANCE EXCHANGE CREATED--
BOARD CREATED.--

A. The "New Mexico health insurance exchange" is created as a nonprofit public corporation to provide qualified individuals and qualified employers with increased access to health insurance in the state and shall be governed by a board of directors constituted pursuant to the provisions of the New Mexico Health Insurance Exchange Act. The exchange is a governmental entity for purposes of the Governmental Conduct Act, the Gift Act, the Sunshine Portal Transparency Act, the Whistleblower Protection Act, the Procurement Code and the Tort Claims Act, and neither the exchange nor the board shall be considered a governmental entity for any other purpose.

B. The exchange shall not duplicate, impair, enhance, supplant, infringe upon or replace, in whole or in any part, the powers, duties or authority of the superintendent, including the superintendent's authority to review and approve premium rates pursuant to the provisions of the Insurance Code.

C. All health insurance issuers and health maintenance organizations authorized to conduct business in this state and meeting the requirements of the rules promulgated by the superintendent pursuant to Section 59A-23F-7 NMSA 1978, the regulations under federal law and the requirements established by the board shall be eligible to participate in the exchange.

D. The "board of directors of the New Mexico health insurance exchange" is created. The board consists of thirteen voting directors as follows:

(1) one voting director is the superintendent or the superintendent's designee;

(2) six voting directors appointed by the governor, including the secretary of human services or the secretary's designee, a health insurance issuer and a consumer advocate; and

(3) six voting directors, three appointed by the president pro tempore of the senate, including one health care provider, and three appointed by the speaker of the house of representatives, including one health insurance issuer. One of the directors appointed by the president pro tempore of the senate and one of the directors appointed by the speaker of the house of representatives shall be from a list of at least two candidates provided, respectively, by the minority floor leader of the senate and by the minority floor leader of the house of representatives.

E. Except as provided in Subsection F of this section, managerial and full-time staff of the exchange shall be subject to applicable provisions of the Governmental Conduct Act and shall not have any direct or indirect affiliation with any health care provider, health insurance issuer or health care service provider.

F. Each director shall comply with the conflict-of-interest provisions of Subsection E of this section, except as follows:

(1) directors who may be appointed from the board of directors of the New Mexico medical insurance pool shall not be considered to have a conflict of interest with respect to their association with that entity;

(2) the secretary of human services, or the secretary's designee, shall not be considered to have a conflict of interest with respect to the secretary's performance of the secretary's duties as secretary of human services;

(3) the director who is a health care provider shall not be considered to have a conflict of interest arising from that director's receipt of payment for services as a health care provider; and

(4) directors who are representatives of health insurance issuers shall not be considered to have a conflict of interest with respect to those directors' association with their respective health insurance issuers.

G. Each director and employee of the exchange shall have a fiduciary duty to the exchange, to the state and to those persons who purchase or enroll in qualified health plan coverage or medical assistance coverage through the exchange.

H. The board shall be composed, as a whole, to assure representation of the state's Native American population, ethnic diversity, cultural diversity and geographic diversity.

I. Directors shall have demonstrated knowledge or experience in at least one of the following areas:

- (1) purchasing coverage in the individual market;
- (2) purchasing coverage in the small employer market;
- (3) health care finance;
- (4) health care economics or health care actuarial science;
- (5) health care policy;
- (6) the enrollment of underserved residents in health care coverage;
- (7) administration of a private or public health care delivery system;
- (8) information technology;
- (9) starting a small business with fifty or fewer employees; or
- (10) provision of health care services.

J. The governor shall appoint no more than four directors from the same political party.

K. Except for the secretary of human services, the non-health insurance issuer directors appointed by the governor shall be appointed for initial terms of three years or less, staggered so that the term of at least one director expires on June 30 of each year. The non-health insurance insurer directors appointed by the legislature shall be appointed for initial terms of three years or less, staggered so that the term of at least one director expires on June 30 of each year. The health insurance issuers appointed to the board shall, upon appointment, select one of them by lot to have an initial term ending on June 30 following one year of service and one to have an initial term ending on June 30 following two years of service. Following the initial terms, health insurance issuer directors shall be appointed for terms of two years. A director whose term has expired shall continue to serve until a successor is appointed by the respective appointing authority. Health insurance issuer directors shall not serve two consecutive terms.

L. The exchange, members of the board and employees of the exchange shall operate consistent with provisions of the Governmental Conduct Act, the Inspection of Public Records Act, the Financial Disclosure Act, the Gift Act, the Whistleblower Protection Act, the Open Meetings Act and the Procurement Code and shall not be subject to the Personnel Act.

M. The board and the exchange shall implement performance-based budgeting and submit annual budgets for the exchange to the secretary of finance and administration and the legislative finance committee.

N. The exchange shall cover its directors and employees under a surety bond, in an amount that the director of the risk management division of the general services department shall prescribe.

O. A majority of directors constitutes a quorum. The board may allow members to attend meetings by telephone or other electronic media. A decision by the board requires a quorum and a majority of directors in attendance voting in favor of the decision.

P. Within thirty days of the effective date of the New Mexico Health Insurance Exchange Act, the board shall be fully appointed and the superintendent shall convene an organizational meeting of the board, during which the board shall elect a chair and vice chair from among the directors. Thereafter, every three years, the board shall elect in open meeting a chair and vice chair from among the directors. The chair and vice chair shall serve no more than two consecutive three-year terms as chair and vice chair.

Q. A vacancy on the board shall be filled by appointment by the original appointing authority for the remainder of the director's unexpired term.

R. A director may be removed from the board by a two-thirds majority vote of the directors. The board shall set standards for attendance and may remove a director for lack of attendance, neglect of duty or malfeasance in office. A director shall not be removed without proceedings consisting of at least one ten-day notice of hearing and an opportunity to be heard. Removal proceedings shall be before the board and in accordance with procedures adopted by the board.

S. Appointed directors may receive per diem and mileage in accordance with the Per Diem and Mileage Act, subject to the travel policy set by the board. Appointed directors shall receive no other compensation, perquisite or allowance.

T. The board shall:

(1) meet at the call of the chair and no less often than once per calendar quarter. There shall be at least seven days' notice given to directors prior to any meeting. There shall be sufficient notice provided to the public prior to meetings pursuant to the Open Meetings Act;

(2) create, make appointments to and duly consider recommendations of an advisory committee or committees made up of stakeholders, including health insurance issuers, health care consumers, health care providers, health care practitioners, insurance producers, qualified employer representatives and advocates for low-income or underserved residents;

(3) create an advisory committee made up of members insured through the New Mexico medical insurance pool to make recommendations to the board regarding the transition of each organization's insured members into the exchange. The

advisory committee shall only exist until a transition plan has been adopted by the board;

(4) create an advisory committee made up of Native Americans, some of whom live on a reservation and some of whom do not live on a reservation, to guide the implementation of the Native American-specific provisions of the federal Patient Protection and Affordable Care Act and the federal Indian Health Care Improvement Act;

(5) designate a Native American liaison, who shall assist the board in developing and ensuring implementation of communication and collaboration between the exchange and Native Americans in the state. The Native American liaison shall serve as a contact person between the exchange and New Mexico Indian nations, tribes and pueblos and shall ensure that training is provided to the staff of the exchange, which may include training in:

(a) cultural competency;

(b) state and federal law relating to Indian health; and

(c) other matters relating to the functions of the exchange with respect to Native Americans in the state; and

(6) establish at least one walk-in customer service center where persons may, if eligible, enroll in qualified health plans or public coverage programs."

Chapter 35 Section 4 Laws 2020

SECTION 4. Section 59A-23F-5 NMSA 1978 (being Laws 2013, Chapter 54, Section 5, as amended) is amended to read:

"59A-23F-5. PLAN OF OPERATION.--

A. No later than September 1, 2020, the board, in coordination with insurance producers appointed and compensated by the insurance industry, shall review its plan of operation and approve amendments to it as appropriate to ensure that the exchange is operated using best practices for state-based exchanges in business administration, consumer engagement and public outreach and marketing.

B. The board shall provide for public notice and hearing prior to approving amendments to the plan of operation.

C. The plan of operation shall contain:

(1) procedures to implement the provisions of the New Mexico Health Insurance Exchange Act, consistent with state and federal law;

- and money;
- (2) procedures for handling and accounting for the exchange's assets
- (3) regular times and meeting places for meetings of the board;
- (4) a statewide consumer assistance program, including a navigator program;
- (5) procedures for consumer complaints and grievances for issues relating to the exchange;
- (6) procedures for alternative dispute resolution between the exchange and contractors or health insurance issuers;
- (7) policies that:
 - (a) promote effective communication and collaboration between the exchange and Indian nations, tribes and pueblos, including communicating and collaborating on those nations', tribes' and pueblos' plans for creating or participating in health insurance exchanges; and
 - (b) promote cultural competency in providing effective services to Native Americans;
- (8) conflict-of-interest policies and procedures;
- (9) details on the contents of the reports required pursuant to the New Mexico Health Insurance Exchange Act; and
- (10) provisions necessary and proper for the execution of the powers and duties of the board and exchange."

Chapter 35 Section 5 Laws 2020

SECTION 5. Section 59A-23F-7 NMSA 1978 (being Laws 2013, Chapter 54, Section 7) is amended to read:

"59A-23F-7. SUPERINTENDENT OF INSURANCE--RULEMAKING.--The superintendent shall coordinate with the board to promulgate rules necessary to implement and carry out the provisions of the New Mexico Health Insurance Exchange Act, including rules to establish the criteria for certification of qualified health plans."

Chapter 35 Section 6 Laws 2020

SECTION 6. A new section of the New Mexico Health Insurance Exchange Act is enacted to read:

"BOARD--ADDITIONAL DUTIES AND POWERS.--In addition to other duties and powers in the New Mexico Health Insurance Exchange Act, the board shall:

- A. in consultation with the superintendent:
 - (1) establish policies and procedures for the review and recommendation of health benefits plans to be offered on the exchange;
 - (2) determine additional minimum requirements for a health insurance issuer to be considered for participation in the exchange; and
 - (3) determine standards and criteria for health benefits plans to be offered through the exchange that offer an optimal level of choice, value, quality and service and that are in the best interests of qualified individuals and qualified small employers;
- B. establish policies and procedures that allow city, county and state governments, Indian nations, tribes and pueblos, tribal organizations, urban Native American organizations, private foundations and other entities to pay premiums and cost-sharing on behalf of qualified individuals consistent with federal requirements;
- C. provide for the operation of a toll-free hotline to respond to requests for assistance, using staff that is trained to provide assistance in a culturally and linguistically appropriate manner;
- D. provide for an annual regular enrollment period and special enrollment periods in the best interest of qualified individuals and qualified small employers;
- E. maintain an internet website through which enrollees and prospective enrollees of qualified health plans may obtain standardized comparative information on those plans;
- F. use a standardized format for presenting health benefit plan options in the exchange;
- G. determine the criteria and process for eligibility, enrollment and disenrollment of enrollees and potential enrollees in the exchange and coordinate that process with the human services department in order to ensure consistent eligibility and enrollment processes and seamless transitions between coverages;
- H. inform individuals of eligibility requirements for medicaid, the children's health insurance program or other applicable state or local public programs. If the exchange assesses that an individual may be eligible for a program, the board shall share information with that program to facilitate the eligibility determination and enrollment of the individual;

I. establish and make available by electronic means a calculator to determine the actual cost of coverage after the application of any premium tax credits and cost-sharing reductions under applicable federal or state law;

J. perform duties required of, or delegated to, the exchange by the secretary of the United States department of health and human services or the United States secretary of the treasury related to determining eligibility for premium tax credits or reduced cost sharing;

K. maintain a statewide consumer assistance program, including a navigator program; and

L. maintain a small business health options program exchange through which qualified employers may access coverage for their employees, providing as appropriate premium aggregation and other related services to minimize the administrative burdens for qualified employers and to:

(1) enable a qualified employer to specify a level of coverage so that its employees may enroll in a qualified health plan offered through the small business health options program exchange at the specified level of coverage; or

(2) enable a qualified employer to provide a specific amount or other payment formulated in accordance with federal law to be used as part of an employee's choice of plan."

Chapter 35 Section 7 Laws 2020

SECTION 7. A new section of the New Mexico Health Insurance Exchange Act is enacted to read:

"STANDARDIZED HEALTH PLANS.--

A. The board may establish no more than three standardized health plans for each of three levels of coverage with increasing benefits, designated bronze, silver and gold plans.

B. In establishing standardized health plans, the board may design those plans to:

(1) limit increases in health plan premium rates;

(2) reduce the deductible portion of a benefit an insured individual is required to pay;

(3) make more services available before a deductible amount is applied to a benefit;

- (4) provide predictable cost sharing;
- (5) maximize available subsidies;
- (6) limit adverse premium impacts;
- (7) reduce barriers to maintaining and improving health; and
- (8) encourage choice based on value.

C. The board may update the standardized health plans annually.

D. The board shall provide for notice and public comment before finalizing each year's standardized health plans.

E. The board shall establish a procedure and time line for providing written notice of the standardized health plans to health insurance issuers before the year in which the health plans are to be offered on the exchange.

F. Beginning on January 1, 2022, the board may require a health insurance issuer offering a qualified health plan through the exchange to offer one silver standardized health plan and one gold standardized health plan on the exchange. If a health insurance issuer offers a bronze health plan through the exchange, the exchange may also require the issuer to offer one bronze standardized health plan through the exchange.

G. A health insurance issuer offering standardized health plans through the exchange may also offer nonstandardized health plans through the exchange.

H. The actuarial value of nonstandardized silver health plans offered through the exchange shall not be less than the actuarial value of the standardized silver health plan with the lowest actuarial value."

Chapter 35 Section 8 Laws 2020

SECTION 8. A new section of the New Mexico Health Insurance Exchange Act is enacted to read:

"REPORTING.--The board shall make reports publicly available as follows:

A. during all exchange open enrollment periods beginning on or after October 1, 2021, the board shall produce weekly reports that include information on:

- (1) applications;
- (2) plan selections;

- (3) new enrollees;
- (4) enrollees renewing coverage;
- (5) call center volume; and
- (6) website traffic;

B. within sixty days following the last day of each open enrollment period beginning on or after October 1, 2021, the board shall produce a report with the number of effectuated enrollments from the most recent open enrollment period; and

C. beginning on September 1, 2022, and on each succeeding September 1, the board, in consultation with the superintendent, shall issue a report that includes analysis of:

- (1) the individual health insurance market;
- (2) on- and off-exchange enrollment and demographics;
- (3) small business enrollment;
- (4) qualified health plan pricing;
- (5) outreach and enrollment assistance activities;
- (6) the impact of offering standardized health plans; and
- (7) the remaining uninsured in New Mexico and strategies to reach

them."

LAWS 2020, CHAPTER 36

House Bill 292, aa
Approved March 4, 2020

AN ACT

RELATING TO HEALTH CARE PLANS; ESTABLISHING LIMITS ON COST SHARING FOR CERTAIN PRESCRIPTION DRUGS; REQUIRING A REPORT RECOMMENDING ADDITIONAL DRUGS AND SERVICES FOR COST-SHARING LIMITATIONS; REQUIRING A STUDY OF THE COST OF PRESCRIPTION DRUGS FOR NEW MEXICO CONSUMERS AND MAKING RECOMMENDATIONS ON INCREASING ACCESSIBILITY OF PRESCRIPTION DRUGS; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Chapter 36 Section 1 Laws 2020

SECTION 1. A new section of the Health Care Purchasing Act is enacted to read:

"INSULIN FOR DIABETES--COST-SHARING CAP.--Group health care coverage, including any form of self-insurance, offered, issued or renewed under the Health Care Purchasing Act shall cap the amount an insured is required to pay for a preferred formulary prescription insulin drug or a medically necessary alternative at an amount not to exceed a total of twenty-five dollars (\$25.00) per thirty-day supply."

Chapter 36 Section 2 Laws 2020

SECTION 2. Section 59A-22-41 NMSA 1978 (being Laws 1997, Chapter 7, Section 1 and also Laws 1997, Chapter 255, Section 1) is amended to read:

"59A-22-41. COVERAGE FOR INDIVIDUALS WITH DIABETES.--

A. Each individual and group health insurance policy, health care plan, certificate of health insurance and managed health care plan delivered or issued for delivery in this state shall provide coverage for individuals with insulin-using diabetes, with non-insulin-using diabetes and with elevated blood glucose levels induced by pregnancy. This coverage shall be a basic health care benefit and shall entitle each individual to the medically accepted standard of medical care for diabetes and benefits for diabetes treatment as well as diabetes supplies, and this coverage shall not be reduced or eliminated.

B. Except as otherwise provided in this subsection, coverage for individuals with diabetes may be subject to deductibles and coinsurance consistent with those imposed on other benefits under the same policy, plan or certificate, as long as the annual deductibles or coinsurance for benefits are no greater than the annual deductibles or coinsurance established for similar benefits within a given policy. The amount an individual with diabetes is required to pay for a preferred formulary prescription insulin drug or a medically necessary alternative is an amount not to exceed a total of twenty-five dollars (\$25.00) per thirty-day supply.

C. When prescribed or diagnosed by a health care practitioner with prescribing authority, all individuals with diabetes as described in Subsection A of this section enrolled in health policies described in that subsection shall be entitled to the following equipment, supplies and appliances to treat diabetes:

- (1) blood glucose monitors, including those for the legally blind;
- (2) test strips for blood glucose monitors;

- (3) visual reading urine and ketone strips;
- (4) lancets and lancet devices;
- (5) insulin;
- (6) injection aids, including those adaptable to meet the needs of the legally blind;
- (7) syringes;
- (8) prescriptive oral agents for controlling blood sugar levels;
- (9) medically necessary podiatric appliances for prevention of feet complications associated with diabetes, including therapeutic molded or depth-inlay shoes, functional orthotics, custom molded inserts, replacement inserts, preventive devices and shoe modifications for prevention and treatment; and
- (10) glucagon emergency kits.

D. When prescribed or diagnosed by a health care practitioner with prescribing authority, all individuals with diabetes as described in Subsection A of this section enrolled in health policies described in that subsection shall be entitled to the following basic health care benefits:

- (1) diabetes self-management training that shall be provided by a certified, registered or licensed health care professional with recent education in diabetes management, which shall be limited to:
 - (a) medically necessary visits upon the diagnosis of diabetes;
 - (b) visits following a physician diagnosis that represents a significant change in the patient's symptoms or condition that warrants changes in the patient's self-management; and
 - (c) visits when re-education or refresher training is prescribed by a health care practitioner with prescribing authority; and
- (2) medical nutrition therapy related to diabetes management.

E. When new or improved equipment, appliances, prescription drugs for the treatment of diabetes, insulin or supplies for the treatment of diabetes are approved by the food and drug administration, all individual or group health insurance policies as described in Subsection A of this section shall:

(1) maintain an adequate formulary to provide these resources to individuals with diabetes; and

(2) guarantee reimbursement or coverage for the equipment, appliances, prescription drug, insulin or supplies described in this subsection within the limits of the health care plan, policy or certificate.

F. The provisions of Subsections A through E of this section shall be enforced by the superintendent.

G. The provisions of this section shall not apply to short-term travel, accident-only or limited or specified disease policies.

H. For purposes of this section:

(1) "basic health care benefits":

(a) means benefits for medically necessary services consisting of preventive care, emergency care, inpatient and outpatient hospital and physician care, diagnostic laboratory and diagnostic and therapeutic radiological services; and

(b) does not include mental health services or services for alcohol or drug abuse, dental or vision services or long-term rehabilitation treatment; and

(2) "managed health care plan" means a health benefit plan offered by a health care insurer that provides for the delivery of comprehensive basic health care services and medically necessary services to individuals enrolled in the plan through its own employed health care providers or by contracting with selected or participating health care providers. A managed health care plan includes only those plans that provide comprehensive basic health care services to enrollees on a prepaid, capitated basis, including the following:

(a) health maintenance organizations;

(b) preferred provider organizations;

(c) individual practice associations;

(d) competitive medical plans;

(e) exclusive provider organizations;

(f) integrated delivery systems;

(g) independent physician-provider organizations;

- (h) physician hospital-provider organizations; and
- (i) managed care services organizations."

Chapter 36 Section 3 Laws 2020

SECTION 3. Section 59A-46-43 NMSA 1978 (being Laws 1997, Chapter 7, Section 3 and Laws 1997, Chapter 255, Section 3) is amended to read:

"59A-46-43. COVERAGE FOR INDIVIDUALS WITH DIABETES.--

A. Each individual and group health maintenance organization contract delivered or issued for delivery in this state shall provide coverage for individuals with insulin-using diabetes, with non-insulin-using diabetes and with elevated blood glucose levels induced by pregnancy. This coverage shall be a basic health care service and shall entitle each individual to the medically accepted standard of medical care for diabetes and benefits for diabetes treatment as well as diabetes supplies, and this coverage shall not be reduced or eliminated.

B. Except as provided in this subsection, coverage for individuals with diabetes may be subject to deductibles and coinsurance consistent with those imposed on other benefits under the same contract, as long as the annual deductibles or coinsurance for benefits are no greater than the annual deductibles or coinsurance established for similar benefits within a given contract. The amount an individual with diabetes is required to pay for a preferred formulary prescription insulin drug or a medically necessary alternative is an amount not to exceed a total of twenty-five dollars (\$25.00) per thirty-day supply.

C. When prescribed or diagnosed by a health care practitioner with prescribing authority, all individuals with diabetes as described in Subsection A of this section enrolled under an individual or group health maintenance organization contract shall be entitled to the following equipment, supplies and appliances to treat diabetes:

- (1) blood glucose monitors, including those for the legally blind;
- (2) test strips for blood glucose monitors;
- (3) visual reading urine and ketone strips;
- (4) lancets and lancet devices;
- (5) insulin;
- (6) injection aids, including those adaptable to meet the needs of the legally blind;

(7) syringes;

(8) prescriptive oral agents for controlling blood sugar levels;

(9) medically necessary podiatric appliances for prevention of feet complications associated with diabetes, including therapeutic molded or depth-inlay shoes, functional orthotics, custom molded inserts, replacement inserts, preventive devices and shoe modifications for prevention and treatment; and

(10) glucagon emergency kits.

D. When prescribed or diagnosed by a health care practitioner with prescribing authority, all individuals with diabetes as described in Subsection A of this section enrolled under an individual or group health maintenance contract shall be entitled to the following basic health care services:

(1) diabetes self-management training that shall be provided by a certified, registered or licensed health care professional with recent education in diabetes management, which shall be limited to:

(a) medically necessary visits upon the diagnosis of diabetes;

(b) visits following a physician diagnosis that represents a significant change in the patient's symptoms or condition that warrants changes in the patient's self-management; and

(c) visits when re-education or refresher training is prescribed by a health care practitioner with prescribing authority; and

(2) medical nutrition therapy related to diabetes management.

E. When new or improved equipment, appliances, prescription drugs for the treatment of diabetes, insulin or supplies for the treatment of diabetes are approved by the food and drug administration, each individual or group health maintenance organization contract shall:

(1) maintain an adequate formulary to provide these resources to individuals with diabetes; and

(2) guarantee reimbursement or coverage for the equipment, appliances, prescription drug, insulin or supplies described in this subsection within the limits of the health care plan, policy or certificate.

F. The provisions of Subsections A through E of this section shall be enforced by the superintendent.

G. The provisions of this section shall not apply to short-term travel, accident-only or limited or specified disease policies."

Chapter 36 Section 4 Laws 2020

SECTION 4. TEMPORARY PROVISION--STUDY AND REPORT.--The superintendent of insurance shall convene an advisory group to include the secretary of human services, the secretary of health and the secretary of general services or their designees and the dean of the university of New Mexico college of pharmacy or the dean's designee to study the cost of prescription drugs for New Mexico consumers and make recommendations on increasing accessibility of prescription drugs. The report shall be submitted to the legislative health and human services committee and the legislative finance committee no later than October 1, 2020. The study shall examine, at a minimum, the benefits to New Mexico consumers and the potential costs of setting cost-sharing limitations for the following categories of drugs:

- A. inhaled prescription drugs used to control asthma;
- B. oral medications to treat or control diabetes;
- C. injectable epinephrine devices for severe allergic reactions;
- D. opioid reversal agents;
- E. medications used to treat hypertension;
- F. antidepressant medications;
- G. antipsychotic medications;
- H. lipid-lowering agents; and
- I. anticonvulsants.

Chapter 36 Section 5 Laws 2020

SECTION 5. EFFECTIVE DATE.--

- A. The effective date of the provisions of Sections 1 through 3 of this act is January 1, 2021.
- B. The effective date of the provisions of Section 4 of this act is May 20, 2020.

LAWS 2020, CHAPTER 37

SJC/Senate Bill 64
Approved March 4, 2020

AN ACT

RELATING TO RISK MANAGEMENT; REMOVING THE ONE-HUNDRED-EIGHTY-DAY DELAY IN RELEASING PUBLIC RECORDS PERTAINING TO CLAIMS AGAINST GOVERNMENTAL ENTITIES, PUBLIC OFFICERS OR PUBLIC EMPLOYEES AFTER THE OCCURRENCE OF CERTAIN EVENTS; CHANGING AND REMOVING THE EVENTS THAT TRIGGER RELEASE OF PUBLIC RECORDS PERTAINING TO CERTAIN CLAIMS AGAINST GOVERNMENTAL ENTITIES, PUBLIC OFFICERS OR PUBLIC EMPLOYEES; ELIMINATING CRIMINAL PENALTIES FOR REVEALING CONFIDENTIAL RECORDS PERTAINING TO CERTAIN CLAIMS AGAINST GOVERNMENTAL ENTITIES, PUBLIC OFFICERS OR PUBLIC EMPLOYEES.

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

Chapter 37 Section 1 Laws 2020

SECTION 1. Section 15-7-9 NMSA 1978 (being Laws 1981, Chapter 280, Section 1) is amended to read:

"15-7-9. CONFIDENTIALITY OF RECORDS.--

A. The following records created or maintained by the risk management division of the general services department are confidential and shall not be subject to any right of inspection by any person except the New Mexico legislative council or a state employee within the scope of the New Mexico legislative council's or state employee's official duties:

(1) records pertaining to insurance coverage; provided that any record of a particular coverage shall be available to any public officer, public employee or governmental entity insured under such coverage; and

(2) records pertaining to claims for damages or other relief against any governmental entity or public officer or employee; provided that the records shall be subject to public inspection on and after the earliest of:

(a) the date a final judgment is issued resolving the claim and all appeals and rights to appeal have been exhausted; or

(b) the date a settlement agreement is signed by all of the parties.

B. Records protected pursuant to Subsection A of this section shall be made available as necessary for purposes of audit or defense. Any person performing such audit or providing such defense shall keep such records confidential, except as required otherwise by law."

LAWS 2020, CHAPTER 38

Senate Bill 122, aa
Approved March 4, 2020

AN ACT

RELATING TO JUDICIAL RETIREMENT; PROVIDING FOR A DISTRIBUTION PURSUANT TO THE OIL AND GAS PROCEEDS AND PASS-THROUGH ENTITY WITHHOLDING TAX ACT TO THE JUDICIAL RETIREMENT FUND AND TO THE MAGISTRATE RETIREMENT FUND; DELAYING FURTHER DISTRIBUTIONS TO THE LEGISLATIVE RETIREMENT FUND UNTIL FISCAL YEAR 2026.

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

Chapter 38 Section 1 Laws 2020

SECTION 1. Section 7-1-6.43 NMSA 1978 (being Laws 2003, Chapter 86, Section 1, as amended) is amended to read:

"7-1-6.43. DISTRIBUTION--OIL AND GAS PROCEEDS AND PASS-THROUGH ENTITY WITHHOLDING TAX--MAGISTRATE RETIREMENT FUND--JUDICIAL RETIREMENT FUND--LEGISLATIVE RETIREMENT FUND.--

A. A distribution pursuant to Section 7-1-6.1 NMSA 1978 from the net receipts attributable to the amount of tax deducted pursuant to the Oil and Gas Proceeds and Pass-Through Entity Withholding Tax Act shall be made as follows:

(1) to the magistrate retirement fund in the amount of one hundred thousand dollars (\$100,000);

(2) to the judicial retirement fund in the amount of one hundred thousand dollars (\$100,000); and

(3) on and after July 1, 2025, to the legislative retirement fund in the amount of seventy-five thousand dollars (\$75,000) or, if larger, in an amount equal to one-twelfth of the amount necessary to pay out the retirement benefits due under state legislator member coverage plan 2 and Paragraph (2) of Subsection C of Section 10-11-41 NMSA 1978 for the succeeding calendar year.

B. In regard to the distributions to the magistrate retirement fund and the judicial retirement fund, in December 2024 and in each December thereafter, the public employees retirement association, with the assistance of the administrative office of the courts, shall determine the funded ratio of each fund as of the end of the preceding fiscal year. If the funded ratio of the magistrate retirement fund for the preceding fiscal year is equal to or greater than one hundred percent, the association shall notify the department, and no further distributions pursuant to Paragraph (1) of Subsection A of this section shall be made. If the funded ratio of the judicial retirement fund for the preceding fiscal year is equal to or greater than one hundred percent, the association shall notify the department, and no further distributions pursuant to Paragraph (2) of Subsection A of this section shall be made.

C. In regard to the distribution to the legislative retirement fund, in December 2024 and in each December thereafter, the public employees retirement association, with the assistance of the legislative council service, shall determine the amount of retirement benefits for the succeeding calendar year. If the monthly average exceeds seventy-five thousand dollars (\$75,000), the association shall immediately notify the department of the average amount."

Chapter 38 Section 2 Laws 2020

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2020.

LAWS 2020, CHAPTER 39

SJC/Senate Bill 151
Approved March 4, 2020

AN ACT

RELATING TO MOTOR VEHICLES; ALLOWING AN APPLICATION FOR VEHICLE REGISTRATION AND CERTIFICATE OF TITLE TO BE SIGNED ELECTRONICALLY; REQUIRING REGISTRATION PLATE ISSUANCE UPON TRANSFER OF MOTOR VEHICLE OWNERSHIP.

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

Chapter 39 Section 1 Laws 2020

SECTION 1. Section 66-3-4 NMSA 1978 (being Laws 1978, Chapter 35, Section 24, as amended by Laws 2007, Chapter 319, Section 16 and by Laws 2007, Chapter 320, Section 2) is amended to read:

"66-3-4. APPLICATION FOR REGISTRATION AND CERTIFICATE OF TITLE--
NONREPAIRABLE VEHICLE CERTIFICATE.--

A. Except for a vehicle owned by a carrier that is from a jurisdiction that is not a participant in the International Fuel Tax Agreement, that is authorized by the United States government or an agency of the United States government to conduct cross-border operations beyond the commercial border zone pursuant to the provisions of the North American Free Trade Agreement and that identifies New Mexico as the carrier's base jurisdiction, every owner of a vehicle of a type required to be registered in this state shall make application to the division for the registration and issuance of a certificate of title for the vehicle. Applications shall be upon the appropriate forms furnished by the division and shall bear the signature of the owner; provided that the signature may either be made using an electronic signature in conformance with the Electronic Authentication of Documents Act and the Uniform Electronic Transactions Act or written with pen and ink. All applications presented to the division shall contain:

(1) for a vehicle other than a recreational vehicle, the name, bona fide New Mexico residence address and mail address of the owner or, if the owner is a firm, association or corporation, the name, bona fide New Mexico business address and mail address of the firm, association or corporation and for a recreational vehicle, the name, bona fide residence address and mail address of the owner and proof of delivery in New Mexico;

(2) a description of the vehicle including, to the extent that the following specified data may exist with respect to a given vehicle, the make, model, type of body, number of cylinders, type of fuel used, serial number of the vehicle, odometer reading, engine or other identification number provided by the manufacturer of the vehicle, whether new or used and, if a vehicle not previously registered, date of sale by the manufacturer or dealer to the person intending to operate the vehicle. In the event a vehicle is designed, constructed, converted or rebuilt for the transportation of property, the application shall include a statement of its rated capacity as established by the manufacturer of the chassis or the complete vehicle;

(3) a statement of the applicant's title and of all liens or encumbrances upon the vehicle and the names and addresses of all persons having an interest in the vehicle, the nature of each interest and the name and address of the person to whom the certificate of title shall be delivered by the division;

(4) if the vehicle required to be registered is a house trailer, as defined in the Motor Vehicle Code, a certificate from the treasurer or assessor of the county in which the house trailer is located showing that either:

(a) all property taxes due or to become due on the house trailer for the current tax year or any past tax years have been paid; or

(b) no liability for property taxes on the house trailer exists for the current year or any past tax years; and

(5) further information as may reasonably be required by the division to enable it to determine whether the vehicle is lawfully entitled to registration and the owner entitled to a certificate of title.

B. The owner of a vehicle subject to registration that has never been registered in this state and that has been registered in another state, except manufactured homes, shall have the vehicle examined and inspected for its identification number or engine number by the division or an officer or a designated agent of the division incident to securing registration, reregistration or a certificate of title from the division.

C. When an application refers to a vehicle not previously registered and the vehicle is purchased from a dealer licensed in this state or a dealer licensed or recognized as such in any other state, territory or possession of the United States, the application shall be accompanied by a manufacturer's certificate of origin duly assigned by the dealer to the purchaser. In the event that a vehicle not previously registered is sold by the manufacturer to a dealer in a state not requiring a manufacturer's certificate of origin and in the event that the vehicle is subsequently purchased by a dealer or any person in this state, the application for title shall be accompanied by the evidence of title accepted by the state in which the vehicle was sold by the manufacturer to a dealer in that state together with evidence of subsequent transfers.

D. Prior to the sale or disposal of a nonrepairable vehicle, the owner, owner's agent or salvage pool shall obtain a properly endorsed nonrepairable vehicle certificate from the department and deliver it to the purchaser within twenty days after payment in full for the nonrepairable vehicle and shall also comply with Section 66-3-10.1 NMSA 1978. The department shall accept the endorsed nonrepairable vehicle certificate in lieu of the certificate of ownership or other evidence of ownership when accompanied by an application and other documents and fees as may be required by the department. A vehicle for which a nonrepairable vehicle certificate has been issued shall not be titled or registered for use on the highways of this state.

E. If an insurance company makes a total loss settlement on a nonrepairable vehicle and takes possession of that vehicle, either itself or through an agent or salvage pool, the insurance company or an authorized agent of the insurance company shall:

(1) stamp the face of the title or manufacturer's certificate of origin with the word "NONREPAIRABLE", in letters no less than one-half inch high, at an angle of approximately forty-five degrees to the text of the title or manufacturer's certificate of origin; and

(2) within twenty days after receipt of title by the insurer, free and clear of all liens, submit a copy of the branded title or manufacturer's certificate of title to the

department together with documents explaining the reason for branding, and shall forward a properly endorsed certificate of title or manufacturer's certificate of origin or other evidence of ownership acceptable to the department together with the proper fee to the department. The department, upon receipt of the title or manufacturer's certificate of origin or other evidence of ownership, shall issue a nonrepairable vehicle certificate for the vehicle.

F. If an owner of a nonrepairable vehicle elects to retain possession of the vehicle, the insurance company shall notify the department of the retention on a form prescribed by the department. The insurance company shall also notify the insured or owner of the insured's or owner's responsibility to comply with this section. The owner shall, within twenty days from the date of settlement of the loss, forward a properly endorsed certificate of title or manufacturer's certificate of origin or other evidence of ownership acceptable to the department together with the proper fee to the department. The department, upon receipt of the title or manufacturer's certificate of origin or other evidence of ownership, shall issue a nonrepairable vehicle certificate for the vehicle.

G. If a nonrepairable vehicle is not the subject of an insurance settlement, the owner shall, within twenty days from the date of the loss, forward a properly endorsed certificate of title or manufacturer's certificate of origin or other evidence of ownership acceptable to the department together with the proper fee to the department. The department, upon receipt of the title or manufacturer's certificate of origin or other evidence of ownership, shall issue a nonrepairable vehicle certificate for the vehicle.

H. The department shall not issue a new registration card and certificate of ownership pursuant to Subsection A, B or C of this section on a vehicle that has been issued a nonrepairable vehicle certificate pursuant to Subsections E, F and G of this section."

Chapter 39 Section 2 Laws 2020

SECTION 2. Section 66-3-10 NMSA 1978 (being Laws 1978, Chapter 35, Section 30, as amended) is amended to read:

"66-3-10. DEPARTMENT TO ISSUE CERTIFICATE OF TITLE, EVIDENCE OF REGISTRATION, REGISTRATION PLATE AND VALIDATION STICKER--RELEASE OF LIEN--ODOMETER STATEMENT.--

A. The department, upon registration of a vehicle, shall issue a certificate of title and evidence of registration; an odometer statement may appear on one or both of these documents.

B. Except for certificates of title issued pursuant to Section 66-3-2, 66-3-27 or 66-3-423 NMSA 1978 and for manufactured homes, school buses, state government vehicles, motorcycles and off-highway motor vehicles, upon issuance of a new

certificate of title or upon transfer of a certificate of title, the department shall issue a registration plate and a validation sticker to the owner of the vehicle.

C. The registration evidence shall be delivered to the owner and shall contain upon its face the date issued, the name and address of the owner, the registration number assigned to the owner and such description of the vehicle registered to the owner as determined by the secretary.

D. The certificate of title shall contain the identical information required on the registration evidence and in addition a statement of the owner's title and of all liens and encumbrances upon the vehicle.

E. The certificate of title shall contain a space for the release of any lien, space for assignment of title or interest and warranty by the owner and space for notation of liens and encumbrances upon the vehicle at the time of transfer.

F. The certificate of title shall be delivered to the owner in the event no lien or encumbrances appear thereon, otherwise the certificate of title shall be delivered to the person named to receive it in the application for certificate.

G. Whenever the owner of a vehicle subject to registration transfers the person's title or interest in the vehicle to a nonresident who desires to title the vehicle in the state of the nonresident's residence, the department upon receiving application and the payment of the proper fee shall issue a certificate of title only and record on the certificate all liens and encumbrances."

Chapter 39 Section 3 Laws 2020

SECTION 3. EFFECTIVE DATE.--

A. The effective date of the provisions of Section 1 of this act is July 1, 2020.

B. The effective date of the provisions of Section 2 of this act is January 1, 2021.

LAWS 2020, CHAPTER 40

**SJC/Senate Bill 185, aa
Approved March 4, 2020**

AN ACT

RELATING TO COURTS; CREATING ADDITIONAL JUDGESHIPS IN THE FIRST, SECOND, THIRD AND TWELFTH JUDICIAL DISTRICTS; REMOVING RESIDENCY AND OFFICE LOCATION REQUIREMENTS FOR DISTRICT JUDGES.

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

Chapter 40 Section 1 Laws 2020

SECTION 1. Section 34-6-4 NMSA 1978 (being Laws 1968, Chapter 69, Section 7, as amended) is amended to read:

"34-6-4. JUDGES--FIRST JUDICIAL DISTRICT.--

There shall be ten district judges in the first judicial district."

Chapter 40 Section 2 Laws 2020

SECTION 2. Section 34-6-5 NMSA 1978 (being Laws 1968, Chapter 69, Section 8, as amended) is amended to read:

"34-6-5. JUDGES--SECOND JUDICIAL DISTRICT.--There shall be twenty-nine district judges in the second judicial district."

Chapter 40 Section 3 Laws 2020

SECTION 3. Section 34-6-6 NMSA 1978 (being Laws 1968, Chapter 69, Section 9, as amended) is amended to read:

"34-6-6. JUDGES--THIRD JUDICIAL DISTRICT.--There shall be nine district judges in the third judicial district."

Chapter 40 Section 4 Laws 2020

SECTION 4. Section 34-6-9 NMSA 1978 (being Laws 1968, Chapter 69, Section 12, as amended) is amended to read:

"34-6-9. JUDGES--SIXTH JUDICIAL DISTRICT.--There shall be four district judges in the sixth judicial district."

Chapter 40 Section 5 Laws 2020

SECTION 5. Section 34-6-11 NMSA 1978 (being Laws 1968, Chapter 69, Section 14, as amended) is amended to read:

"34-6-11. JUDGES--EIGHTH JUDICIAL DISTRICT.--There shall be three district judges in the eighth judicial district."

Chapter 40 Section 6 Laws 2020

SECTION 6. Section 34-6-12 NMSA 1978 (being Laws 1968, Chapter 69, Section 15, as amended) is amended to read:

"34-6-12. JUDGES--NINTH JUDICIAL DISTRICT.--There shall be five district judges in the ninth judicial district."

Chapter 40 Section 7 Laws 2020

SECTION 7. Section 34-6-14 NMSA 1978 (being Laws 1968, Chapter 69, Section 17, as amended) is amended to read:

"34-6-14. JUDGES--ELEVENTH JUDICIAL DISTRICT.--There shall be eight district judges in the eleventh judicial district."

Chapter 40 Section 8 Laws 2020

SECTION 8. Section 34-6-15 NMSA 1978 (being Laws 1971, Chapter 52, Section 2, as amended) is amended to read:

"34-6-15. JUDGES--TWELFTH JUDICIAL DISTRICT.--There shall be five district judges in the twelfth judicial district."

Chapter 40 Section 9 Laws 2020

SECTION 9. Section 34-6-16 NMSA 1978 (being Laws 1971, Chapter 52, Section 3, as amended) is amended to read:

"34-6-16. JUDGES--THIRTEENTH JUDICIAL DISTRICT.--There shall be eight district judges in the thirteenth judicial district."

Chapter 40 Section 10 Laws 2020

SECTION 10. TEMPORARY PROVISION--DISTRICT JUDGES--APPOINTMENTS.--The additional district judgeships provided for in this act shall be filled by appointment by the governor pursuant to Article 6, Section 36 of the constitution of New Mexico.

LAWS 2020, CHAPTER 41

Senate Bill 270, aa, w/ec
Approved March 4, 2020

AN ACT

RELATING TO ELECTRONIC COMMUNICATIONS; AMENDING THE ELECTRONIC COMMUNICATIONS PRIVACY ACT; ADDRESSING THE REQUIREMENTS AND PROCEDURES FOR A WARRANT FOR THE SEARCH AND SEIZURE OF ELECTRONIC INFORMATION; PROVIDING FOR THE DESTRUCTION OR SEALING OF INFORMATION IN CERTAIN SITUATIONS; AMENDING REQUIREMENTS FOR REPORTING ACTIONS TO THE ATTORNEY GENERAL; DECLARING AN EMERGENCY.

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

Chapter 41 Section 1 Laws 2020

SECTION 1. Section 10-16F-3 NMSA 1978 (being Laws 2019, Chapter 39, Section 3) is amended to read:

~~"10-16F-3. GOVERNMENT ENTITY--PROSCRIBED ACTS-- PERMITTED ACTS--WARRANTS--INFORMATION RETENTION--EMERGENCY.--~~

A. Except as otherwise provided in this section, a government entity shall not:

(1) compel or incentivize the production of or access to electronic communication information from a service provider;

(2) compel the production of or access to electronic device information from a person other than the device's authorized possessor; or

(3) access electronic device information by means of physical interaction or electronic communication with the electronic device.

B. A government entity may compel the production of or access to electronic communication information from a service provider or compel the production of or access to electronic device information from a person other than the authorized possessor of the device only if the production or access is made under a:

(1) warrant that complies with the requirements in Subsection D of this section; or

(2) wiretap order.

C. A government entity may access electronic device information by means of physical interaction or electronic communication with the device only if that access is made:

(1) under a warrant that complies with the requirements in Subsection D of this section;

- (2) under a wiretap order;
- (3) with the specific consent of the device's authorized possessor;
- (4) with the specific consent of the device's owner if the device has been reported as lost or stolen;
- (5) because the government entity believes in good faith that the device is lost, stolen or abandoned, in which case, the government entity may access that information only as necessary and for the purpose of attempting to identify, verify or contact the device's authorized possessor; or
- (6) because the government entity believes in good faith that an emergency involving danger of death or serious physical injury to a natural person requires access to the electronic device information.

D. A warrant for the search and seizure of electronic information shall:

- (1) describe with particularity the information to be seized by specifying the time periods covered and, as appropriate and reasonable, the natural persons or accounts targeted, the applications or services covered and the types of information sought;
- (2) require that information obtained through the execution of the warrant that is unrelated to the objective of the warrant or is not exculpatory to the target of the warrant shall be sealed and shall not be subject to further review, use or disclosure except pursuant to a court order or to comply with discovery as required. A court shall issue such an order upon a finding that there is probable cause to believe that the information is relevant to an active investigation or review, use or disclosure is required by state or federal law; and
- (3) comply with all New Mexico and federal laws, including laws prohibiting, limiting or imposing additional requirements on the use of search warrants.

E. When issuing a warrant or order for electronic information or upon a petition of the target or recipient of the warrant or order, a court may appoint a special master charged with ensuring that only the information necessary to achieve the objective of the warrant or order is produced or accessed.

F. A service provider may voluntarily disclose electronic communication information or subscriber information if the law otherwise permits that disclosure.

G. Information obtained through the execution of a warrant or order that is unrelated to the objective of the warrant shall be destroyed as soon as feasible after the termination of the current investigation and related investigations or proceedings.

H. If a government entity receives electronic communication information as provided in Subsection F of this section, the government entity shall seal that information, which shall not be subject to further review, use or disclosure except pursuant to a court order upon a finding that there is probable cause to believe that the information is relevant to an active investigation or review, use or disclosure is required by state or federal law or to comply with discovery as required, within ninety days after the disclosure unless the government entity:

(1) has or obtains the specific consent of the sender or recipient of the electronic communication about which information was disclosed; or

(2) obtains a court order under Subsection I of this section.

I. A court may issue an order authorizing the retention of electronic communication information:

(1) only upon a finding that the conditions justifying the initial voluntary disclosure persist; and

(2) lasting only for the time those conditions persist or there is probable cause to believe that the information constitutes criminal evidence.

J. Information retained as provided in Subsection I of this section shall be shared only with a person that agrees to limit the person's use of the information to the purposes identified in the court order and that:

(1) is legally obligated to destroy the information upon the expiration or rescindment of the court order; or

(2) voluntarily agrees to destroy the information upon the expiration or rescindment of the court order.

K. If a government entity obtains electronic information because of an emergency that involves danger of death or serious physical injury to a natural person and that requires access to the electronic information without delay, the government entity shall file with the appropriate court within three days after obtaining the electronic information:

(1) an application for a warrant or order authorizing the production of electronic information and, if applicable, a request supported by a sworn affidavit for an order delaying notification as provided in Subsection B of Section 10-16F-4 NMSA 1978; or

(2) a motion seeking approval of the emergency disclosures that sets forth the facts giving rise to the emergency and, if applicable, a request supported by a

sworn affidavit for an order delaying notification as provided in Subsection B of Section 10-16F-4 NMSA 1978.

L. A court that receives an application or motion as provided in Subsection K of this section shall promptly rule on the application or motion. If the court finds that the facts did not give rise to an emergency or if the court rejects the application for a warrant or order on any other ground, the court shall order:

(1) the immediate sealing of all information obtained, which shall not be subject to further review, use or disclosure except pursuant to a court order upon a finding that there is probable cause to believe that the information is relevant to an active investigation or review, use or disclosure is required by state or federal law or to comply with discovery as required; and

(2) the immediate notification provided in Subsection A of Section 10-16F-4 NMSA 1978 if that notice has not already been given.

M. This section does not limit the authority of a government entity to use an administrative, grand jury, trial or civil discovery subpoena to require:

(1) an originator, addressee or intended recipient of an electronic communication to disclose any electronic communication information associated with that communication;

(2) when a person that provides electronic communications services to its officers, directors, employees or agents for those officers, directors, employees or agents to carry out their duties, the person to disclose the electronic communication information associated with an electronic communication to or from the officer, director, employee or agent; or

(3) a service provider to provide subscriber information.

N. This section does not prohibit the intended recipient of an electronic communication from voluntarily disclosing electronic communication information concerning that communication to a government entity.

O. Nothing in this section shall be construed to expand any authority under New Mexico law to compel the production of or access to electronic information.

P. This section shall not be construed to alter the authority of a government entity that owns an electronic device to compel an employee who is authorized to possess the device to return the device to the government entity's possession."

Chapter 41 Section 2 Laws 2020

SECTION 2. Section 10-16F-4 NMSA 1978 (being Laws 2019, Chapter 39, Section 4) is amended to read:

"10-16F-4. WARRANT--EMERGENCY--GOVERNMENT DUTIES--NOTIFICATION.--

A. Except as otherwise provided in this section, a government entity that executes a warrant or obtains electronic information in an emergency as provided in Section 10-16F-3 NMSA 1978 shall:

(1) serve upon or deliver, by registered or first-class mail, electronic mail or other means reasonably calculated to be effective, to the identified targets of the warrant or emergency request, a notice that informs the recipient that information about the recipient has been compelled or requested and that states with reasonable specificity the nature of the government investigation under which the information is sought;

(2) serve or deliver the notice:

(a) contemporaneously with the execution of a warrant; or

(b) in the case of an emergency, within three days after obtaining the electronic information; and

(3) include with the notice:

(a) a copy of the warrant; or

(b) a written statement setting forth the facts giving rise to the emergency.

B. When a government entity seeks a warrant or obtains electronic information in an emergency as provided in Section 10-16F-3 NMSA 1978, the government entity may request from a court an order delaying notification and prohibiting any party providing information from notifying any other party that information has been sought. The government entity shall support the request with a sworn affidavit. The court:

(1) shall issue the order if the court determines that there is reason to believe that notification may have an adverse result, but for no more than ninety days and only for the period that the court finds there is reason to believe that the notification may have that adverse result; and

(2) may grant one or more extensions of the delay of up to ninety days each on the grounds provided in Paragraph (1) of this subsection.

C. When the period of delay of a notification ordered by a court as provided in Subsection B of this section expires, the government entity that requested the order shall serve upon or deliver, by registered or first-class mail, electronic mail or other means reasonably calculated to be effective, as specified by the court issuing the order, to the identified targets of the warrant:

(1) a document that includes the information described in Subsection A of this section; and

(2) a copy of all electronic information obtained or a summary of that information, including, at a minimum:

(a) the number and types of records disclosed; and

(b) a statement of the grounds for the court's determination to grant a delay in notifying the targeted person.

D. If there is no identified target of a warrant or emergency request at the time of the warrant's or request's issuance, the government entity shall submit to the attorney general within three days after the execution of the warrant or request issuance the information described in Paragraph (1) of Subsection A of this section. If an order delaying notice is obtained under Subsection B of this section, the government entity shall submit to the attorney general when the period of delay of the notification expires the information described in Paragraph (2) of Subsection C of this section and the information required by this subsection. The attorney general shall publish all those reports on the attorney general's website as provided in Section 10-16F-6 NMSA 1978.

E. Except as otherwise provided in this section, nothing in the Electronic Communications Privacy Act prohibits or limits a service provider or any other party from disclosing information about a request or demand for electronic information."

Chapter 41 Section 3 Laws 2020

SECTION 3. Section 10-16F-6 NMSA 1978 (being Laws 2019, Chapter 39, Section 6) is amended to read:

"10-16F-6. ANNUAL REPORTING.--

A. A government entity that obtains electronic communication information under the Electronic Communications Privacy Act shall report to the attorney general beginning in 2021 and every year thereafter on or before February 1. The report shall include, to the extent it reasonably can be determined:

(1) the number of times electronic information was sought or obtained under the Electronic Communications Privacy Act;

(2) the number of times each of the following were sought and, for each, the number of records obtained:

(a) electronic communication content;

(b) location information;

(c) electronic device information, excluding location information;

and

(d) other electronic communication information; and

(3) for each type of information listed in Paragraph (2) of this subsection:

(a) the number of times that type of information was sought or obtained under: 1) a wiretap order issued under the Electronic Communications Privacy Act; 2) a search warrant issued under the Electronic Communications Privacy Act; and 3) an emergency request as provided in Subsection K of Section 10-16F-3 NMSA 1978;

(b) the number of instances in which information sought or obtained did not specify a target natural person; and

(c) the number of times notice to targeted persons was delayed.

B. Beginning in 2021 and every year thereafter, on or before April 1, the attorney general shall publish on the attorney general's website a summary aggregating each of the items in Subsection A of this section.

C. Nothing in the Electronic Communications Privacy Act prohibits or restricts a service provider from producing an annual report summarizing the demands or requests it receives under the Electronic Communications Privacy Act."

Chapter 41 Section 4 Laws 2020

SECTION 4. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

LAWS 2020, CHAPTER 42

Senate Bill 103

Approved March 4, 2020

AN ACT

RELATING TO CAPITAL PROJECTS; CREATING A CULTURAL AFFAIRS FACILITIES INFRASTRUCTURE FUND TO PAY THE COSTS OF CULTURAL AFFAIRS FACILITIES AND EXHIBITS; AUTHORIZING APPROPRIATIONS FROM THE PUBLIC PROJECT REVOLVING FUND TO THE CULTURAL AFFAIRS FACILITIES INFRASTRUCTURE FUND; DELETING CERTAIN OUTDATED PROVISIONS OF SECTION 6-21-6.1 NMSA 1978 (BEING LAWS 1994, CHAPTER 145, SECTION 2, AS AMENDED); MAKING AN APPROPRIATION.

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

Chapter 42 Section 1 Laws 2020

SECTION 1. Section 6-21-6.1 NMSA 1978 (being Laws 1994, Chapter 145, Section 2, as amended) is amended to read:

"6-21-6.1. PUBLIC PROJECT REVOLVING FUND--APPROPRIATIONS TO OTHER FUNDS.--

A. At the end of each fiscal year, after all debt service charges, replenishment of reserves and administrative costs on all outstanding bonds, notes or other obligations payable from the public project revolving fund are satisfied, an aggregate amount not to exceed thirty-five percent of the governmental gross receipts tax proceeds distributed to the public project revolving fund in the preceding fiscal year less all debt service charges and administrative costs of the authority paid in the preceding fiscal year on bonds issued pursuant to this section may be appropriated by the legislature from the public project revolving fund to:

(1) the following funds for local infrastructure financing:

(a) the wastewater facility construction loan fund for purposes of the Wastewater Facility Construction Loan Act;

(b) the rural infrastructure revolving loan fund for purposes of the Rural Infrastructure Act;

(c) the solid waste facility grant fund for purposes of the Solid Waste Act;

(d) the drinking water state revolving loan fund for purposes of the Drinking Water State Revolving Loan Fund Act;

(e) the water and wastewater project grant fund for purposes specified in the New Mexico Finance Authority Act; or

(f) the local government planning fund for purposes specified in the New Mexico Finance Authority Act; or

(2) the cultural affairs facilities infrastructure fund.

B. The authority and the department of finance and administration in coordination with the New Mexico finance authority oversight committee may recommend annually to each regular session of the legislature amounts to be appropriated to the funds listed in Subsection A of this section."

Chapter 42 Section 2 Laws 2020

SECTION 2. A new section of the Cultural Affairs Department Act is enacted to read:

"CULTURAL AFFAIRS FACILITIES INFRASTRUCTURE FUND.--The "cultural affairs facilities infrastructure fund" is created in the state treasury. The cultural affairs department shall administer the fund, and money in the fund is appropriated to that department to pay the costs of planning, engineering, designing, constructing, renovating, repairing, equipping and furnishing department facilities and exhibits. Money in the fund shall consist of appropriations, distributions, gifts, grants, donations, income from investment of the fund and money otherwise accruing to the fund. Disbursements from the fund shall be made upon warrants drawn by the secretary of finance and administration pursuant to vouchers signed by the secretary of cultural affairs. Money in the fund shall not revert to any other fund."

Chapter 42 Section 3 Laws 2020

SECTION 3. APPROPRIATION.--Five million dollars (\$5,000,000) is appropriated from the public project revolving fund to the cultural affairs facilities infrastructure fund for expenditure in fiscal year 2021 and subsequent fiscal years to carry out the purposes of the fund. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert.

LAWS 2020, CHAPTER 43

Senate Bill 116, w/ec
Approved March 4, 2020

AN ACT

RELATING TO TAX ADMINISTRATION; ENABLING THE TAXATION AND REVENUE DEPARTMENT TO SHARE DATA WITH CERTAIN AGENCIES FOR THE JOINT ADMINISTRATION OF CERTAIN TAX PROGRAMS; DECLARING AN EMERGENCY.

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

Chapter 43 Section 1 Laws 2020

SECTION 1. Section 7-1-8.8 NMSA 1978 (being Laws 2019, Chapter 87, Section 2) is amended to read:

"7-1-8.8. INFORMATION THAT MAY BE REVEALED TO OTHER STATE AGENCIES.--An employee of the department may reveal to:

A. a committee of the legislature for a valid legislative purpose, return information concerning any tax or fee imposed pursuant to the Cigarette Tax Act;

B. the attorney general, return information acquired pursuant to the Cigarette Tax Act for purposes of Section 6-4-13 NMSA 1978 and the master settlement agreement defined in Section 6-4-12 NMSA 1978;

C. the commissioner of public lands, return information for use in auditing that pertains to rentals, royalties, fees and other payments due the state under land sale, land lease or other land use contracts;

D. the secretary of human services or the secretary's delegate under a written agreement with the department, the last known address with date of all names certified to the department as being absent parents of children receiving public financial assistance, but only for the purpose of enforcing the support liability of the absent parents by the child support enforcement division or any successor organizational unit;

E. the department of information technology, by electronic media, a database updated quarterly that contains the names, addresses, county of address and taxpayer identification numbers of New Mexico personal income tax filers, but only for the purpose of producing the random jury list for the selection of petit or grand jurors for the state courts pursuant to Section 38-5-3 NMSA 1978;

F. the state courts, the random jury lists produced by the department of information technology under Subsection E of this section;

G. the director of the New Mexico department of agriculture or the director's authorized representative, upon request of the director or representative, the names and addresses of all gasoline or special fuel distributors, wholesalers and retailers;

H. the public regulation commission, return information with respect to the Corporate Income and Franchise Tax Act required to enable the commission to carry out its duties;

I. the state racing commission, return information with respect to the state, municipal and county gross receipts taxes paid by racetracks;

J. the gaming control board, tax returns of license applicants and their affiliates as provided in Subsection E of Section 60-2E-14 NMSA 1978;

K. the director of the workers' compensation administration or to the director's representatives authorized for this purpose, return information to facilitate the identification of taxpayers that are delinquent or noncompliant in payment of fees required by Section 52-1-9.1 or 52-5-19 NMSA 1978;

L. the secretary of workforce solutions or the secretary's delegate, return information for use in enforcement of unemployment insurance collections pursuant to the terms of a written reciprocal agreement entered into by the department with the secretary of workforce solutions for exchange of information;

M. the New Mexico finance authority, information with respect to the amount of municipal and county gross receipts taxes collected by municipalities and counties pursuant to any local option municipal or county gross receipts taxes imposed, and information with respect to the amount of governmental gross receipts taxes paid by every agency, institution, instrumentality or political subdivision of the state pursuant to Section 7-9-4.3 NMSA 1978;

N. the secretary of human services or the secretary's delegate; provided that a person who receives the confidential return information on behalf of the human services department shall not reveal the information and shall be subject to the penalties in Section 7-1-76 NMSA 1978 if the person fails to maintain the confidentiality required:

(1) that return information needed for reports required to be made to the federal government concerning the use of federal funds for low-income working families;

(2) the names and addresses of low-income taxpayers for the limited purpose of outreach to those taxpayers; provided that the human services department shall pay the department for expenses incurred by the department to derive the information requested by the human services department if the information requested is not readily available in reports for which the department's information systems are programmed; and

(3) return information required to administer the Health Care Quality Surcharge Act;

O. the superintendent of insurance, return information with respect to the premium tax and the health insurance premium surtax;

P. the secretary of finance and administration or the secretary's designee, return information concerning a credit pursuant to the Film Production Tax Credit Act;

Q. the secretary of economic development or the secretary's designee, return information concerning a credit pursuant to the Film Production Tax Credit Act;

R. the secretary of public safety or the secretary's designee, return information concerning the Weight Distance Tax Act;

S. the secretary of transportation or the secretary's designee, return information concerning the Weight Distance Tax Act;

T. the secretary of energy, minerals and natural resources or the secretary's designee, return information concerning tax credits or deductions for which eligibility is certified or otherwise determined by the secretary or the secretary's designee; and

U. the secretary of environment or the secretary's designee, return information concerning tax credits for which eligibility is certified or otherwise determined by the secretary or the secretary's designee."

Chapter 43 Section 2 Laws 2020

SECTION 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

LAWS 2020, CHAPTER 44

Senate Bill 128, aa
Approved March 4, 2020

AN ACT

RELATING TO MENTAL HEALTH CARE; ADDING ACTIVITIES TO THE DEFINITION OF "ASSISTED OUTPATIENT TREATMENT"; REPEALING A DELAYED REPEAL.

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

Chapter 44 Section 1 Laws 2020

SECTION 1. Section 43-1B-2 NMSA 1978 (being Laws 2016, Chapter 84, Section 2) is amended to read:

"43-1B-2. DEFINITIONS.--As used in the Assisted Outpatient Treatment Act:

A. "advance directive for mental health treatment" means an individual instruction or power of attorney for mental health treatment made pursuant to the Mental Health Care Treatment Decisions Act;

B. "agent" means an individual designated in a power of attorney for health care to make a mental health care decision for the individual granting the power;

C. "assertive community treatment" means a team treatment approach designed to provide comprehensive community-based psychiatric treatment, rehabilitation and support to persons with serious and persistent mental disorders;

D. "assisted outpatient treatment" means categories of outpatient services ordered by a district court, including case management services, comprehensive community support services, intensive outpatient services, care coordination or assertive community treatment team services, prescribed to treat a patient's mental disorder and to assist a patient in living and functioning in the community or to attempt to prevent a relapse or deterioration that may reasonably be predicted to result in harm to the patient or another or the need for hospitalization. Assisted outpatient treatment may include:

- (1) medication;
- (2) periodic blood tests or urinalysis to determine compliance with prescribed medications;
- (3) individual or group therapy;
- (4) day or partial-day programming activities;
- (5) educational and vocational training or activities;
- (6) alcohol and substance abuse treatment and counseling;
- (7) periodic blood tests or urinalysis for the presence of alcohol or illegal drugs for a patient with a history of alcohol or substance abuse;
- (8) supervision of living arrangements; and
- (9) any other services prescribed to treat the patient's mental disorder and to assist the patient in living and functioning in the community, or to attempt to prevent a deterioration of the patient's mental or physical condition;

E. "covered entity" means a health plan, a health care clearinghouse or a health care provider that transmits any health information in electronic form;

F. "guardian" means a judicially appointed guardian having authority to make mental health care decisions for an individual;

G. "least restrictive appropriate alternative" means treatment and conditions that:

(1) are no more harsh, hazardous or intrusive than necessary to achieve acceptable treatment objectives; and

(2) do not restrict physical movement or require residential care, except as reasonably necessary for the administration of treatment or the protection of the patient;

H. "likely to result in serious harm to others" means that it is more likely than not that in the near future a person will inflict serious, unjustified bodily harm on another person or commit a criminal sexual offense, as evidenced by behavior causing, attempting or threatening such harm, which behavior gives rise to a reasonable fear of such harm from the person;

I. "likely to result in serious harm to self" means that it is more likely than not that in the near future the person will attempt to commit suicide or will cause serious bodily harm to the person's self by violent or other self-destructive means, including grave passive neglect;

J. "mandated service" means a service specified in a court order requiring assisted outpatient treatment;

K. "participating municipality or county" means a municipality or county that has entered into a memorandum of understanding with its respective district court with respect to the funding of such district court's administrative expenses, including legal fees, for proceedings pursuant to the Assisted Outpatient Treatment Act;

L. "patient" means a person receiving assisted outpatient treatment pursuant to a court order;

M. "power of attorney for health care" means the designation of an agent to make health care decisions for the individual granting the power, made while the individual has capacity;

N. "provider" means an individual or organization licensed, certified or otherwise authorized or permitted by law to provide mental or physical health diagnosis or treatment in the ordinary course of business or practice of a profession;

O. "qualified professional" means a physician, licensed psychologist, prescribing psychologist, certified nurse practitioner or clinical nurse specialist with a specialty in mental health, or a physician assistant with a specialty in mental health;

P. "qualified protective order" means, with respect to protected health information, an order of a district court or stipulation of parties to a proceeding under the Assisted Outpatient Treatment Act;

Q. "respondent" means a person who is the subject of a petition or order for assisted outpatient treatment;

R. "surrogate decision-maker" means:

- (1) an agent designated by the respondent;
- (2) a guardian; or
- (3) a treatment guardian; and

S. "treatment guardian" means a person appointed pursuant to Section 43-1-15 NMSA 1978 to make mental health treatment decisions for a person who has been found by clear and convincing evidence to be incapable of making the person's own mental health treatment decisions."

Chapter 44 Section 2 Laws 2020

SECTION 2. Section 43-1B-4 NMSA 1978 (being Laws 2016, Chapter 84, Section 4) is amended to read:

"43-1B-4. PETITION TO THE COURT.--

A. A petition for an order authorizing assisted outpatient treatment may be filed in the district court for the county in which the respondent is present or reasonably believed to be present; provided that such district court is a party to a memorandum of understanding with a participating municipality or county.

B. A petition for an order authorizing assisted outpatient treatment may be filed only by the following persons:

- (1) a person eighteen years of age or older who resides with the respondent;
- (2) the parent or spouse of the respondent;
- (3) the sibling or child of the respondent; provided that the sibling or child is eighteen years of age or older;
- (4) the director of a hospital where the respondent is hospitalized;
- (5) the director of a public or charitable organization or agency or a home where the respondent resides and that provides mental health services to the respondent;

(6) a qualified professional who either supervises the treatment of or treats the respondent for a mental disorder or has supervised or treated the respondent for a mental disorder within the past forty-eight months; or

(7) a surrogate decision-maker.

C. The petition shall be entitled "In the Matter of _____" and shall include:

(1) each criterion for assisted outpatient treatment as set forth in Section 43-1B-3 NMSA 1978;

(2) facts that support the petitioner's belief that the respondent meets each criterion; provided that the hearing on the petition need not be limited to the stated facts; and

(3) whether the respondent is present or is reasonably believed to be present within the county where the petition is filed.

D. The petition shall be accompanied by an affidavit of a qualified professional that shall state that:

(1) the qualified professional has personally examined the respondent no more than ten days prior to the filing of the petition, that the qualified professional recommends assisted outpatient treatment for the respondent and that the qualified professional is willing and able to testify at the hearing on the petition either in person or by contemporaneous transmission from a different location; or

(2) no more than ten days prior to the filing of the petition, the qualified professional or the qualified professional's designee has unsuccessfully attempted to persuade the respondent to submit to an examination, that the qualified professional has reason to believe that the respondent meets the criteria for assisted outpatient treatment and that the qualified professional is willing and able to examine the respondent and testify at the hearing on the petition either in person or by contemporaneous transmission from a different location."

Chapter 44 Section 3 Laws 2020

SECTION 3. REPEAL.--Laws 2016, Chapter 84, Section 17 is repealed.

LAWS 2020, CHAPTER 45

Senate Bill 1, aa, w/ec
Approved March 4, 2020

AN ACT

RELATING TO HEALTH; ENACTING THE WHOLESAL PRESCRIPTION DRUG IMPORTATION ACT; PROVIDING POWERS AND DUTIES; CREATING A PROGRAM; CREATING A COMMITTEE; REQUIRING FEDERAL CERTIFICATION; CREATING A FUND; DECLARING AN EMERGENCY.

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

Chapter 45 Section 1 Laws 2020

SECTION 1. SHORT TITLE.--This act may be cited as the "Wholesale Prescription Drug Importation Act".

Chapter 45 Section 2 Laws 2020

SECTION 2. DEFINITIONS.--As used in the Wholesale Prescription Drug Importation Act:

- A. "Canadian supplier" means a manufacturer, wholesale distributor or pharmacy that is appropriately licensed or permitted under Canadian federal or provincial laws and rules to manufacture, distribute or dispense prescription drugs;
- B. "committee" means the prescription drug importation advisory committee;
- C. "department" means the department of health;
- D. "eligible prescription drug" means a drug eligible for importation that:
 - (1) meets the United States federal food and drug administration's standards related to safety, effectiveness, misbranding and adulteration;
 - (2) does not violate federal patent laws;
 - (3) is expected to generate cost savings; and
 - (4) is not a controlled substance;
- E. "program" means the wholesale prescription drug importation program;
and
- F. "state drug wholesaler" means a licensed wholesale drug distributor that contracts with the state to import eligible prescription drugs from a Canadian supplier.

Chapter 45 Section 3 Laws 2020

SECTION 3. ADVISORY COMMITTEE CREATED--MEMBERSHIP--DUTIES.--

A. The "prescription drug importation advisory committee" is created as an interagency advisory committee of the department. The committee consists of:

(1) the secretary of health, who shall serve as the chair of the committee;

(2) the executive director of the board of pharmacy;

(3) the superintendent of insurance;

(4) the secretary of human services; and

(5) the secretary of general services.

B. Members may appoint designees.

C. The committee shall advise the department in developing and implementing the program. The committee shall consult with interested stakeholders and appropriate federal officials as necessary in shaping its advice to the department. The department shall hold a public hearing on the proposed program prior to submitting the program for federal approval.

Chapter 45 Section 4 Laws 2020

SECTION 4. WHOLESALE PRESCRIPTION DRUG IMPORTATION PROGRAM CREATED.--The department, in consultation with the committee, shall design a "wholesale prescription drug importation program" that complies with the applicable requirements of 21 U.S.C. Section 384, including the requirements regarding safety and cost savings. The department shall explore all potential mechanisms, to the extent allowable under law, for the importation of eligible prescription drugs. The program design shall:

A. contract with one or more state drug wholesalers to seek federal certification and approval to import safe, eligible prescription drugs from Canadian suppliers and provide significant prescription drug cost savings to New Mexico consumers;

B. allow the importation of eligible prescription drugs sold by Canadian suppliers;

C. ensure that only eligible prescription drugs meeting the United States food and drug administration's safety, effectiveness and other standards are imported by or on behalf of the state;

D. import only those eligible prescription drugs expected to generate substantial savings for New Mexico consumers;

E. ensure that, with respect to eligible prescription drugs to be imported pursuant to the program, the program and the state drug wholesaler comply with the tracking, tracing, verification and identification requirements of 21 U.S.C. Sections 360eee and 360eee-1;

F. prohibit the distribution, dispensing or sale of eligible prescription drugs imported pursuant to the Wholesale Prescription Drug Importation Act outside the exterior boundaries of the state;

G. recommend a charge per prescription or another method of support to ensure that the program is funded adequately in a manner that does not jeopardize significant consumer savings; and

H. include an audit function.

Chapter 45 Section 5 Laws 2020

SECTION 5. MONITORING FOR ANTI-COMPETITIVE BEHAVIOR.--The department shall consult with the attorney general to identify the potential, and to monitor, for anti-competitive behavior in industries that would be affected by the program.

Chapter 45 Section 6 Laws 2020

SECTION 6. FEDERAL COMPLIANCE.--On or before December 15, 2020, the department shall submit a formal request to the secretary of the United States department of health and human services for certification of the state's program.

Chapter 45 Section 7 Laws 2020

SECTION 7. IMPLEMENTATION.--Upon certification of approval by the secretary of the United States department of health and human services, the department shall begin implementing the program and begin operating the program within six months of that approval. As part of the implementation process, the department shall:

A. enter into contracts in accordance with the Procurement Code with one or more state drug wholesalers and New Mexico licensed drug distributors and contract with one or more approved Canadian suppliers;

B. consult with interested stakeholders, including the committee, the legislature, health insurance plans, employers, pharmacies, health care providers and consumers;

C. develop a registration process for health insurance plans, pharmacies and prescription drug administering health care providers who choose to participate in the program;

D. make a list of imported eligible prescription drugs and their prices and make that list available to all participating entities and the general public;

E. create an outreach and marketing plan to generate program awareness;

F. create and staff a helpline to answer questions and address the needs of consumers, employers, health insurance plans, pharmacies, health care providers and other affected sectors;

G. require annual and special audits of the program; and

H. carry out other duties in accordance with the Wholesale Prescription Drug Importation Act that the department, in consultation with the board of pharmacy, determines to be necessary for successful implementation of the program.

Chapter 45 Section 8 Laws 2020

SECTION 8. ANNUAL REPORTING.--Annually, after implementation, the department shall report to the governor and the legislature regarding the operation of the program during the previous year, including:

A. which eligible prescription drugs and Canadian suppliers are included in the program;

B. the number of participating pharmacies, health care providers and health insurance plans;

C. the number of prescriptions dispensed through the program;

D. the estimated savings to consumers, health plans, employers and the state during the previous year and to date;

E. information regarding implementation of the audit plan and the correction plans for audit findings; and

F. any other information requested by the governor or the legislature or that the secretary of health deems relevant.

Chapter 45 Section 9 Laws 2020

SECTION 9. WHOLESAL PRESCRIPTION DRUG IMPORTATION FUND.--The "wholesale prescription drug importation fund" is created as a nonreverting fund in

the state treasury. The fund consists of money received by the state through the implementation of the program pursuant to the Wholesale Prescription Drug Importation Act and appropriations, gifts, grants, donations to the fund and income from investment of the fund. The department shall administer the fund, and money in the fund is subject to appropriation by the legislature and shall be expended only as provided in the appropriation. Expenditures shall be by warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of health or the secretary's authorized representative.

Chapter 45 Section 10 Laws 2020

SECTION 10. COUNTRIES OTHER THAN CANADA ALLOWED BY FEDERAL LAW.--The provisions of the Wholesale Prescription Drug Importation Act may be extended to any other country allowed by federal law to import prescription drugs into the United States, at the discretion of the department.

Chapter 45 Section 11 Laws 2020

SECTION 11. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

LAWS 2020, CHAPTER 46

SJC/Senate Bill 131, aa, w/cc
Approved March 4, 2020

AN ACT

RELATING TO PUBLIC HEALTH; ENACTING THE TOBACCO PRODUCTS ACT; RAISING THE AGE LIMIT FOR SALES OF TOBACCO PRODUCTS; PROVIDING LICENSURE REQUIREMENTS FOR TOBACCO PRODUCT RETAILERS, MANUFACTURERS AND DISTRIBUTORS; PRESCRIBING POWERS AND DUTIES TO THE ALCOHOLIC BEVERAGE CONTROL DIVISION OF THE REGULATION AND LICENSING DEPARTMENT; PROHIBITING CERTAIN ACTS PERTAINING TO THE MANUFACTURE, SALE OR DISTRIBUTION OF TOBACCO PRODUCTS; ESTABLISHING FEES; CREATING A FUND; PROVIDING ADMINISTRATIVE AND CRIMINAL PENALTIES; REPEALING THE TOBACCO PRODUCTS, E-CIGARETTE AND NICOTINE LIQUID CONTAINER ACT.

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

Chapter 46 Section 1 Laws 2020

SECTION 1. SHORT TITLE.--This act may be cited as the "Tobacco Products Act".

Chapter 46 Section 2 Laws 2020

SECTION 2. DEFINITIONS.--As used in the Tobacco Products Act:

A. "child-resistant packaging" means packaging or a container that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time and not difficult for a normal adult to use properly, but does not mean packaging or a container that all such children cannot open or obtain a toxic or harmful amount within a reasonable time;

B. "contraband tobacco products" means any tobacco products possessed, sold, bartered or given in violation of the Tobacco Products Act;

C. "delivery sale" means a sale of tobacco products to a consumer in New Mexico in which:

(1) the consumer submits an order for the sale by telephone, over the internet or through the mail or another delivery system; and

(2) the tobacco product is shipped through a delivery service;

D. "delivery service" means a person, including the United States postal service, that is engaged in the delivery of letters, packages or containers;

E. "director" means the director of the alcoholic beverage control division of the regulation and licensing department;

F. "distribute" means to purchase and store a product and to offer the product for resale to retailers or consumers;

G. "distributor" means a person that distributes tobacco products in New Mexico, but does not include:

(1) a retailer;

(2) a manufacturer; or

(3) a common or contract carrier;

H. "division" means the alcoholic beverage control division of the regulation and licensing department;

I. "e-cigarette":

(1) means any electronic oral device, whether composed of a heating element and battery or an electronic circuit, that provides a vapor of nicotine or any other substances the use or inhalation of which simulates smoking; and

(2) includes any such device, or any part thereof, whether manufactured, distributed, marketed or sold as an e-cigarette, e-cigar, e-pipe or any other product, name or descriptor; but

(3) does not include any product regulated as a drug or device by the United States food and drug administration under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Section 301 et seq.;

J. "electronic nicotine delivery system" means an electronic device, including e-cigarettes, whether composed of a heating element and battery or an electronic circuit, that provides a vapor or aerosol of nicotine, the use or inhalation of which simulates smoking;

K. "knowingly attractive to minors" means packaging or labeling that contains:

(1) a cartoon-like character that mimics characters primarily aimed at entertaining minors;

(2) an imitation or mimicry of trademarks or trade dress of products that are or have been primarily marketed toward minors; or

(3) a symbol or celebrity image that is primarily used to market products to minors;

L. "licensee" means a holder of a license issued by the division pursuant to the Tobacco Products Act;

M. "manufacturer" means a person that manufactures, fabricates, assembles, processes or labels tobacco products or imports from outside the United States, directly or indirectly, a tobacco product for sale or distribution in the United States;

N. "minor" means an individual who is younger than twenty-one years of age;

O. "nicotine liquid" means a liquid or other substance containing nicotine where the liquid or substance is sold, marketed or intended for use in an electronic nicotine delivery system;

P. "person" means an individual, corporation, firm, partnership, copartnership, association or other legal entity;

Q. "retailer" means a person, whether located within or outside of New Mexico, that sells tobacco products at retail to a consumer in New Mexico; provided that the sale is not for resale;

R. "self-service display" means a display to which the public has access without the assistance of a retailer or the retailer's employee; and

S. "tobacco product" means a product made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including cigars, cigarettes, chewing tobacco, pipe tobacco, snuff, e-cigarettes or electronic nicotine delivery systems.

Chapter 46 Section 3 Laws 2020

SECTION 3. PROHIBITED SALES--MANUFACTURING--LABELING--MARKETING--SAFETY REQUIREMENTS.--

A. A person shall not knowingly, intentionally or negligently sell, offer to sell, barter or give a tobacco product to a minor.

B. A licensee shall not sell, offer to sell or deliver a tobacco product in a form other than an original manufacturer-sealed package, except for individually sold cigars or loose leaf pipe tobacco.

C. A licensee shall not sell, offer to sell or deliver nicotine liquid in this state unless such liquid is in child-resistant packaging, except that for the purpose of this subsection, "nicotine liquid" does not include nicotine liquid in a cartridge that is pre-filled and sealed by the manufacturer and that is not intended to be opened by the consumer.

D. A manufacturer shall not produce and a distributor or retailer shall not sell tobacco products that are knowingly attractive to minors.

Chapter 46 Section 4 Laws 2020

SECTION 4. DIVISION--LICENSE ISSUANCE--MANUFACTURE, DISTRIBUTION OR SALE OF TOBACCO PRODUCTS.--

A. Except as provided in Subsection C of this section, the division shall issue licenses for the manufacture, distribution or sale of tobacco products in

New Mexico to applicants who meet the requirements of the Tobacco Products Act.

B. The division shall issue or renew a license for the:

- (1) manufacture of tobacco products for a term of one year;
- (2) distribution of tobacco products for a term of one year; and
- (3) retail sale of tobacco products for a term of one year.

C. A license shall not be issued, retained, transferred or renewed pursuant to the Tobacco Products Act if any of the following conditions apply:

(1) the applicant has had a manufacturer, distributor or retailer license revoked by the division or by another state;

(2) the applicant is not in compliance with Subsection G of Section 7-12-9.1 NMSA 1978;

(3) the location for the license or license transfer is within three hundred feet of a school; provided that this restriction does not apply to a location at which tobacco products have been lawfully manufactured, distributed or sold prior to July 1, 2020; or

(4) the location for the license would result in a violation of a zoning or other ordinance of a governing body in which the proposed location would exist.

Chapter 46 Section 5 Laws 2020

SECTION 5. MANUFACTURER LICENSE REQUIREMENTS--APPLICATION AND RENEWAL REQUIREMENTS--FEES.--

A. A person shall not manufacture tobacco products at any location in the state without first obtaining a manufacturer license issued by the division to that person for that location.

B. An application for a manufacturer license or manufacturer license renewal shall be submitted on a form prescribed by the division and shall include:

(1) the name, telephone number, mailing address and email address of the applicant and:

(a) if the applicant is a firm, partnership or association, the name and address of each of its members contributing ten percent or more of the total value of contributions made to the firm, partnership or association and each member entitled to ten percent or more of the profits earned by the firm, partnership or association; or

(b) if the applicant is a corporation, the name and address of its registered agent, the names and addresses of all officers and directors and those stockholders owning ten percent or more of the voting stock of the corporation;

(2) the address of the applicant's principal place of business and every location where the applicant manufactures tobacco products;

(3) documentation as required by the division affirming that the applicant will comply with applicable and proper tobacco products manufacturing practices as required pursuant to 21 USCA Section 387d(a) and will comply with any applicable health directives issued by the department of health pursuant to the Public Health Act;

(4) documentation as required by the division affirming that the applicant will submit the applicable ingredient listing to the federal secretary of health and human services as required pursuant to 21 USCA Section 387d(a)(1); and

(5) a nonrefundable application fee not to exceed seven hundred fifty dollars (\$750) per location or a renewal fee not to exceed four hundred dollars (\$400) per location.

Chapter 46 Section 6 Laws 2020

SECTION 6. DISTRIBUTOR LICENSE REQUIREMENTS--APPLICATION AND RENEWAL REQUIREMENTS--FEES.--

A. A person shall not distribute tobacco products from any location in the state without first obtaining a distributor license issued by the division to that person for that location.

B. An application for a distributor license or distributor license renewal shall be submitted on a form prescribed by the division and shall include:

(1) the name, telephone number, mailing address and email address of the applicant and:

(a) if the applicant is a firm, partnership or association, the name and address of each of its members contributing ten percent or more of the total value of contributions made to the firm, partnership or association and each member entitled to ten percent or more of the profits earned by the firm, partnership or association; or

(b) if the applicant is a corporation, the name and address of its registered agent, the names and addresses of all officers and directors and those stockholders owning ten percent or more of the voting stock of the corporation;

(2) the address of the applicant's principal place of business and every location from which the applicant distributes tobacco products; and

(3) a nonrefundable application fee not to exceed seven hundred fifty dollars (\$750) per location or a renewal fee not to exceed four hundred dollars (\$400) per location.

Chapter 46 Section 7 Laws 2020

SECTION 7. RETAILER LICENSE REQUIREMENTS--APPLICATION AND RENEWAL REQUIREMENTS--FEES.--

A. A person shall not sell tobacco products at any location in the state without first obtaining a retailer license issued by the division to that person or that person's employer for that location.

B. An application for a retailer license or for a retailer license renewal shall be submitted on a form prescribed by the division and shall include:

(1) the name, telephone number, mailing address and email address of the applicant and:

(a) if the applicant is a firm, partnership or association, the name and address of each of its members contributing ten percent or more of the total value of contributions made to the firm, partnership or association and each member entitled to ten percent or more of the profits earned by the firm, partnership or association; or

(b) if the applicant is a corporation, the name and address of its registered agent, the names and addresses of all officers and directors and those stockholders owning ten percent or more of the voting stock of the corporation;

(2) the address of the applicant's principal place of business and every location where the applicant sells tobacco products; and

(3) a nonrefundable application fee not to exceed seven hundred fifty dollars (\$750) per location or a renewal fee not to exceed four hundred dollars (\$400) per location.

Chapter 46 Section 8 Laws 2020

SECTION 8. LICENSE APPLICATION INFORMATION CHANGES.--If the information submitted in an application pursuant to the Tobacco Products Act for a license or for a license renewal changes, the licensee shall notify the division within ten business days of the change. If a change in the information required for an application results in a violation of the Tobacco Products Act, the director may impose an administrative penalty as provided in that act.

Chapter 46 Section 9 Laws 2020

SECTION 9. ISSUANCE OF LICENSES--REASONS FOR DENIAL.--

- A. Beginning January 1, 2021, the division shall begin issuing licenses.
- B. The division shall grant or deny an application for a license or for a license renewal made pursuant to the Tobacco Products Act after the complete application is submitted to the division. The division shall approve the application for issuance of a license or for a license renewal if the division determines that the applicant meets the requirements of the Tobacco Products Act and the rules promulgated pursuant to that act.
- C. If a complete application for a license or for a license renewal is denied, the division shall state the reasons for the denial. The applicant may reapply within thirty days after the date of the denial. The division shall not charge a fee for a reapplication made within that period.

Chapter 46 Section 10 Laws 2020

SECTION 10. LICENSE TRANSFER--NOTICE OF CHANGES.--

- A. A license issued pursuant to the Tobacco Products Act shall not be transferred from the licensee to another person.
- B. The transfer of a license from one location to another may be approved by the division, provided that the licensee shall submit an application for license location transfer to the division for review. The division shall allow the transfer unless any of the conditions provided in Sections 4 and 9 of the Tobacco Products Act apply.

Chapter 46 Section 11 Laws 2020

SECTION 11. TOBACCO PRODUCTS ADMINISTRATION FUND--CREATED--PURPOSE.--The "tobacco products administration fund" is created as a nonreverting fund in the state treasury. The fund consists of fees and administrative penalties collected by the division pursuant to the Tobacco Products Act, appropriations by the legislature, gifts, grants and donations. Money in the fund at the end of a fiscal year shall not revert to any other fund. The division shall administer the fund, and money in the fund is subject to appropriation by the legislature to the division for the administration of the Tobacco Products Act. Disbursements from the fund shall be made by warrant of the secretary of finance and administration pursuant to vouchers signed by the superintendent of regulation and licensing or the superintendent's authorized representative.

Chapter 46 Section 12 Laws 2020

SECTION 12. FEES AND ADMINISTRATIVE PENALTIES RETAINED BY THE DIVISION.--All fees and administrative penalties collected by the division pursuant to the Tobacco Products Act shall be deposited into the tobacco products administration fund.

Chapter 46 Section 13 Laws 2020

SECTION 13. HEARING PROCEDURE.--If the division suspends or revokes a license or imposes an administrative penalty against a licensee, the licensee shall be entitled to a hearing pursuant to the rules promulgated by the division. The hearing shall be conducted by the director or a hearing officer appointed by the director and shall be held in the county in which the licensee is located. Hearings shall be open to the public. Subpoenas shall be issued and enforced in accordance with the provisions of Section 23 of the Tobacco Products Act.

Chapter 46 Section 14 Laws 2020

SECTION 14. DOCUMENTARY EVIDENCE OF AGE AND IDENTITY.--

A. A retailer or an employee of a retailer shall not knowingly, intentionally or negligently fail to verify the age of a consumer purchasing tobacco products.

B. Except as provided in Subsection C of this section, evidence of the age and identity of a person attempting to procure tobacco products in person shall be shown by a valid document that contains a picture of that person and is issued by a federal, state, county, municipal, tribal or foreign government, including a motor vehicle driver's license or an identification card.

C. For each sale made through a delivery sales method, age verification shall be completed through an independent, third-party age verification service that establishes that a consumer is of legal age by comparing information available from public records to personal information entered by the consumer during the ordering process.

D. A retailer may ship tobacco products only to a consumer whose age has been verified pursuant to Subsection C of this section.

Chapter 46 Section 15 Laws 2020

SECTION 15. VENDING MACHINES--RESTRICTIONS ON SALES OF TOBACCO PRODUCTS.--

A. Except as provided in Subsections B and C of this section, a retailer selling goods at a retail location in New Mexico shall not use a self-service display for tobacco products.

B. Tobacco products may be sold by vending machines only in age-controlled locations where minors are not permitted.

C. The sales and display of cigars may be allowed only in age-controlled locations where minors are not permitted.

Chapter 46 Section 16 Laws 2020

SECTION 16. DISTRIBUTION OF TOBACCO PRODUCTS AS FREE SAMPLES PROHIBITED.--

A. A person shall not provide free samples of tobacco products without the express written approval of the director.

B. The provisions of Subsection A of this section shall not apply to an individual who provides free samples of tobacco products, e-cigarettes or nicotine liquid containers in connection with the practice of cultural or ceremonial activities in accordance with the federal American Indian Religious Freedom Act or its successor act.

Chapter 46 Section 17 Laws 2020

SECTION 17. SIGNS--POINT OF SALE.--A retailer shall prominently display in the place where tobacco products are sold and where a tobacco product vending machine is located a printed sign or decal that reads as follows:

"IT IS ILLEGAL FOR A PERSON UNDER 21 YEARS OF AGE TO PURCHASE TOBACCO PRODUCTS."

Chapter 46 Section 18 Laws 2020

SECTION 18. CRIMINAL PENALTIES--UNLICENSED ACTIVITIES.--A person who manufactures, distributes or sells tobacco products without a license required pursuant to the Tobacco Products Act is guilty of a misdemeanor and shall be sentenced in accordance with the provisions of Section 31-19-1 NMSA 1978. Contraband tobacco products seized by the division or by a law enforcement agency as evidence of unlicensed activities shall be retained and disposed of pursuant to the Forfeiture Act. The provisions of this section shall not apply to the sale of tobacco products between a minor and another minor.

Chapter 46 Section 19 Laws 2020

SECTION 19. MANUFACTURERS, DISTRIBUTORS AND RETAILERS--VIOLATIONS--LICENSE SUSPENSION OR REVOCATION--ADMINISTRATIVE PENALTIES.--The division may suspend or revoke a license of a licensee, require the use of identification verification software for a designated period of time or impose an administrative penalty against a licensee in an amount not to exceed ten thousand dollars (\$10,000), or any combination thereof, if the division finds that the licensee, an employee of the licensee or a contractor acting on behalf of the licensee has violated a provision of the Tobacco Products Act; provided, however, that upon a fourth violation for the sale of a tobacco product to a minor occurring at the same location within three years of the first such violation, the retailer's license issued for that location shall be permanently revoked.

Chapter 46 Section 20 Laws 2020

SECTION 20. MONITORED COMPLIANCE--INSPECTIONS.--The alcoholic beverage control division of the regulation and licensing department, the department of public safety and the appropriate law enforcement authorities in each county and municipality may conduct random, unannounced inspections of facilities where tobacco products are sold, manufactured or distributed to ensure compliance with the provisions of the Tobacco Products Act.

Chapter 46 Section 21 Laws 2020

SECTION 21. AUTHORITY OF DEPARTMENT OF PUBLIC SAFETY.--

A. The department of public safety has authority over all investigations and enforcement activities required under the Tobacco Products Act, except for those provisions relating to the issuance, denial, suspension or revocation and administrative sanctions of licenses unless its assistance is requested by the director.

B. Following the issuance of a citation pursuant to the provisions of the Tobacco Products Act, the department of public safety or the law enforcement agency of a municipality or county shall report alleged violations of that act to the division.

C. The director may request the investigators from the department of public safety to investigate licensees or activities that the director has reasonable cause to believe are in violation of the Tobacco Products Act.

Chapter 46 Section 22 Laws 2020

SECTION 22. AUTHORITY OF THE DIVISION.--

A. The division has the authority over all matters relating to the issuance, denial, suspension, revocation and other administrative penalties or transfer of licenses under the Tobacco Products Act. The director may request the department of public safety to provide investigatory and enforcement support as deemed necessary.

B. The director has rulemaking authority pursuant to the State Rules Act.

Chapter 46 Section 23 Laws 2020

SECTION 23. ADMINISTRATIVE AUTHORITY AND POWERS.--

A. For the purpose of administering the licensing provisions of the Tobacco Products Act, the director is authorized to examine and to require the production of any pertinent records, books, information or evidence, to require the presence of any person and to require that person to testify under oath concerning the subject matter of the inquiry and to make a permanent record of the proceedings.

B. The director, through the legal counsel for the division, is vested with the power to issue subpoenas. In no case shall a subpoena be made returnable less than five days from the date of service.

C. A subpoena issued by the division shall state with reasonable certainty the nature of the evidence required to be produced, the time and place of the hearing, the nature of the inquiry or investigation and the consequences of failure to obey the subpoena and shall bear the seal of the division and be attested to by the director.

D. After service of a subpoena upon a person, if a person neglects or refuses to appear or produce records or other evidence in response to the subpoena or neglects or refuses to give testimony, as required, the director may invoke the aid of the district courts in the enforcement of the subpoena. In appropriate cases, the court shall issue its order requiring the person to appear and testify or produce the books or records and may, upon failure of the person to comply with the order, punish the person for contempt.

Chapter 46 Section 24 Laws 2020

SECTION 24. PREEMPTION.--When a municipality or county, including a home rule municipality or an urban county, adopts an ordinance, charter amendment or regulation pertaining to the sales of tobacco products, the ordinance, charter amendment or regulation shall be consistent with the provisions of the Tobacco Products Act.

Chapter 46 Section 25 Laws 2020

SECTION 25. APPLICABILITY.--The provisions of the Tobacco Products Act do not apply to the lawful purchase or use by a minor of a tobacco-cessation product approved by the federal food and drug administration.

Chapter 46 Section 26 Laws 2020

SECTION 26. REPEAL.--Sections 30-49-1 through 30-49-13 NMSA 1978 (being Laws 1993, Chapter 244, Sections 1 through 12 and Laws 2015, Chapter 98, Section 12, as amended) are repealed.

Chapter 46 Section 27 Laws 2020

SECTION 27. EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2021.

LAWS 2020, CHAPTER 47

SJC/Senate Bill 98
Approved March 5, 2020

AN ACT

RELATING TO PUBLIC WORKS PROJECTS; PROVIDING A PROCESS TO RESOLVE PREVAILING WAGE COMPLAINTS; INCREASING PENALTIES.

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

Chapter 47 Section 1 Laws 2020

SECTION 1. Section 13-4-11 NMSA 1978 (being Laws 1965, Chapter 35, Section 1, as amended) is amended to read:

"13-4-11. PREVAILING WAGE AND BENEFIT RATES DETERMINED--MINIMUM WAGES AND FRINGE BENEFITS ON PUBLIC WORKS--WEEKLY PAYMENT--WITHHOLDING FUNDS.--

A. Every contract or project in excess of sixty thousand dollars (\$60,000) that the state or any political subdivision thereof is a party to for construction, alteration, demolition or repair or any combination of these, including painting and decorating, of public buildings, public works or public roads of the state and that requires or involves the employment of mechanics, laborers or both shall contain a provision stating the minimum wages and fringe benefits to be paid to various classifications of laborers and mechanics, which shall be based upon the wages and benefits that will be determined

by the director to be prevailing for the corresponding classifications of laborers and mechanics employed on contract work of a similar nature in the state or locality, and every contract or project shall contain a stipulation that the contractor, subcontractor, employer or a person acting as a contractor shall pay all mechanics and laborers employed on the site of the project, unconditionally and not less often than once a week and without subsequent unlawful deduction or rebate on any account, the full amounts accrued at time of payment computed at wage rates and fringe benefit rates not less than those determined pursuant to Subsection B of this section to be the prevailing wage rates and prevailing fringe benefit rates issued for the project.

B. Annually, the director shall determine prevailing wage rates and prevailing fringe benefit rates for respective classifications of laborers and mechanics employed on public works projects at the same wage rates and fringe benefit rates used in collective bargaining agreements between labor organizations and their signatory employers that govern predominantly similar classifications of laborers and mechanics for the locality of the public works project and the crafts involved; provided that:

(1) if the prevailing wage rates and prevailing fringe benefit rates cannot reasonably and fairly be determined in a locality because no collective bargaining agreements exist, the director shall determine the prevailing wage rates and prevailing fringe benefit rates for the same or most similar classification of laborer or mechanic in the nearest and most similar neighboring locality in which collective bargaining agreements exist;

(2) the director shall give due regard to information obtained during the director's determination of the prevailing wage rates and the prevailing fringe benefit rates made pursuant to this subsection;

(3) any interested person shall have the right to submit to the director written data, personal opinions and arguments supporting changes to the prevailing wage rate and prevailing fringe benefit rate determination; and

(4) prevailing wage rates and prevailing fringe benefit rates determined pursuant to the provisions of this section shall be compiled as official records and kept on file in the director's office, and the records shall be updated in accordance with the applicable rates used in subsequent collective bargaining agreements.

C. The prevailing wage rates and prevailing fringe benefit rates to be paid shall be posted by the contractor or person acting as a contractor in a prominent and easily accessible place at the site of the work; provided that there shall be withheld from the contractor, subcontractor, employer or a person acting as a contractor so much of accrued payments as may be considered necessary by the director or contracting officer of the state or political subdivision to pay to laborers and mechanics employed on the project the difference between the prevailing wage rates and prevailing fringe benefit rates required by the director to be paid to laborers and mechanics on the work and the wage rates and fringe benefit rates received by the laborers and mechanics and

not refunded to the contractor, subcontractor, employer or a person acting as a contractor or the contractor's, subcontractor's, employer's or person's agents.

D. Certified weekly payroll records of a contracting agency are subject to inspection pursuant to the Inspection of Public Records Act; provided that the request shall be fulfilled within twenty days of receipt of the written request. Certified weekly payroll records are subject to record retention requirements applicable to payroll records of a state agency.

E. Notwithstanding any other provision of law applicable to public works contracts or agreements, the director may, with cause:

(1) issue investigative or hearing subpoenas for the production of documents or witnesses pertaining to public works prevailing wage projects; and

(2) attach and prohibit the release of any assurance of payment required under Section 13-4-18 NMSA 1978 for a reasonable period of time beyond the time limits specified in that section until the director satisfactorily resolves any probable cause to believe a violation of the Public Works Minimum Wage Act or its implementing rules has taken place.

F. A person may file with the director a complaint that a contractor, subcontractor, employer or person acting as a contractor on the project has failed to pay the person wages or fringe benefits at the rates required by the Public Works Minimum Wage Act. Within thirty days after the filing of the complaint, either party may request in writing a mediation to resolve the complaint.

G. The director shall, within thirty days of the filing of the complaint, commence an investigation of the allegations contained in the complaint. The director shall, within seventy-five days after the completion of mediation or if no mediation is requested, within seventy-five days after the filing of the complaint, make a determination supported by findings of fact and conclusions of law whether there has been an underpayment of wages or fringe benefits or other violation of the Public Works Minimum Wage Act; provided that if the complaint is of a continuing or significantly complex nature or involves multiple projects or job sites, the director may extend the time in which to make a determination by up to six months by providing written notice and an explanation to all parties of the need to extend the time. Prior to issuing a determination, the director shall provide the contractor, subcontractor, employer or other person against whom the complaint has been filed with an opportunity to respond to the complaint and provide any exculpatory evidence.

H. If the director determines that there has been an underpayment of wages or fringe benefits or a violation of the Public Works Minimum Wage Act, the director shall, in the absence of a voluntary resolution by the parties and within thirty days of making that determination, order the withholding of accrued payments as provided in Subsection C of this section.

I. The director shall issue rules necessary to administer and accomplish the purposes of the Public Works Minimum Wage Act."

Chapter 47 Section 2 Laws 2020

SECTION 2. Section 13-4-13 NMSA 1978 (being Laws 1965, Chapter 35, Section 3, as amended) is amended to read:

"13-4-13. FAILURE TO PAY MINIMUM WAGE--TERMINATION OF CONTRACT.--Every contract within the scope of the Public Works Minimum Wage Act shall contain further provision that in the event it is determined by the director that any laborer or mechanic employed on the site of the project has been or is being paid a wage rate or fringe benefit rate less than the rates required, and in the absence of a voluntary resolution by the parties, the contracting agency shall, within thirty days of the director's determination, by written notice to the contractor, subcontractor, employer or person acting as a contractor, terminate the right to proceed with the work or the part of the work as to which there has been a failure to pay the required wages or fringe benefits, and the contracting agency shall prosecute the work to completion by contract or otherwise, and the contractor or person acting as a contractor and the contractor's or person's sureties shall be liable to the state for any excess costs occasioned thereby. Any party receiving notice of termination of a project or subcontract pursuant to the provisions of this section may appeal the finding of the director as provided in the Public Works Minimum Wage Act."

Chapter 47 Section 3 Laws 2020

SECTION 3. Section 13-4-14 NMSA 1978 (being Laws 1965, Chapter 35, Section 4, as amended) is amended to read:

"13-4-14. PAYMENT OF WAGES FROM FUNDS WITHHELD--LIST OF CONTRACTORS VIOLATING ACT--ADDITIONAL RIGHT OF WAGE EARNERS.--

A. The director shall certify to the contracting agency the names of persons or firms the director has found to have failed to pay wages or fringe benefits due employees under the Public Works Minimum Wage Act and the amount of arrears. The contracting agency shall pay or cause to be paid to the affected laborers and mechanics, from any accrued payments withheld under the terms of the contract or designated for the project, three times the amount of any wages or fringe benefits found due to the workers pursuant to the Public Works Minimum Wage Act. The director shall, after notice to the affected persons, distribute a list to all departments of the state giving the names of persons or firms the director has found to have willfully violated the Public Works Minimum Wage Act. No contract or project shall be awarded to the persons or firms appearing on this list or to any firm, corporation, partnership or association in which the persons or firms have an interest until three years have elapsed from the date of publication of the list containing the names of the persons or firms. A person to be

included on the list to be distributed may appeal the finding of the director as provided in the Public Works Minimum Wage Act.

B. If the accrued payments withheld under the terms of the contract, as mentioned in Subsection A of this section, are insufficient to reimburse all the laborers and mechanics with respect to whom there has been a failure to pay the wages or fringe benefits required pursuant to the Public Works Minimum Wage Act, the laborers and mechanics shall have the right of action or intervention or both against the contractor or person acting as a contractor and the contractor's or person's sureties, conferred by law upon the persons furnishing labor and materials, and, in such proceeding, it shall be no defense that the laborers and mechanics accepted or agreed to less than the required rate of wages or voluntarily made refunds. The director shall refer such matters to the district attorney in the appropriate county, and it is the duty and responsibility of the district attorney to bring civil suit for wages and fringe benefits due and other damages provided for in Subsection C of this section.

C. In the event of an aggregate underpayment of wages or fringe benefits greater than five hundred dollars (\$500) to an employee subject to the Public Works Minimum Wage Act or implementing rules, the contractor, subcontractor, employer or a person acting as a contractor responsible for the underpayment shall be liable to any affected employee for three times the amount of the employee's unpaid wages or fringe benefits. In addition, the contractor, subcontractor, employer or person acting as a contractor shall be liable to any affected employee for one hundred dollars (\$100) for each calendar day on which a contractor, subcontractor, employer or person acting as a contractor has willfully required or permitted the employee to work in violation of the provisions of the Public Works Minimum Wage Act.

D. In an action brought pursuant to Subsection C of this section, the court shall award, in addition to all other remedies, attorney fees and costs incurred on behalf of an employee adversely affected by a violation of the Public Works Minimum Wage Act by a contractor, subcontractor, employer or person acting as a contractor."

LAWS 2020, CHAPTER 48

HLVMC/House Bill 364
Approved March 5, 2020

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
ADDRESSING COLLECTIVE BARGAINING IN THE PUBLIC SECTOR; ADDRESSING
BARGAINING UNIT ELECTION PROCEDURES, REASONABLE ACCESS TO
EMPLOYEES, SCOPE OF BARGAINING AND EMPLOYER PROHIBITED
PRACTICES; MODIFYING THE PUBLIC EMPLOYEE BARGAINING ACT TO CLARIFY
REMEDIES AVAILABLE TO THE PUBLIC EMPLOYEE LABOR RELATIONS BOARD;
IMPOSING REQUIREMENTS ON LOCAL LABOR BOARDS; REQUIRING NOTICE OF

RULES AND MEMBERSHIP; PROVIDING FOR RETENTION OF JOBS WITHIN A BARGAINING UNIT; REPEALING AND REENACTING SECTION 10-7E-10 NMSA 1978 (BEING LAWS 2003, CHAPTER 4, SECTION 10 AND LAWS 2003, CHAPTER 5, SECTION 10); REPEALING SECTIONS 10-7E-11 AND 10-7E-26 NMSA 1978 (BEING LAWS 2003, CHAPTER 4, SECTION 11 AND LAWS 2003, CHAPTER 5, SECTION 11; AND LAWS 2003, CHAPTER 4, SECTION 26 AND LAWS 2003, CHAPTER 5, SECTION 26).

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

Chapter 48 Section 1 Laws 2020

SECTION 1. Section 10-7E-3 NMSA 1978 (being Laws 2003, Chapter 4, Section 3 and Laws 2003, Chapter 5, Section 3) is amended to read:

"10-7E-3. CONFLICTS.--In the event of conflict with other laws, the provisions of the Public Employee Bargaining Act shall supersede other previously enacted legislation and rules; provided that the Public Employee Bargaining Act shall not supersede the provisions of the Bateman Act, the Personnel Act, the Group Benefits Act, the Per Diem and Mileage Act, the Retiree Health Care Act, public employee retirement laws or the Tort Claims Act."

Chapter 48 Section 2 Laws 2020

SECTION 2. Section 10-7E-4 NMSA 1978 (being Laws 2003, Chapter 4, Section 4 and Laws 2003, Chapter 5, Section 4) is amended to read:

"10-7E-4. DEFINITIONS.--As used in the Public Employee Bargaining Act:

- A. "appropriate bargaining unit" means a group of public employees designated by the board or local board for the purpose of collective bargaining;
- B. "appropriate governing body" means the policymaking body or individual representing a public employer as designated in Section 10-7E-7 NMSA 1978;
- C. "authorization card" means a signed affirmation by a member of an appropriate bargaining unit designating a particular organization as exclusive representative;
- D. "board" means the public employee labor relations board;
- E. "certification" means the designation by the board or local board of a labor organization as the exclusive representative for all public employees in an appropriate bargaining unit;

F. "collective bargaining" means the act of negotiating between a public employer and an exclusive representative for the purpose of entering into a written agreement regarding wages, hours and other terms and conditions of employment;

G. "confidential employee" means a person who devotes a majority of the person's time to assisting and acting in a confidential capacity with respect to a person who formulates, determines and effectuates management policies;

H. "emergency" means a one-time crisis that was unforeseen and unavoidable;

I. "exclusive representative" means a labor organization that, as a result of certification, has the right to represent all public employees in an appropriate bargaining unit for the purposes of collective bargaining;

J. "impasse" means failure of a public employer and an exclusive representative, after good-faith bargaining, to reach agreement in the course of negotiating a collective bargaining agreement;

K. "labor organization" means an employee organization, one of whose purposes is the representation of public employees in collective bargaining and in otherwise meeting, consulting and conferring with employers on matters pertaining to employment relations;

L. "local board" means a local labor relations board established by a public employer, other than the state, through ordinance, resolution or charter amendment, and which continues to exist by virtue of the election described in Subsection B of Section 10-7E-10 NMSA 1978;

M. "lockout" means an act by a public employer to prevent its employees from going to work for the purpose of resisting the demands of the employees' exclusive representative or for the purpose of gaining a concession from the exclusive representative;

N. "management employee" means an employee who is engaged primarily in executive and management functions and is charged with the responsibility of developing, administering or effectuating management policies. An employee shall not be deemed a management employee solely because the employee participates in cooperative decision-making programs or whose fiscal responsibilities are routine, incidental or clerical;

O. "mediation" means assistance by an impartial third party to resolve an impasse between a public employer and an exclusive representative regarding employment relations through interpretation, suggestion and advice;

P. "professional employee" means an employee whose work is predominantly intellectual and varied in character and whose work involves the consistent exercise of discretion and judgment in its performance and requires knowledge of an advanced nature in a field of learning customarily requiring specialized study at an institution of higher education or its equivalent. The work of a professional employee is of such character that the output or result accomplished cannot be standardized in relation to a given period of time;

Q. "public employee" means a regular nonprobationary employee of a public employer; provided that, in the public schools, "public employee" shall also include a regular probationary employee and includes those employees whose work is funded in whole or in part by grants or other third-party sources;

R. "public employer" means the state or a political subdivision thereof, including a municipality that has adopted a home rule charter, and does not include a government of an Indian nation, tribe or pueblo, provided that state educational institutions as provided in Article 12, Section 11 of the constitution of New Mexico shall be considered public employers other than the state for collective bargaining purposes only;

S. "strike" means a public employee's refusal, in concerted action with other public employees, to report for duty or the willful absence in whole or in part from the full, faithful and proper performance of the duties of employment for the purpose of inducing, influencing or coercing a change in the conditions, compensation, rights, privileges or obligations of public employment; and

T. "supervisor" means an employee who devotes a majority of work time to supervisory duties, who customarily and regularly directs the work of two or more other employees and who has the authority in the interest of the employer to hire, promote or discipline other employees or to recommend such actions effectively, but "supervisor" does not include an individual who performs merely routine, incidental or clerical duties or who occasionally assumes a supervisory or directory role or whose duties are substantially similar to those of the individual's subordinates and does not include a lead employee or an employee who participates in peer review or occasional employee evaluation programs."

Chapter 48 Section 3 Laws 2020

SECTION 3. Section 10-7E-5 NMSA 1978 (being Laws 2003, Chapter 4, Section 5 and Laws 2003, Chapter 5, Section 5) is amended to read:

"10-7E-5. RIGHTS OF PUBLIC EMPLOYEES.--

A. Public employees, other than management employees and confidential employees, may form, join or assist a labor organization for the purpose of collective

bargaining through representatives chosen by public employees without interference, restraint or coercion and shall have the right to refuse those activities.

B. Public employees have the right to engage in other concerted activities for mutual aid or benefit. This right shall not be construed as modifying the prohibition on strikes set forth in Section 10-7E-21 NMSA 1978."

Chapter 48 Section 4 Laws 2020

SECTION 4. Section 10-7E-9 NMSA 1978 (being Laws 2003, Chapter 4, Section 9 and Laws 2003, Chapter 5, Section 9) is amended to read:

"10-7E-9. BOARD AND LOCAL BOARD--POWERS AND DUTIES.--

A. The board or a local board shall promulgate rules necessary to accomplish and perform its functions and duties as established in the Public Employee Bargaining Act, including the establishment of procedures for:

- (1) the designation of appropriate bargaining units;
- (2) the selection, certification and decertification of exclusive representatives; and
- (3) the filing of, hearing on and determination of complaints of prohibited practices.

B. The board or a local board shall:

- (1) hold hearings and make inquiries necessary to carry out its functions and duties;
- (2) conduct studies on problems pertaining to employee-employer relations; and
- (3) request from public employers and labor organizations the information and data necessary to carry out the board's or the local board's functions and responsibilities.

C. The board or a local board may issue subpoenas requiring, upon reasonable notice, the attendance and testimony of witnesses and the production of evidence, including books, records, correspondence or documents relating to the matter in question. The board or a local board may prescribe the form of subpoena, but it shall adhere insofar as practicable to the form used in civil actions in the district court. The board or a local board may administer oaths and affirmations, examine witnesses and receive evidence.

D. The board or a local board shall decide issues by majority vote and each shall issue its decisions in the form of written orders and opinions.

E. The board or a local board may hire personnel or contract with third parties as each deems necessary to assist it in carrying out its functions and each may delegate any or all of its authority to those third parties, subject to final review of the board or local board.

F. The board or a local board each has the power to enforce provisions of the Public Employee Bargaining Act through the imposition of appropriate administrative remedies, actual damages related to dues, back pay including benefits, reinstatement with the same seniority status that the employee would have had but for the violation, declaratory or injunctive relief or provisional remedies, including temporary restraining orders or preliminary injunctions. No punitive damages or attorney fees may be awarded by the board or local board.

G. Local board rules shall conform to the rules adopted by the board and shall not be effective until approved by an order of the board. On good cause shown, the board may approve rules proposed by a local board, which rules vary from rules of the board. All rules promulgated by a local board shall comply with state law. A rule promulgated by the board or a local board shall not require, directly or indirectly, as a condition of continuous employment, a public employee covered by the Public Employee Bargaining Act to pay money to a labor organization that is certified as an exclusive representative.

H. The board shall maintain current versions of its rules and current versions of the rules of each local board on a publicly accessible website. That website shall also include a current listing of the members of the board and the members of each local board. Each local board shall notify the board, within thirty days of revisions of its rules or changes in its membership, of any such revisions of its rules or changes in its membership."

Chapter 48 Section 5 Laws 2020

SECTION 5. Section 10-7E-10 NMSA 1978 (being Laws 2003, Chapter 4, Section 10 and Laws 2003, Chapter 5, Section 10) is repealed and a new Section 10-7E-10 NMSA 1978 is enacted to read:

"10-7E-10. LOCAL BOARDS--CONDITIONS OF CONTINUED EXISTENCE--TRANSFER OF AUTHORITY UPON TERMINATION--PROHIBITION OF NEW LOCAL BOARDS.--

A. All local boards shall continue to exist except as provided in Subsections B through J of this section.

B. No later than December 31, 2020, each local board shall submit to the board copies of a revised local ordinance, resolution or charter amendment authorizing continuation of the local board. A local board that fails to meet the submission deadline set forth in this subsection shall cease to exist on January 1, 2021. No later than February 15, 2021, the board shall determine whether the local ordinance, resolution or charter amendment authorizing continuation of a local board provides the same or greater rights to public employees and labor organizations as the Public Employee Bargaining Act, allows for the determination of, and remedies for, an action that would constitute a prohibited practice under the Public Employee Bargaining Act and contains impasse resolution procedures equivalent to those set forth in Section 10-7E-18 NMSA 1978. If the board determines that a local ordinance, resolution or charter amendment authorizing continuation of a local board does not satisfy the requirements of this subsection, defects may be cured by June 30, 2021 or the local board will cease to exist. The board shall certify by written order whether the requirements of this subsection have been met.

C. No later than April 30, 2021, each local board shall submit to the board copies of its rules. A local board that fails to meet the submission deadline set forth in this subsection shall cease to exist on July 1, 2021. No later than May 30, 2021, the board shall determine whether the rules of a local board conform to the rules of the board, or for good cause shown, any variances meet the requirements of the Public Employee Bargaining Act. If the board determines that the rules of a local board do not meet the requirements of this subsection, the local board may cure any defects by June 30, 2021, or it will cease to exist. The board shall certify by written order whether the requirements of this subsection have been met by a local board.

D. A local board existing as of July 1, 2021 shall continue to exist after December 31, 2021 only if it has submitted to the board an affirmation that:

(1) the public employer subject to the local board has affirmatively elected to continue to operate under the local board; and

(2) each labor organization representing employees of the public employer subject to the local board has submitted a written notice to the board that it affirmatively elects to continue to operate under the local board.

E. The affirmation required pursuant to Subsection D of this section shall be submitted to the board by each local board between November 1 and December 31 of each odd-numbered year. A local board that fails to timely submit the affirmation required by this subsection shall cease to exist as of January 1 of the next even-numbered year.

F. Beginning on July 1, 2020, if at any time thereafter a local board has a membership vacancy exceeding sixty days in length, the local board shall cease to exist.

- G. A local board may cease to exist upon:
- (1) a repeal of the local ordinance, resolution or charter amendment authorizing continuation of the local board; or
 - (2) a vote of a local board, which vote is filed with the board.
- H. Once a local board ceases to exist for any reason, it may not be revived.
- I. Whenever a local board ceases to exist, all matters pending before such local board shall be transferred to the board for resolution.
- J. After June 30, 2020, no new local board may be created."

Chapter 48 Section 6 Laws 2020

SECTION 6. Section 10-7E-13 NMSA 1978 (being Laws 2003, Chapter 4, Section 13 and Laws 2003, Chapter 5, Section 13) is amended to read:

"10-7E-13. APPROPRIATE BARGAINING UNITS.--

A. The board or local board shall, upon receipt of a petition for a representation election filed by a labor organization, designate the appropriate bargaining units for collective bargaining. Appropriate bargaining units shall be established on the basis of occupational groups or clear and identifiable communities of interest in employment terms and conditions and related personnel matters among the public employees involved. Occupational groups shall generally be identified as blue-collar, secretarial clerical, technical, professional, paraprofessional, police, fire and corrections. The parties, by mutual agreement, may further consolidate occupational groups. Essential factors in determining appropriate bargaining units shall include the principles of efficient administration of government, the history of collective bargaining and the assurance to public employees of the fullest freedom in exercising the rights guaranteed by the Public Employee Bargaining Act.

B. Within thirty days of a disagreement arising between a public employer and a labor organization concerning the composition of an appropriate bargaining unit, the board or local board shall hold a hearing concerning the composition of the bargaining unit before designating an appropriate bargaining unit.

C. The board or local board shall not include in an appropriate bargaining unit supervisors, managers or confidential employees.

D. Jobs included within a bargaining unit pursuant to a local ordinance in effect on January 1, 2020 shall remain in that bargaining unit."

Chapter 48 Section 7 Laws 2020

SECTION 7. Section 10-7E-14 NMSA 1978 (being Laws 2003, Chapter 4, Section 14 and Laws 2003, Chapter 5, Section 14) is amended to read:

"10-7E-14. ELECTIONS.--

A. Whenever, in accordance with rules prescribed by the board or local board, a petition is filed by a labor organization containing the signatures of at least thirty percent of the public employees in an appropriate bargaining unit, the board or local board shall conduct a secret ballot representation election to determine whether and by which labor organization the public employees in the appropriate bargaining unit shall be represented. Upon acceptance of a valid petition, the board or a local board shall require the public employer to provide the labor organization within ten business days the names, job titles, work locations, home addresses, personal email addresses and home or cellular telephone numbers of any public employee in the proposed bargaining unit. This information shall be kept confidential by the labor organization and its employees or officers. The ballot shall contain the name of any labor organization submitting a petition containing signatures of at least thirty percent of the public employees in the appropriate bargaining unit. The ballot shall also contain a provision allowing public employees to indicate whether they do not desire to be represented by a labor organization. An election shall only be valid if forty percent of the eligible employees in the bargaining unit vote in the election.

B. Once a labor organization has filed a valid petition with the board or local board calling for a representation election, other labor organizations may seek to be placed on the ballot. Such an organization shall file a petition containing the signatures of not less than thirty percent of the public employees in the appropriate bargaining unit no later than ten days after the board or the local board and the public employer post a written notice that the petition in Subsection A of this section has been filed by a labor organization.

C. As an alternative to the provisions of Subsection A of this section, a labor organization with a reasonable basis for claiming to represent a majority of the employees in an appropriate bargaining unit may submit authorization cards from a majority of the employees in an appropriate bargaining unit to the board or local board, which shall, upon verification that a majority of the employees in the appropriate bargaining unit have signed valid authorization cards, certify the labor organization as the exclusive representative of all public employees in the appropriate bargaining unit. The employer may challenge the verification of the board or local board; the board or local board shall hold a fact-finding hearing on the challenge to confirm that a majority of the employees in the appropriate bargaining unit have signed valid authorization cards.

D. If a labor organization receives a majority of votes cast, it shall be certified as the exclusive representative of all public employees in the appropriate bargaining unit. Within fifteen days of an election in which no labor organization receives a majority

of the votes cast, a runoff election between the two choices receiving the largest number of votes cast shall be conducted. The board or local board shall certify the results of the election, and, when a labor organization receives a majority of the votes cast, the board or local board shall certify the labor organization as the exclusive representative of all public employees in the appropriate bargaining unit.

E. An election shall not be conducted if an election or runoff election has been conducted in the twelve-month period immediately preceding the proposed representation election. An election shall not be held during the term of an existing collective bargaining agreement, except as provided in Section 10-7E-16 NMSA 1978."

Chapter 48 Section 8 Laws 2020

SECTION 8. Section 10-7E-15 NMSA 1978 (being Laws 2003, Chapter 4, Section 15 and Laws 2003, Chapter 5, Section 15) is amended to read:

"10-7E-15. EXCLUSIVE REPRESENTATION.--

A. A labor organization that has been certified by the board or local board as representing the public employees in the appropriate bargaining unit shall be the exclusive representative of all public employees in the appropriate bargaining unit. The exclusive representative shall act for all public employees in the appropriate bargaining unit and negotiate a collective bargaining agreement covering all public employees in the appropriate bargaining unit. The exclusive representative shall represent the interests of all public employees in the appropriate bargaining unit without discrimination or regard to membership in the labor organization. A claim by a public employee that the exclusive representative has violated this duty of fair representation shall be forever barred if not brought within six months of the date on which the public employee knew, or reasonably should have known, of the violation.

B. This section does not prevent a public employee, acting individually, from presenting a grievance without the intervention of the exclusive representative. At a hearing on a grievance brought by a public employee individually, the exclusive representative shall be afforded the opportunity to be present and make its views known. An adjustment made shall not be inconsistent with or in violation of the collective bargaining agreement then in effect between the public employer and the exclusive representative.

C. A public employer shall provide an exclusive representative of an appropriate bargaining unit reasonable access to employees within the bargaining unit, including the following:

(1) for purposes of newly hired employees in the bargaining unit, reasonable access includes:

(a) the right to meet with new employees, without loss of employee compensation or leave benefits; and

(b) the right to meet with new employees within thirty days from the date of hire for a period of at least thirty minutes but not more than one hundred twenty minutes, during new employee orientation or, if the public employer does not conduct new employee orientations, at individual or group meetings; and

(2) for purposes of employees in the bargaining unit who are not new employees, reasonable access includes:

(a) the right to meet with employees during the employees' regular work hours at the employees' regular work location to investigate and discuss grievances, workplace-related complaints and other matters relating to employment relations; and

(b) the right to conduct meetings at the employees' regular work location before or after the employees' regular work hours, during meal periods and during any other break periods.

D. A public employer shall permit an exclusive representative to use the public employer's facilities or property, whether owned or leased by the employer, for purposes of conducting meetings with the represented employees in the bargaining unit. An exclusive representative may hold the meetings described in this section at a time and place set by the exclusive representative. The exclusive representative shall have the right to conduct the meetings without undue interference and may establish reasonable rules regarding appropriate conduct for meeting attendees.

E. The meetings described in this section shall not interfere with the public employer's operations.

F. If a public employer has the information in the employer's records, the public employer shall provide to the exclusive representative, in an editable digital file format agreed to by the exclusive representative, the following information for each employee in an appropriate bargaining unit:

(1) the employee's name and date of hire;

(2) contact information, including:

(a) cellular, home and work telephone numbers;

(b) a means of electronic communication, including work and personal electronic mail addresses; and

(c) home address or personal mailing address; and

(3) employment information, including the employee's job title, salary and work site location.

G. The public employer shall provide the information described in Subsection F of this section to the exclusive representative within ten days from the date of hire for newly hired employees in an appropriate bargaining unit, and every one hundred twenty days for employees in the bargaining unit who are not newly hired employees. The information shall be kept confidential by the labor organization and its employees or officers. Apart from the disclosure required by this subsection, and notwithstanding any provision contained in the Inspection of Public Records Act, the public employer shall not disclose the information described in Subsection F of this section, or public employees' dates of birth or social security numbers to a third party.

H. An exclusive representative shall have the right to use the electronic mail systems or other similar communication systems of a public employer to communicate with the employees in the bargaining unit regarding:

(1) collective bargaining, including the administration of collective bargaining agreements;

(2) the investigation of grievances or other disputes relating to employment relations; and

(3) matters involving the governance or business of the labor organization.

I. Nothing in this section prevents a public employer from providing an exclusive representative access to employees within the bargaining unit beyond the reasonable access required under this section, or limits any existing right of a labor organization to communicate with public employees."

Chapter 48 Section 9 Laws 2020

SECTION 9. Section 10-7E-16 NMSA 1978 (being Laws 2003, Chapter 4, Section 16 and Laws 2003, Chapter 5, Section 16) is amended to read:

"10-7E-16. DECERTIFICATION OF EXCLUSIVE REPRESENTATIVE.--

A. A member of a labor organization or the labor organization itself may initiate decertification of a labor organization as the exclusive representative if thirty percent of the public employees in the appropriate bargaining unit make a written request to the board or local board for a decertification election. Decertification elections shall be held in a manner prescribed by rule of the board. An election shall only be valid if forty percent of the eligible employees in the bargaining unit vote in the election.

B. When there is a collective bargaining agreement in effect, a request for a decertification election shall be made to the board or local board no earlier than ninety days and no later than sixty days before the expiration of the collective bargaining agreement; provided, however, a request for an election may be filed at any time after the expiration of the third year of a collective bargaining agreement with a term of more than three years.

C. When, within the time period prescribed in Subsection B of this section, a competing labor organization files a petition containing signatures of at least thirty percent of the public employees in the appropriate bargaining unit, a representation election rather than a decertification election shall be conducted.

D. When an exclusive representative has been certified but no collective bargaining agreement is in effect, the board or local board shall not accept a request for a decertification election or an election sought by a competing labor organization earlier than twelve months subsequent to a labor organization's certification as the exclusive representative."

Chapter 48 Section 10 Laws 2020

SECTION 10. Section 10-7E-17 NMSA 1978 (being Laws 2003, Chapter 4, Section 17 and Laws 2003, Chapter 5, Section 17) is amended to read:

"10-7E-17. SCOPE OF BARGAINING.--

A. Except for retirement programs provided pursuant to the Public Employees Retirement Act or the Educational Retirement Act, public employers and exclusive representatives:

(1) shall bargain in good faith on wages, hours and all other terms and conditions of employment and other issues agreed to by the parties. However, neither the public employer nor the exclusive representative shall be required to agree to a proposal or to make a concession; and

(2) shall enter into written collective bargaining agreements covering employment relations. Entering into a collective bargaining agreement shall not obviate the duty to bargain in good faith during the term of the collective bargaining agreement regarding changes to wages, hours and all other terms and conditions of employment, unless it can be demonstrated that the parties clearly and unmistakably waived the right to bargain regarding those subjects. However, no party may be required, by this provision, to renegotiate the existing terms of collective bargaining agreements already in place.

B. In regard to the Public Employees Retirement Act and the Educational Retirement Act, a public employer in a written collective bargaining agreement may agree to assume any portion of a public employee's contribution obligation to retirement

programs provided pursuant to the Public Employees Retirement Act or the Educational Retirement Act. Such agreements are subject to the limitations set forth in this section.

C. The obligation to bargain collectively imposed by the Public Employee Bargaining Act shall not be construed as authorizing a public employer and an exclusive representative to enter into an agreement that is in conflict with the provisions of any other statute of this state; provided, however, that a collective bargaining agreement that provides greater rights, remedies and procedures to public employees than contained in a state statute shall not be considered to be in conflict with that state statute. In the event of an actual conflict between the provisions of any other statute of this state and an agreement entered into by the public employer and the exclusive representative in collective bargaining, the statutes of this state shall prevail.

D. Payroll deduction of the exclusive representative's membership dues shall be a mandatory subject of bargaining if either party chooses to negotiate the issue. The amount of dues shall be certified in writing by an official of the labor organization and shall not include special assessments, penalties or fines of any type. The public employer shall honor payroll deductions until the authorization is revoked in writing by the public employee in accordance with the negotiated agreement and this subsection and for so long as the labor organization is certified as the exclusive representative. Public employees who have authorized the payroll deduction of dues to a labor organization may revoke that authorization by providing written notice to their labor organization during a window period not to exceed ten days per year for each employee. The public employer and the labor organization shall negotiate when the commencement of that period will begin annually for each employee. If no agreement is reached, the period shall be during the ten days following the anniversary date of each employee's employment. Within ten days of receipt of notice from a public employee of revocation of authorization for the payroll deduction of dues, the labor organization shall provide notice to the public employer of a public employee's revocation of that authorization. A public employee's notice of revocation for the payroll deduction of dues shall be effective on the thirtieth day after the notice provided to the public employer by the labor organization. No authorized payroll deduction of dues held by a public employer or a labor organization on July 1, 2020 shall be rendered invalid by this provision and shall remain valid until replaced or revoked by the public employee. During the time that a board certification is in effect for a particular appropriate bargaining unit, the public employer shall not deduct dues for any other labor organization.

E. Public employers and a labor organization, or their employees or agents, are not liable for, and have a complete defense to, any claims or actions under the law of this state for requiring, deducting, receiving or retaining fair share dues or fees from public employees, and current or former public employees do not have standing to pursue these claims or actions if the fair share dues or fees were permitted at the time under the laws of this state then in force and paid, through payroll deduction or otherwise, on or before June 27, 2018. This subsection:

(1) applies to all claims and actions pending on July 1, 2020 and to claims and actions filed on or after July 1, 2020; and

(2) shall not be interpreted to infer that any relief made unavailable by this section would otherwise be available.

F. The scope of bargaining for the exclusive representative and the state shall include enhancements of employee rights and benefits existing pursuant to the Personnel Act.

G. The scope of bargaining for representatives of public schools as well as educational employees in state agencies shall include, as a mandatory subject of bargaining, the impact of professional and instructional decisions made by the employer.

H. An impasse resolution or an agreement provision by the state and an exclusive representative that requires the expenditure of funds shall be contingent upon the specific appropriation of funds by the legislature and the availability of funds. An impasse resolution or an agreement provision by a public employer other than the state or the public schools and an exclusive representative that requires the expenditure of funds shall be contingent upon the specific appropriation of funds by the appropriate governing body and the availability of funds. An agreement provision by a local school board and an exclusive representative that requires the expenditure of funds shall be contingent upon ratification by the appropriate governing body. An arbitration decision shall not require the reappropriation of funds.

I. An agreement shall include a grievance procedure to be used for the settlement of disputes pertaining to employment terms and conditions and related personnel matters. The grievance procedure shall provide for a final and binding determination. The final determination shall constitute an arbitration award within the meaning of the Uniform Arbitration Act; such award shall be subject to judicial review pursuant to the standard set forth in the Uniform Arbitration Act. The costs of an arbitration proceeding conducted pursuant to this subsection shall be shared equally by the parties.

J. The following meetings shall be closed:

(1) meetings for the discussion of bargaining strategy preliminary to collective bargaining negotiations between the public employer and the exclusive representative of the public employees of the public employer;

(2) collective bargaining sessions; and

(3) consultations and impasse resolution procedures at which the public employer and the exclusive representative of the appropriate bargaining unit are present."

Chapter 48 Section 11 Laws 2020

SECTION 11. Section 10-7E-18 NMSA 1978 (being Laws 2003, Chapter 4, Section 18 and Laws 2003, Chapter 5, Section 18) is amended to read:

"10-7E-18. IMPASSE RESOLUTION.--

A. The following negotiations and impasse procedures shall be followed by the state and exclusive representatives for state employees:

(1) a request to the state for the commencement of initial negotiations shall be filed in writing by the exclusive representative no later than June 1 of the year in which negotiations are to take place. Negotiations shall begin no later than July 1 of that year;

(2) in subsequent years, negotiations agreed to by the parties shall begin no later than August 1 following the submission of written notice to the state by the exclusive representative no later than July 1 of the year in which negotiations are to take place;

(3) if an impasse occurs during negotiations between the parties, either party may request mediation services from the board. A mediator from the federal mediation and conciliation service shall be assigned by the board to assist in negotiations unless the parties agree to another mediator;

(4) the mediator shall provide services to the parties until the parties reach agreement or the mediator believes that mediation services are no longer helpful or until thirty days after the mediator was requested, whichever occurs first; and

(5) if the impasse continues after the time described in Paragraph (4) of this subsection, either party may request a list of seven arbitrators from the federal mediation and conciliation service. One arbitrator shall be chosen by the parties by alternately striking names from such list. Who strikes first shall be determined by coin toss. The arbitrator shall render a final, binding, written decision resolving unresolved issues pursuant to Subsection H of Section 10-7E-17 NMSA 1978 and the Uniform Arbitration Act no later than thirty days after the arbitrator has been notified of selection by the parties. The arbitrator's decision shall be limited to a selection of one of the two parties' complete, last, best offer. The costs of an arbitrator and the arbitrator's related costs conducted pursuant to this subsection shall be shared equally by the parties. Each party shall be responsible for bearing the cost of presenting its case. The decision shall be subject to judicial review pursuant to the standard set forth in the Uniform Arbitration Act.

B. The following impasse procedures shall be followed by all public employers and exclusive representatives, except the state and the state's exclusive representatives:

(1) if an impasse occurs, either party may request from the board or local board that a mediator be assigned to the negotiations unless the parties can agree on a mediator. A mediator with the federal mediation and conciliation service shall be assigned by the board or local board to assist negotiations unless the parties agree to another mediator; and

(2) if the impasse continues after a thirty-day mediation period, either party may request a list of seven arbitrators from the federal mediation and conciliation service. One arbitrator shall be chosen by the parties by alternately striking names from such list. Who strikes first shall be determined by coin toss. The arbitrator shall render a final, binding, written decision resolving unresolved issues pursuant to Subsection H of Section 10-7E-17 NMSA 1978 and the Uniform Arbitration Act no later than thirty days after the arbitrator has been notified of selection by the parties. The arbitrator's decision shall be limited to a selection of one of the two parties' complete, last, best offer. The costs of an arbitrator and the arbitrator's related costs conducted pursuant to this subsection shall be shared equally by the parties. Each party shall be responsible for bearing the cost of presenting its case. The decision shall be subject to judicial review pursuant to the standard set forth in the Uniform Arbitration Act.

C. A public employer other than the state may enter into a written agreement with the exclusive representative setting forth an alternative impasse resolution procedure.

D. In the event that an impasse continues after the expiration of a contract, the existing contract will continue in full force and effect until it is replaced by a subsequent written agreement. However, this shall not require the public employer to increase any employees' levels, steps or grades of compensation contained in the existing contract."

Chapter 48 Section 12 Laws 2020

SECTION 12. Section 10-7E-19 NMSA 1978 (being Laws 2003, Chapter 4, Section 19 and Laws 2003, Chapter 5, Section 19) is amended to read:

"10-7E-19. PUBLIC EMPLOYERS--PROHIBITED PRACTICES.--A public employer or the public employer's representative shall not:

A. discriminate against a public employee with regard to terms and conditions of employment because of the employee's membership in a labor organization;

B. interfere with, restrain or coerce a public employee in the exercise of a right guaranteed pursuant to the Public Employee Bargaining Act or use public funds to influence the decision of its employees or the employees of its subcontractors regarding whether to support or oppose a labor organization that represents or seeks to represent those employees, or whether to become a member of any labor organization; provided,

however, that this subsection does not apply to activities performed or expenses incurred:

(1) addressing a grievance or negotiating or administering a collective bargaining agreement;

(2) allowing a labor organization or its representatives access to the public employer's facilities or properties;

(3) performing an activity required by federal or state law or by a collective bargaining agreement;

(4) negotiating, entering into or carrying out an agreement with a labor organization;

(5) paying wages to a represented employee while the employee is performing duties if the payment is permitted under a collective bargaining agreement; or

(6) representing the public employer in a proceeding before the board or a local board or in a judicial review of that proceeding;

C. dominate or interfere in the formation, existence or administration of a labor organization;

D. discriminate in regard to hiring, tenure or a term or condition of employment in order to encourage or discourage membership in a labor organization;

E. discharge or otherwise discriminate against a public employee because the employee has signed or filed an affidavit, petition, grievance or complaint or given information or testimony pursuant to the provisions of the Public Employee Bargaining Act or because a public employee is forming, joining or choosing to be represented by a labor organization;

F. refuse to bargain collectively in good faith with the exclusive representative;

G. refuse or fail to comply with a provision of the Public Employee Bargaining Act or board rule; or

H. refuse or fail to comply with a collective bargaining agreement."

Chapter 48 Section 13 Laws 2020

SECTION 13. REPEAL.--Sections 10-7E-11 and 10-7E-26 NMSA 1978 (being Laws 2003, Chapter 4, Section 11 and Laws 2003, Chapter 5, Section 11; and Laws 2003, Chapter 4, Section 26 and Laws 2003, Chapter 5, Section 26) are repealed.

Chapter 48 Section 14 Laws 2020

SECTION 14. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2020.

LAWS 2020, CHAPTER 49

House Bill 25, aa
Approved March 6, 2020

AN ACT

RELATING TO EMPLOYMENT; AMENDING THE HUMAN RIGHTS ACT; ADDING DEFINITIONS; ADDING PROTECTION FOR PREGNANCY, CHILDBIRTH OR RELATED CONDITION.

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

Chapter 49 Section 1 Laws 2020

SECTION 1. Section 28-1-2 NMSA 1978 (being Laws 1969, Chapter 196, Section 2, as amended) is amended to read:

"28-1-2. DEFINITIONS.--As used in the Human Rights Act:

A. "person" means one or more individuals, a partnership, association, organization, corporation, joint venture, legal representative, trustees, receivers or the state and all of its political subdivisions;

B. "employer" means any person employing four or more persons and any person acting for an employer;

C. "commission" means the human rights commission;

D. "director" or "bureau" means the human rights bureau of the labor relations division of the workforce solutions department;

E. "employee" means any person in the employ of an employer or an applicant for employment;

F. "labor organization" means any organization that exists for the purpose in whole or in part of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment or of other mutual aid or protection in connection with employment;

G. "employment agency" means any person regularly undertaking with or without compensation to procure opportunities to work or to procure, recruit or refer employees;

H. "public accommodation" means any establishment that provides or offers its services, facilities, accommodations or goods to the public, but does not include a bona fide private club or other place or establishment that is by its nature and use distinctly private;

I. "housing accommodation" means any building or portion of a building that is constructed or to be constructed, which is used or intended for use as the residence or sleeping place of any individual;

J. "real property" means lands, leaseholds or commercial or industrial buildings, whether constructed or to be constructed, offered for sale or rent, and any land rented or leased for the use, parking or storage of house trailers;

K. "secretary" means the secretary of workforce solutions;

L. "unlawful discriminatory practices" means those unlawful practices and acts specified in Section 28-1-7 NMSA 1978;

M. "physical or mental handicap" means a physical or mental impairment that substantially limits one or more of a person's major life activities. A person is also considered to be physically or mentally handicapped if the person has a record of a physical or mental handicap or is regarded as having a physical or mental handicap;

N. "major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working;

O. "applicant for employment" means a person applying for a position as an employee;

P. "sexual orientation" means heterosexuality, homosexuality or bisexuality, whether actual or perceived;

Q. "gender identity" means a person's self-perception, or perception of that person by another, of the person's identity as a male or female based upon the person's appearance, behavior or physical characteristics that are in accord with or opposed to the person's physical anatomy, chromosomal sex or sex at birth;

R. "reasonable accommodation" means modification or adaptation of the work environment, work schedule, work rules or job responsibilities, and reached through good faith efforts to explore less restrictive or less expensive alternatives to enable an employee to perform the essential functions of the job and that does not impose an undue hardship on the employer; and

S. "undue hardship" means an accommodation requiring significant difficulty or expense when considered in light of the following factors:

- (1) the nature and cost of the accommodation;
- (2) the financial resources of the employer involved in the provision of the reasonable accommodation;
- (3) the number of persons the employer employs;
- (4) the effect of the accommodation on expenses and resources;
- (5) the impact of the accommodation otherwise upon the employer's business;
- (6) the overall financial resources of the employer;
- (7) the overall size of the business of an employer with respect to the number, type and location of its facilities;
- (8) the type of operation of the employer, including the composition, structure and functions of the workforce of the employer; or
- (9) the geographic separateness or administrative or fiscal relationship to the employer of the employer's facilities."

Chapter 49 Section 2 Laws 2020

SECTION 2. Section 28-1-7 NMSA 1978 (being Laws 1969, Chapter 196, Section 7, as amended) is amended to read:

"28-1-7. UNLAWFUL DISCRIMINATORY PRACTICE.--It is an unlawful discriminatory practice for:

A. an employer, unless based on a bona fide occupational qualification or other statutory prohibition, to refuse to hire, to discharge, to promote or demote or to discriminate in matters of compensation, terms, conditions or privileges of employment against any person otherwise qualified because of race, age, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, pregnancy, childbirth or condition related to pregnancy or childbirth, physical or mental handicap or serious

medical condition, or, if the employer has fifty or more employees, spousal affiliation; provided, however, that 29 U.S.C. Section 631(c)(1) and (2) shall apply to discrimination based on age;

B. a labor organization to exclude a person or to expel or otherwise discriminate against any of its members or against any employer or employee because of race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, pregnancy, childbirth or condition related to pregnancy or childbirth, spousal affiliation, physical or mental handicap or serious medical condition;

C. any employer, labor organization or joint apprenticeship committee to refuse to admit or employ any person in any program established to provide an apprenticeship or other training or retraining because of race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, pregnancy, childbirth or condition related to pregnancy or childbirth, physical or mental handicap or serious medical condition, or, if the employer has fifty or more employees, spousal affiliation;

D. any person, employer, employment agency or labor organization to print or circulate or cause to be printed or circulated any statement, advertisement or publication, to use any form of application for employment or membership or to make any inquiry regarding prospective membership or employment that expresses, directly or indirectly, any limitation, specification or discrimination as to race, color, religion, national origin, ancestry, sex, sexual orientation, gender identity, pregnancy, childbirth or condition related to pregnancy or childbirth, physical or mental handicap or serious medical condition, or, if the employer has fifty or more employees, spousal affiliation, unless based on a bona fide occupational qualification;

E. an employment agency to refuse to list and properly classify for employment or refer a person for employment in a known available job, for which the person is otherwise qualified, because of race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, pregnancy, childbirth or condition related to pregnancy or childbirth, spousal affiliation, physical or mental handicap or serious medical condition, unless based on a bona fide occupational qualification, or to comply with a request from an employer for referral of applicants for employment if the request indicates, either directly or indirectly, that the employer discriminates in employment on the basis of race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, pregnancy, childbirth or condition related to pregnancy or childbirth, spousal affiliation, physical or mental handicap or serious medical condition, unless based on a bona fide occupational qualification;

F. any person in any public accommodation to make a distinction, directly or indirectly, in offering or refusing to offer its services, facilities, accommodations or goods to any person because of race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, pregnancy, childbirth or condition related to pregnancy or childbirth, spousal affiliation or physical or mental handicap; provided that the physical

or mental handicap is unrelated to a person's ability to acquire or rent and maintain particular real property or housing accommodation;

G. any person to:

(1) refuse to sell, rent, assign, lease or sublease or offer for sale, rental, lease, assignment or sublease any housing accommodation or real property to any person or to refuse to negotiate for the sale, rental, lease, assignment or sublease of any housing accommodation or real property to any person because of race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, pregnancy, childbirth or condition related to pregnancy or childbirth, spousal affiliation or physical or mental handicap; provided that the physical or mental handicap is unrelated to a person's ability to acquire or rent and maintain particular real property or housing accommodation;

(2) discriminate against any person in the terms, conditions or privileges of the sale, rental, assignment, lease or sublease of any housing accommodation or real property or in the provision of facilities or services in connection therewith because of race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, pregnancy, childbirth or condition related to pregnancy or childbirth, spousal affiliation or physical or mental handicap; provided that the physical or mental handicap is unrelated to a person's ability to acquire or rent and maintain particular real property or housing accommodation; or

(3) print, circulate, display or mail or cause to be printed, circulated, displayed or mailed any statement, advertisement, publication or sign or use any form of application for the purchase, rental, lease, assignment or sublease of any housing accommodation or real property or to make any record or inquiry regarding the prospective purchase, rental, lease, assignment or sublease of any housing accommodation or real property that expresses any preference, limitation or discrimination as to race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, pregnancy, childbirth or condition related to pregnancy or childbirth, spousal affiliation or physical or mental handicap; provided that the physical or mental handicap is unrelated to a person's ability to acquire or rent and maintain particular real property or housing accommodation;

H. any person to whom application is made either for financial assistance for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation or real property or for any type of consumer credit, including financial assistance for the acquisition of any consumer good as defined by Section 55-9-102 NMSA 1978, to:

(1) consider the race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, pregnancy, childbirth or condition related to pregnancy or childbirth, spousal affiliation or physical or mental handicap of any individual in the granting, withholding, extending, modifying or renewing or in the fixing

of the rates, terms, conditions or provisions of any financial assistance or in the extension of services in connection with the request for financial assistance; or

(2) use any form of application for financial assistance or to make any record or inquiry in connection with applications for financial assistance that expresses, directly or indirectly, any limitation, specification or discrimination as to race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, pregnancy, childbirth or condition related to pregnancy or childbirth, spousal affiliation or physical or mental handicap;

I. any person or employer to:

(1) aid, abet, incite, compel or coerce the doing of any unlawful discriminatory practice or to attempt to do so;

(2) engage in any form of threats, reprisal or discrimination against any person who has opposed any unlawful discriminatory practice or has filed a complaint, testified or participated in any proceeding under the Human Rights Act; or

(3) willfully obstruct or prevent any person from complying with the provisions of the Human Rights Act or to resist, prevent, impede or interfere with the commission or any of its members, staff or representatives in the performance of their duties under the Human Rights Act;

J. any employer to refuse or fail to accommodate a person's physical or mental handicap or serious medical condition, unless such accommodation is unreasonable or an undue hardship;

K. any employer to refuse or fail to make reasonable accommodation for an employee or job applicant with a need arising from pregnancy, childbirth or condition related to pregnancy or childbirth; or

L. any employer to require an employee with a need arising from pregnancy, childbirth or condition related to pregnancy or childbirth to take paid or unpaid leave if another reasonable accommodation can be provided unless the employee voluntarily requests to be placed on leave or the employee is placed on leave pursuant to federal law."

LAWS 2020, CHAPTER 50

Senate Bill 130, aa
Approved March 6, 2020

AN ACT

RELATING TO PUBLIC EDUCATION; PROVIDING CREDIT TO STUDENTS WHO HAVE EXPERIENCED A DISRUPTION IN THE STUDENT'S EDUCATION FOR WORK

COMPLETED PRIOR TO TRANSFERRING SCHOOLS; REQUIRING SCHOOL DISTRICTS TO FOLLOW THE PUBLIC EDUCATION DEPARTMENT-ADOPTED RULE ON AWARDING CREDIT.

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

Chapter 50 Section 1 Laws 2020

SECTION 1. Section 22-12A-14 NMSA 1978 (being Laws 2019, Chapter 223, Section 14) is amended to read:

"22-12A-14. TIMELY GRADUATION AND SUPPORT FOR STUDENTS WHO EXPERIENCE DISRUPTION IN THE STUDENT'S EDUCATION.--

A. For purposes of this section, "a student who has experienced a disruption in the student's education" means a student who experiences one or more changes in public school or school district enrollment during a single school year as the result of:

(1) homelessness as defined in the federal McKinney-Vento Homeless Assistance Act and as determined by the public school or school district;

(2) adjudication:

(a) as an abused or neglected child as determined by the children, youth and families department pursuant to the Abuse and Neglect Act;

(b) as part of a family in need of court-ordered services voluntary placement pursuant to the Family Services Act; or

(c) as a delinquent if the parent wishes to disclose the adjudication of delinquency; or

(3) placement in a mental health treatment facility or habilitation program for developmental disabilities pursuant to the Children's Mental Health and Developmental Disabilities Act or placement in treatment foster care.

B. When a student who has experienced a disruption in the student's education transfers to a new public school or school district, the receiving public school or school district shall communicate with the sending public school or school district within two days of the student's enrollment. The sending public school or school district shall provide the receiving public school or school district with any requested records within two days of having received the receiving public school's or school district's communication.

C. A student who has experienced a disruption in the student's education because of transferring to a new public school as the result of circumstances set forth in this section shall have:

(1) priority placement in classes that meet state graduation requirements; and

(2) timely placement in elective classes that are comparable to those in which the student was enrolled at the student's previous public school or schools as soon as the public school or school district receives verification from the student's records.

D. For a student who has experienced a disruption in the student's education at any time during the student's high school enrollment, a school district and public schools shall ensure:

(1) acceptance of the student's state graduation requirements for a diploma of excellence pursuant to the Public School Code;

(2) equal access to participation in sports and other extracurricular activities, career and technical programs or other special programs for which the student qualifies;

(3) timely assistance and advice from counselors to improve the student's college or career readiness; and

(4) that the student receives all special education services to which the student is entitled.

E. A student who has experienced a disruption in the student's education and has transferred between public schools in different school districts or between public schools within the same school district shall receive credit for any work completed prior to the transfer, regardless of whether the transfer occurred at the end of a grading period. The department shall promulgate and adopt a rule to determine how credit shall be awarded for courses that are partially completed, and school districts shall follow the department rule."

LAWS 2020, CHAPTER 51

SJC/Senate Bill 146
Approved March 6, 2020

AN ACT

RELATING TO KINSHIP GUARDIANSHIPS; PROVIDING FOR SUBSIDIZED GUARDIANSHIPS; ESTABLISHING ELIGIBILITY CRITERIA FOR GUARDIANSHIP

ASSISTANCE PAYMENTS; PROVIDING FOR GUARDIANSHIP ASSISTANCE AGREEMENTS; REPEALING SECTION 40-10B-2 NMSA 1978 (BEING LAWS 2001, CHAPTER 167, SECTION 2).

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

Chapter 51 Section 1 Laws 2020

SECTION 1. Section 40-10B-1 NMSA 1978 (being Laws 2001, Chapter 167, Section 1) is amended to read:

"40-10B-1. SHORT TITLE.--Chapter 40, Article 10B NMSA 1978 may be cited as the "Kinship Guardianship Act"."

Chapter 51 Section 2 Laws 2020

SECTION 2. Section 40-10B-3 NMSA 1978 (being Laws 2001, Chapter 167, Section 3) is amended to read:

"40-10B-3. DEFINITIONS.--As used in the Kinship Guardianship Act:

A. "caregiver" means an adult, who is not a parent of a child, with whom a child resides and who provides that child with the care, maintenance and supervision consistent with the duties and responsibilities of a parent of the child;

B. "child" means an individual who is a minor;

C. "department" means the children, youth and families department;

D. "guardian" means a person appointed as a guardian by a court or Indian tribal authority or a person authorized to care for the child by a parental power of attorney as permitted by law;

E. "guardianship assistance agreement" means a written agreement entered into by the prospective kinship guardian and the protective services division or juvenile justice division of the department or Indian tribe prior to the establishment of the guardianship by a court;

F. "guardianship assistance payments" means payments made by the department to a kinship guardian or successor guardian on behalf of a child pursuant to the terms of a guardianship assistance agreement;

G. "guardianship assistance program" means the financial subsidy program provided for in the Kinship Guardianship Act;

H. "kinship" means the relationship that exists between a child and a relative of the child, a godparent, a member of the child's tribe or clan or an adult with whom the child has a significant bond;

I. "legal custody" means a legal status that vests in a person, department or agency the rights and obligations that would otherwise vest by law in a parent;

J. "parent" means a biological or adoptive parent of a child whose parental rights have not been terminated;

K. "relative" means an individual related to a child as a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin or any person denoted by the prefix "grand" or "great", or the spouse or former spouse of the persons specified;

L. "subsidized guardianship" means a guardianship that meets subsidy eligibility criteria pursuant to the Kinship Guardianship Act; and

M. "voluntary placement agreement" means a written agreement between either the protective services division or juvenile justice division of the department or Indian tribe that has entered into a joint powers agreement and the parents or guardians of a child, which agreement shall not exceed one hundred eighty days unless there has been a judicial determination that such placement is in the best interests of the child, in which case the agreement may be extended for an additional one hundred eighty days, that specifies at least the following:

(1) whether the parent or guardian agrees to give legal custody of the child to the department;

(2) the rights and obligations of the parents or guardians, the child and the department, including that the parent or guardian has the right to revoke or terminate the placement agreement and grant of legal custody to the department at any time; and

(3) such other criteria as set forth by rule promulgated by the department as necessary to comply with state and federal law."

Chapter 51 Section 3 Laws 2020

SECTION 3. Section 40-10B-8 NMSA 1978 (being Laws 2001, Chapter 167, Section 8, as amended) is amended to read:

"40-10B-8. HEARING--ELEMENTS OF PROOF--BURDEN OF PROOF--
JUDGMENT--CHILD SUPPORT.--

A. Upon hearing, if the court finds that a qualified person seeks appointment, the venue is proper, the required notices have been given, the requirements of Subsection B of this section have been proved and the best interests of the minor will be served by the requested appointment, it shall make the appointment. In other cases, the court may dismiss the proceedings or make any other disposition of the matter that will serve the best interests of the minor.

B. A guardian may be appointed pursuant to the Kinship Guardianship Act only if:

(1) a parent of the child is living and has consented in writing to the appointment of a guardian and the consent has not been withdrawn;

(2) a parent of the child is living but all parental rights in regard to the child have been terminated or suspended by prior court order; or

(3) the child has resided with the petitioner without the parent for a period of ninety days or more immediately preceding the date the petition is filed and a parent having legal custody of the child is currently unwilling or unable to provide adequate care, maintenance and supervision for the child or there are extraordinary circumstances; and

(4) no guardian of the child is currently appointed pursuant to a provision of the Uniform Probate Code.

C. The burden of proof shall be by clear and convincing evidence.

D. As part of a judgment entered pursuant to the Kinship Guardianship Act, the court may order a parent to pay the reasonable costs of support and maintenance of the child that the parent is financially able to pay. The court shall consider the potential impact of financial payments pursuant to this subsection on the relationship of the parent and child and on the prospects of family reunification. The court may use the child support guidelines set forth in Section 40-4-11.1 NMSA 1978 to calculate a reasonable payment.

E. The court may order visitation between a parent and child to maintain or rebuild a parent-child relationship if the visitation is in the best interests of the child."

Chapter 51 Section 4 Laws 2020

SECTION 4. A new section of the Kinship Guardianship Act, Section 40-10B-16 NMSA 1978, is enacted to read:

"40-10B-16. FINANCIAL SUBSIDIES--ELIGIBILITY.--

A. Guardianships granted pursuant to the Kinship Guardianship Act may be eligible for financial assistance through the guardianship assistance program.

B. In order to be eligible for guardianship assistance payments, the following conditions must be satisfied:

- (1) the child must have been removed from the child's home:
 - (a) pursuant to a voluntary placement agreement; or
 - (b) as a result of a judicial determination that the placement and care of the child should be vested in the department;
- (2) a guardian for the child has been appointed pursuant to the Kinship Guardianship Act or the Children's Code;
- (3) the child must be eligible for foster care maintenance payments while in the home of the prospective kinship guardian;
- (4) the child must have lived with the prospective kinship guardian for at least six consecutive months pursuant to a court order or a voluntary placement agreement;
- (5) the child has a strong attachment to the kinship guardian;
- (6) the kinship guardian has a strong commitment to caring permanently for the child, documented via a meeting with the guardian discussing the guardian's long-term commitment;
- (7) if the child is fourteen years of age or older, the child has been consulted regarding the guardianship arrangement; and
- (8) the child is the subject of a fully executed guardianship assistance agreement approved by the department; or
- (9) the child is a sibling of a child who meets the eligibility criteria set forth in Paragraphs (1) through (8) of this subsection."

Chapter 51 Section 5 Laws 2020

SECTION 5. A new section of the Kinship Guardianship Act, Section 40-10B-17 NMSA 1978, is enacted to read:

"40-10B-17. FINANCIAL SUBSIDIES--NONRECURRING EXPENSES.--
Nonrecurring expenses incurred by a prospective kinship guardian associated with establishing a subsidized guardianship may be reimbursed in an amount not to exceed

two thousand dollars (\$2,000) per child for an eligible child and also for any of an eligible child's siblings."

Chapter 51 Section 6 Laws 2020

SECTION 6. A new section of the Kinship Guardianship Act, Section 40-10B-18 NMSA 1978, is enacted to read:

"40-10B-18. GUARDIANSHIP ASSISTANCE AGREEMENTS.--

A. In order for a kinship guardian to receive subsidized guardianship payments pursuant to the Kinship Guardianship Act, the department shall negotiate and enter into a written guardianship assistance agreement with the kinship guardian of an eligible child. The agreement shall specify the following:

- (1) the amount of and manner in which guardianship assistance payments will be provided;
- (2) additional services and assistance for which the child and kinship guardian will be eligible;
- (3) a procedure by which the kinship guardian may apply for additional services;
- (4) the responsibility of the kinship guardian to report changes in the needs of the child or the circumstances of the kinship guardian that affect guardianship assistance payments;
- (5) reasonable and verified nonrecurring expenses associated with obtaining a subsidized guardianship pursuant to the provisions of Section 40-10B-17 NMSA 1978; and
- (6) terms by which the guardianship assistance agreement may be terminated and the ability of the department to recoup funds received due to improper payment.

B. A copy of the fully executed guardianship assistance agreement shall be given to the kinship guardian and to the department."

Chapter 51 Section 7 Laws 2020

SECTION 7. A new section of the Kinship Guardianship Act, Section 40-10B-19 NMSA 1978, is enacted to read:

"40-10B-19. SUCCESSOR GUARDIANS.--

A. A successor guardian shall be named in the guardianship assistance agreement and amendments thereto who shall be considered to serve as guardian in the event the kinship guardian dies or is incapacitated.

B. The department may pay the cost, not to exceed two thousand dollars (\$2,000), of nonrecurring expenses associated with the successor guardian obtaining a subsidized guardianship of the child.

C. The department shall promulgate rules setting forth requirements for a successor guardian to receive guardianship assistance payments.

D. The successor guardian does not need to be a relative and does not need to be licensed as a foster parent to receive guardianship assistance payments."

Chapter 51 Section 8 Laws 2020

SECTION 8. A new section of the Kinship Guardianship Act, Section 40-10B-20 NMSA 1978, is enacted to read:

"40-10B-20. DISCONTINUANCE OF GUARDIANSHIP ASSISTANCE PAYMENTS.--

A. The department shall immediately discontinue guardianship assistance payments when the department is advised or determines:

(1) a child or kinship guardian no longer meets the criteria to be eligible for guardianship assistance payments;

(2) the kinship guardian has requested a termination of the guardianship assistance agreement;

(3) the guardianship has been terminated;

(4) the child reaches eighteen years of age or twenty-one years of age if eligible pursuant to the Fostering Connections Act; or

(5) the child is no longer receiving support from the kinship guardian.

B. The department shall notify the kinship guardian of a discontinuation of guardianship assistance payments and the reasons for discontinuation.

C. The discontinuance of guardianship assistance payments does not terminate a guardianship that has been established by a court."

Chapter 51 Section 9 Laws 2020

SECTION 9. A new section of the Kinship Guardianship Act, Section 40-10B-21 NMSA 1978, is enacted to read:

"40-10B-21. APPEAL OF DECISIONS.--A child or kinship guardian may appeal a decision made by the department pursuant to the Kinship Guardianship Act related to a subsidized guardianship. The department shall develop an appeal procedure whereby a child or kinship guardian may contest a decision by the department to establish, deny, reduce or discontinue guardianship assistance payments."

Chapter 51 Section 10 Laws 2020

SECTION 10. REPEAL.--Section 40-10B-2 NMSA 1978 (being Laws 2001, Chapter 167, Section 2) is repealed.

LAWS 2020, CHAPTER 52

SJC/Senate Bill 168, aa
Approved March 6, 2020

AN ACT

RELATING TO YOUTH; PROVIDING FOR COURT VENUE; EXTENDING PAYMENTS FOR SUBSIDIZED ADOPTIONS; AMENDING THE FOSTERING CONNECTIONS ACT; REVISING ELIGIBILITY FOR THE FOSTERING CONNECTIONS PROGRAM; CLARIFYING DUTIES OF AND SERVICES PROVIDED BY THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT; PROVIDING FOR APPEALS.

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

Chapter 52 Section 1 Laws 2020

SECTION 1. Section 32A-1-9 NMSA 1978 (being Laws 1993, Chapter 77, Section 18, as amended) is amended to read:

"32A-1-9. VENUE AND TRANSFER.--

A. Proceedings in the court under the provisions of the Children's Code shall begin in the county where the child resides, or in the case of an eligible adult pursuant to the Fostering Connections Act, where the eligible adult resides. If delinquency is alleged, the proceeding may also be begun in the county where the act constituting the alleged delinquent act occurred or in the county in which the child is detained. Neglect, abuse, family in need of court-ordered services or mental health proceedings may also begin in the county where the child is present when the proceeding is commenced. A

transfer may be made if the residence of the child or eligible adult changes or for other good cause.

B. In neglect, abuse, family in need of court-ordered services or adoption proceedings for the placement of an Indian child, the court shall, in the absence of good cause to the contrary, transfer the proceeding to the jurisdiction of the Indian child's tribe upon the petition of the Indian child's parent, the Indian child's guardian or the Indian child's tribe. The transfer shall be barred if there is an objection to the transfer by a parent of the Indian child or the Indian child's tribe."

Chapter 52 Section 2 Laws 2020

SECTION 2. Section 32A-5-45 NMSA 1978 (being Laws 1993, Chapter 77, Section 172, as amended) is amended to read:

"32A-5-45. ADMINISTRATION OF SUBSIDIZED ADOPTIONS.--

A. The department shall promulgate all necessary regulations for the administration of the program of subsidized adoptions or placement with permanent guardians.

B. Subsidy payments may include payments to vendors for medical and surgical expenses and payments to the adoptive parents or permanent guardians for maintenance and other costs incidental to the adoption, care, training and education of the child. The payments in any category of assistance shall not exceed the cost of providing the assistance in foster care. Payments shall not be made under this section after the child reaches eighteen years of age, except as provided in Subsection C of this section.

C. Payments may extend until the child is twenty-one years of age if:

(1) the child is enrolled in the medically fragile waiver program; or

(2) the adoption assistance agreement was in effect when the child was at least sixteen years of age and, when the child is at least eighteen years of age and under twenty-one years of age, the child is:

(a) completing secondary education or an educational program leading to an equivalent credential;

(b) enrolled in an institution that provides post-secondary or vocational education;

(c) participating in a program or activity designed to promote employment or remove barriers to employment;

(d) employed for at least eighty hours per month; or

(e) incapable of doing any of the activities described in Subparagraphs (a) through (d) of this paragraph due to a medical or behavioral condition that is supported by regularly updated information in a transition plan as provided in the Fostering Connections Act.

D. A written agreement between the adoptive family or permanent guardians and the department shall precede the decree of adoption or permanent guardianship. The agreement shall incorporate the terms and conditions of the subsidy plan based on the individual needs of the child within the permanent family. In cases of subsidies that continue for more than one year, there shall be an annual redetermination of the need for a subsidy. The department shall develop an appeal procedure whereby a permanent family may contest a division determination to deny, reduce or terminate a subsidy."

Chapter 52 Section 3 Laws 2020

SECTION 3. Section 32A-26-1 NMSA 1978 (being Laws 2019, Chapter 149, Section 1) is amended to read:

"32A-26-1. SHORT TITLE.--Chapter 32A, Article 26 NMSA 1978 may be cited as the "Fostering Connections Act"."

Chapter 52 Section 4 Laws 2020

SECTION 4. Section 32A-26-2 NMSA 1978 (being Laws 2019, Chapter 149, Section 2) is amended to read:

"32A-26-2. DEFINITIONS.--As used in the Fostering Connections Act:

A. "active efforts" means a heightened standard that is greater than reasonable efforts that include affirmative, active, thorough and timely efforts;

B. "eligible adult" means an individual who meets the eligibility criteria for participation in the fostering connections program;

C. "foster care maintenance payment" means a payment for the care and support of an eligible adult, which is based on the needs of the eligible adult;

D. "host home" means a setting in an eligible adult's former foster home or in another residence in which an eligible adult:

(1) shares a residence with another adult or adults; and

(2) agrees to meet the basic expectations established by the:

- (a) eligible adult;
- (b) other adult or adults sharing the residence; and
- (c) department;

E. "placement and care" means the day-to-day care and protection of the child or eligible adult, including responsibility for placement decisions about the child or eligible adult;

F. "supervised independent living setting" means an age-appropriate setting that the department approves for placement of an eligible adult, which setting:

(1) is consistent with federal law and guidance for a supervised setting in which an eligible adult lives independently; and

(2) may be a residence where the eligible adult lives alone or shares a residence with others, including:

- (a) a host home;
- (b) a college dormitory or other post-secondary education or training housing; or
- (c) the home of a parent of the eligible adult;

G. "transition plan" means a written, individualized plan developed collaboratively between the department and the eligible adult that assesses the eligible adult's strengths and needs, establishes goals and identifies the services and activities that will be provided to the eligible adult to achieve the established goals, the time frames for achieving the goals and the individuals or entities responsible for providing the identified services and activities as provided by rule;

H. "voluntary services and support agreement" means a written agreement, binding on the parties to the agreement, between the department and an eligible adult, which agreement is consistent with the requirements of a voluntary placement agreement pursuant to federal law and which specifies, at a minimum, the legal status of the eligible adult and the rights and obligations of the eligible adult and the department while the eligible adult is participating in the fostering connections program; and

I. "young adult" means an individual who is at least eighteen years of age and who is under twenty-one years of age and is not currently participating in the fostering connections program pursuant to Section 32A-26-3 NMSA 1978."

Chapter 52 Section 5 Laws 2020

SECTION 5. Section 32A-26-3 NMSA 1978 (being Laws 2019, Chapter 149, Section 3) is amended to read:

"32A-26-3. FOSTERING CONNECTIONS PROGRAM--ELIGIBILITY.--

A. The "fostering connections program" is established in the department. The department shall make the fostering connections program available, on a voluntary basis, to an eligible adult who:

(1) has attained at least eighteen years of age and who is younger than:

(a) as of July 1, 2020, nineteen years of age;

(b) as of July 1, 2021, twenty years of age; and

(c) after July 1, 2022, twenty-one years of age;

(2) meets one of the following criteria:

(a) has attained at least eighteen years of age and: 1) was adjudicated pursuant to the Children's Code or its equivalent under tribal law; 2) was subject to a court order that placement and care be the responsibility of the department or the Indian tribe that entered into an agreement with the department; and 3) was subject to an out-of-home placement order; or

(b) attained at least fourteen years of age when a guardianship assistance agreement or adoption assistance agreement was in effect and whose guardianship assistance agreement or adoption assistance agreement was terminated or the guardian or parents are no longer willing to provide emotional or financial support after the child attained eighteen years of age;

(3) is:

(a) completing secondary education or an educational program leading to an equivalent credential;

(b) enrolled in an institution that provides post-secondary or vocational education;

(c) employed for at least eighty hours per month;

(d) participating in a program or activity designed to promote employment or remove barriers to employment; or

(e) incapable of doing any of the activities described in Subparagraphs (a) through (d) of this paragraph due to a medical or behavioral condition that is supported by regularly updated information in the transition plan; and

(4) enters into a voluntary services and support agreement with the department pursuant to the Fostering Connections Act.

B. The citizenship or immigration status of a young adult shall not be a factor when determining the young adult's eligibility pursuant to this section."

Chapter 52 Section 6 Laws 2020

SECTION 6. Section 32A-26-4 NMSA 1978 (being Laws 2019, Chapter 149, Section 4) is amended to read:

"32A-26-4. FOSTERING CONNECTIONS PROGRAM--SERVICES--SUPPORTS.--

A. The fostering connections program shall provide at least the following services and supports to eligible adults:

- (1) major medical and behavioral health care coverage;
- (2) housing, in one of the following settings that the eligible adult chooses:
 - (a) a supervised independent living setting;
 - (b) a transitional living program that the department licenses or approves; or
 - (c) a residential facility or another institution; provided that an eligible adult who is residing in a residential facility upon leaving foster care may choose to temporarily stay until the eligible adult is able to transition to a more age-appropriate setting;
- (3) foster care maintenance payments; provided that these payments:
 - (a) shall be sent by the department, all or in part, directly to: 1) the eligible adult, if the eligible adult is living in a supervised independent living setting; or 2) a transitional living program, if the eligible adult is living in a transitional living program; and
 - (b) shall reflect the eligible adult's status as a parent, if applicable; and

(4) services that include the development of a transition plan, developed jointly by the department and the eligible adult, that includes a description of the identified housing situation or living arrangement, and the resources to assist the eligible adult in the transition from the fostering connections program to adulthood. The services shall include assisting the eligible adult in effectuating each element of a transition plan.

B. The department shall not require background checks for other residents of a supervised independent living setting or a transitional living program as a condition of approving an eligible adult's living setting.

C. The department shall develop procedures to provide extended subsidies to families for adoption and guardianship until the eligible adult turns twenty-one years of age if:

(1) an adoption assistance or guardianship assistance agreement was in effect for the eligible adult when the eligible adult was sixteen years of age or older; and

(2) when at least eighteen years of age and under twenty-one years of age, the eligible adult meets at least one of the following participation criteria:

(a) completing secondary education or an educational program leading to an equivalent credential;

(b) enrolled in an institution that provides post-secondary or vocational education;

(c) participating in a program or activity designed to promote employment or remove barriers to employment;

(d) employed for at least eighty hours per month; or

(e) is incapable of doing any of the activities described in Subparagraphs (a) through (d) of this paragraph due to a medical or behavioral condition that is supported by regularly updated information in the transition plan."

Chapter 52 Section 7 Laws 2020

SECTION 7. Section 32A-26-5 NMSA 1978 (being Laws 2019, Chapter 149, Section 5) is amended to read:

"32A-26-5. FOSTERING CONNECTIONS PROGRAM--PARTICIPATION--VOLUNTARY SERVICES AND SUPPORT AGREEMENT--PERIODIC REVIEWS.--

A. An eligible adult may participate in the fostering connections program for any duration of time by entering into a voluntary services and support agreement immediately upon turning eighteen years of age or any time thereafter.

B. There is no limit to the number of times an eligible adult may opt out of and reenter the fostering connections program.

C. When an eligible adult elects to participate in the fostering connections program, the department and the eligible adult shall execute, and the eligible adult shall be provided with a signed copy of, a voluntary services and support agreement that sets forth, at a minimum, the following:

(1) a requirement that the eligible adult continue to be eligible in accordance with the Fostering Connections Act for the duration of the voluntary services and support agreement;

(2) the services and support that the eligible adult will receive through the fostering connections program;

(3) the voluntary nature of the eligible adult's participation and the eligible adult's right to terminate the voluntary services and support agreement at any time; and

(4) conditions that may result in the termination of the voluntary services and support agreement and the eligible adult's early discharge from the fostering connections program pursuant to Section 32A-26-6 NMSA 1978.

D. As soon as possible and no later than forty-five days after the eligible adult and the department execute the voluntary services and support agreement, the department shall conduct a determination of income eligibility for purposes of compliance with federal foster care and transitional care assistance; provided that within fifteen days after execution of the voluntary services and support agreement, the department shall provide those services and supports set forth in that agreement.

E. The department shall assign an eligible adult a case manager, who shall be trained in primarily providing services for transition-aged eligible adults.

F. The department shall make active efforts to assist eligible adults in achieving permanency and creating permanent connections.

G. The department and at least one person who is not responsible for case management, in collaboration with the eligible adult and additional persons identified by the eligible adult, shall conduct periodic reviews of the transition plan not less than once every one hundred eighty days to evaluate progress made toward meeting the goals set forth in the transition plan. The department shall use a team approach in conducting

periodic reviews of the transition plan and shall facilitate the participation of the eligible adult.

H. The department shall hold the periodic review of the transition plan no more than thirty days before and no less than five days before each review hearing."

Chapter 52 Section 8 Laws 2020

SECTION 8. Section 32A-26-6 NMSA 1978 (being Laws 2019, Chapter 149, Section 6) is amended to read:

"32A-26-6. TERMINATION OF VOLUNTARY SERVICES AND SUPPORT AGREEMENT--NOTICE--PROCEDURE.--

A. An eligible adult may choose to terminate the voluntary services and support agreement and stop receiving services and support under the fostering connections program at any time. If an eligible adult chooses to terminate the voluntary services and support agreement, the department shall provide the eligible adult with a clear and developmentally appropriate written notice informing the eligible adult of:

- (1) the potential negative effects of terminating the voluntary services and support agreement early;
 - (2) the option to reenter the fostering connections program at any time before attaining twenty-one years of age, so long as the eligibility requirements are met;
 - (3) the procedures for reentering the fostering connections program;
- and
- (4) information about and contact information for community resources that may benefit the eligible adult.

B. As part of the case management processes, the department shall identify as soon as possible any barriers to maintaining eligibility that an eligible adult is encountering and shall make active efforts to assist the eligible adult to overcome identified barriers and maintain eligibility. The department's efforts shall be documented in the transition plan.

C. Academic breaks in post-secondary education attendance, such as semester and seasonal breaks, and other transitions between status that meet eligibility requirements, including education and employment transitions of no longer than thirty days, shall not be a basis for termination.

D. If the department determines that a young adult is no longer eligible for the fostering connections program, the department shall:

(1) no more than fifteen days after the determination and prior to requesting a discharge hearing, provide to the young adult and the young adult's attorney a clear and developmentally appropriate:

(a) written notice informing the young adult of the department's intent to terminate the voluntary services and support agreement; and

(b) explanation of the basis for the termination; and

(2) make active efforts to meet in person with the young adult to explain the information in the written termination notice and to assist the young adult in reestablishing eligibility if the young adult wishes to continue participating in the program.

E. The department shall not terminate services under the fostering connections program without court approval after a discharge hearing.

F. If an eligible adult remains in the fostering connections program until attaining twenty-one years of age, at least sixty days before the eligible adult's twenty-first birthday, the department shall provide the eligible adult with:

(1) a clear and developmentally appropriate written notice informing the eligible adult of the termination of the voluntary services and support agreement at twenty-one years of age;

(2) an updated plan with ongoing goals; and

(3) information about and contact information for community resources that may benefit the young adult, including information regarding state programs established pursuant to federal law that provide transitional foster care assistance to young adults."

Chapter 52 Section 9 Laws 2020

SECTION 9. Section 32A-26-7 NMSA 1978 (being Laws 2019, Chapter 149, Section 7) is amended to read:

"32A-26-7. FOSTERING CONNECTIONS PROGRAM--CHILDREN'S COURT PETITION--JURISDICTION--CONTENTS--PROGRAM FILE.--

A. An eligible adult participating in the fostering connections program shall remain under the jurisdiction of the children's court while participating in the program. The eligible adult is the eligible adult's own legal custodian.

B. Within fifteen days after the voluntary services and support agreement is executed, the department shall file a petition initiating proceedings pursuant to the

Fostering Connections Act that shall be entitled, "In the Matter of , an eligible adult", and shall set forth with specificity:

- (1) the name, birth date and residence of the eligible adult; and
- (2) the facts necessary to invoke the jurisdiction of the court.

C. A petition filed pursuant to Subsection B of this section shall be accompanied by a copy of the eligible adult's voluntary services and support agreement and transition plan.

D. There shall be no interruption in the foster care maintenance payment, housing, medical assistance coverage or case management for an eligible adult who is eligible and chooses to participate in the fostering connections program immediately following the termination of children's court jurisdiction at age eighteen.

E. At the inception of a fostering connections proceeding, the court shall appoint an attorney to represent the eligible adult. If the eligible adult consents, the attorney who previously served as the eligible adult's attorney may be appointed.

F. Until excused by a court, an attorney appointed to represent an eligible adult shall represent the eligible adult in any subsequent appeals.

G. A hearing held pursuant to the Fostering Connections Act shall be commenced within ninety days of the filing of the petition, at which time the court shall review the voluntary services and support agreement and determine whether the agreement is in the best interests of the eligible adult and the transition plan meets the requirements of the Fostering Connections Act."

Chapter 52 Section 10 Laws 2020

SECTION 10. Section 32A-26-8 NMSA 1978 (being Laws 2019, Chapter 149, Section 8) is amended to read:

"32A-26-8. REVIEW HEARINGS.--

A. The court shall conduct a review hearing at least once every six months.

B. The primary purpose of the review hearing shall be to ensure that the fostering connections program is providing the eligible adult with the needed services and support to help the eligible adult move toward permanency and a successful transition to adulthood. At the review hearing, the department shall show that it has made active efforts to comply with the voluntary services and support agreement and effectuate the transition plan. A review hearing shall be conducted in a manner that seeks the eligible adult's meaningful participation by considering procedural modifications and flexible times.

C. The department shall prepare and present to the children's court a report addressing progress made in meeting the goals in the transition plan, including an independent living transition proposal, and shall propose modifications as necessary to further those goals.

D. If the court finds the department has not made active efforts to comply with the voluntary support and services agreement and effectuate the transition plan, the court may order additional services and support to achieve the goals of the transition plan and the goals of state and federal law.

E. At every review hearing that occurs after the child attains sixteen years and six months of age, the court shall make a finding that the child has been notified about the fostering connections program and of the benefits of the program.

F. At the review hearing that occurs no later than three months before the child attains eighteen years of age, the court shall make a finding of whether the child has decided to participate in the fostering connections program and whether the child has been provided an opportunity to develop a voluntary services and support agreement."

Chapter 52 Section 11 Laws 2020

SECTION 11. Section 32A-26-9 NMSA 1978 (being Laws 2019, Chapter 149, Section 9) is amended to read:

"32A-26-9. DISCHARGE HEARING.--

A. At the last review hearing held prior to the eligible adult's twenty-first birthday, or prior to an eligible adult's discharge from the fostering connections program, the court shall review the eligible adult's transition plan and shall determine whether the department has made active efforts to implement the requirements of Subsection B of this section.

B. The court shall determine whether the department made active efforts to assist the eligible adult in effectuating each element of the transition plan.

C. If the court finds that the department has not made active efforts to assist the eligible adult in effectuating each element of the transition plan and that termination of jurisdiction would be harmful to the eligible adult, the court may continue to exercise its jurisdiction for a period not to exceed one year from the eligible adult's twenty-first birthday or the eligible adult's discharge from the fostering connections program; provided that the eligible adult consents to continued jurisdiction of the court. The court may dismiss the case for good cause at any time after the eligible adult's twenty-first birthday or the eligible adult's discharge from the fostering connections program."

Chapter 52 Section 12 Laws 2020

SECTION 12. Section 32A-26-10 NMSA 1978 (being Laws 2019, Chapter 149, Section 10) is amended to read:

"32A-26-10. FOSTERING CONNECTIONS ADVISORY COMMITTEE--MEMBERSHIP--APPOINTMENT--TERMS--DUTIES--MEETINGS--REPORT.--

A. By October 1, 2019, the secretary shall appoint a "fostering connections advisory committee" to make recommendations to the department and to the legislature regarding the fostering connections program. The committee shall meet on a biannual basis to advise the department and the legislature regarding ongoing implementation of the fostering connections program. By September 1, 2020 and each September 1 thereafter, the committee shall provide a written report to the governor, the legislature and the secretary regarding ongoing implementation of the fostering connections program, including the number of participants and the number of early discharges.

B. By October 1, 2020, the committee shall develop a proposal for qualitative and quantitative longitudinal data to be collected to drive ongoing program design and implementation. Each October 1 thereafter, the committee shall develop specific recommendations for improving the fostering connections program and outcomes for the eligible adults it serves and expanding the fostering connections program or improving outcomes for similar groups of at-risk young adults.

C. The members of the committee shall include:

(1) the following seven voting members:

(a) the secretary, ex officio, or the secretary's designee;

(b) three members who are appointed by the secretary as follows: 1) two youth or young adults who are currently or were previously placed in foster care; and 2) one representative of a child advocacy group; and

(c) three members who are appointed by the secretary as follows: 1) one representative of a child welfare advocacy organization; 2) one representative of the department; and 3) one representative of an agency providing independent living services; and

(2) the following nonvoting members:

(a) a legislator, appointed by the New Mexico legislative council;

(b) a children's court judge, appointed by the administrative office of the courts; and

(c) a subject-matter expert, appointed by the secretary.

D. Members of the committee shall be appointed for terms of two years; provided that the initial committee members' terms shall be staggered so that no more than five members' terms shall expire in any one year.

E. The secretary shall convene a first meeting of the committee by December 1, 2019. At that first meeting, the members of the committee shall choose a chair, and members' terms shall be chosen by lot.

F. The secretary shall fill vacancies on the committee as they occur.

G. A majority of the committee members constitutes a quorum for voting purposes.

H. Members of the committee shall receive per diem and mileage pursuant to the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance for their service on the committee.

I. As used in this section:

(1) "committee" means the fostering connections advisory committee;
and

(2) "secretary" means the secretary of children, youth and families."

Chapter 52 Section 13 Laws 2020

SECTION 13. A new section of the Fostering Connections Act is enacted to read:

"ADMINISTRATIVE APPEALS.--A young adult may appeal an adverse eligibility determination in accordance with rules promulgated by the department. The department shall provide the young adult, in the young adult's primary language, with clear and developmentally appropriate verbal and written information concerning the administrative appeal process."

Chapter 52 Section 14 Laws 2020

SECTION 14. A new section of the Fostering Connections Act is enacted to read:

"DUTIES OF THE DEPARTMENT.--

A. The department shall notify every child in its custody about the fostering connections program beginning when the child attains sixteen years of age and at every transition planning meeting thereafter.

B. Prior to attaining seventeen years and six months of age, every child in the custody of the department shall be provided detailed information about the fostering connections program and given the opportunity to develop a voluntary services and support agreement that would be finalized and executed upon the child attaining eighteen years of age."

LAWS 2020, CHAPTER 53

SJC/Senate Bill 137
Approved March 6, 2020

AN ACT

RELATING TO OCCUPATIONS; CONFIRMING THAT A PERSON IS ELIGIBLE FOR OCCUPATIONAL OR PROFESSIONAL LICENSURE OR CERTIFICATION FOR WHICH THAT PERSON IS QUALIFIED, REGARDLESS OF THE PERSON'S CITIZENSHIP OR IMMIGRATION STATUS.

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

Chapter 53 Section 1 Laws 2020

SECTION 1. OCCUPATIONAL OR PROFESSIONAL LICENSES AND CERTIFICATION--QUALIFICATION.--

A. It is the policy of this state that a person is eligible for occupational or professional licensure or certification for which that person is qualified, regardless of the person's citizenship or immigration status.

B. No administrative rule or agency procedure shall be adopted or enforced that conflicts with the policy stated in Subsection A of this section.

C. This section serves as the affirmation of eligibility in this state pursuant to 8 U.S.C. Section 1621(d) for persons not lawfully present in the United States to be licensed or certified.

LAWS 2020, CHAPTER 54

HJC/House Bills 6, 35 and 113, aa
Approved March 6, 2020

AN ACT

RELATING TO PUBLIC SAFETY; EXPANDING PERMISSIBLE EXPENDITURES FROM THE LAW ENFORCEMENT PROTECTION FUND; PROVIDING THAT THE

PENALTY FOR A FELON IN POSSESSION OF A FIREARM OR DESTRUCTIVE DEVICE IS A THIRD DEGREE FELONY; INCREASING THE SENTENCING ENHANCEMENTS FOR BRANDISHING OF A FIREARM IN A NONCAPITAL FELONY.

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

Chapter 54 Section 1 Laws 2020

SECTION 1. Section 29-13-7 NMSA 1978 (being Laws 1983, Chapter 289, Section 7, as amended) is amended to read:

"29-13-7. EXPENDITURE LIMITATION--CONTROL.--

A. Except as provided for the academy in Subsection B of this section, amounts distributed from the fund shall be expended only for the following:

- (1) the repair and purchase of law enforcement apparatus and equipment, including the financing and refinancing thereof, that meet minimum nationally recognized standards;
- (2) the purchase of law enforcement equipment, including protective vests, for police dogs;
- (3) expenses associated with advanced law enforcement planning and training;
- (4) maintaining the balance of the peace officers', New Mexico mounted patrol members' and reserve police officers' survivors fund at a minimum amount of three hundred fifty thousand dollars (\$350,000);
- (5) complying with match or contribution requirements for the receipt of federal funds relating to criminal justice programs;
- (6) no more than fifty percent of the replacement salaries of municipal and county law enforcement personnel of municipalities or counties rated as class 1 in Paragraph (1) of Subsection C of Section 29-13-4 NMSA 1978 participating in basic law enforcement training;
- (7) a law enforcement officer retention payment in the amount of seven thousand five hundred dollars (\$7,500); provided that:
 - (a) the distribution is requested by a municipality or county law enforcement agency that on January 1, 2018 had a staffing vacancy rate of at least ten percent to retain a law enforcement officer who is certified in accordance with the Law Enforcement Training Act and has at least twenty years of actual service credit earned

under a municipal police member coverage plan as determined by the public employees retirement association;

(b) the municipality or county law enforcement agency provides seven thousand five hundred dollars (\$7,500) in matching funds to the law enforcement officer; and

(c) the distribution and the matching funds paid to a law enforcement officer shall not constitute the officer's base salary or wages and shall not be considered to be salary or otherwise be used to determine a pension for the purposes of the Public Employees Retirement Act; and

(8) recruiting, providing bonuses for and training law enforcement officers engaged in community-oriented policing.

B. For the academy, amounts distributed from the fund shall be expended only for providing tourniquet and trauma kits and training on the use of tourniquet and trauma kits pursuant to Section 29-7-7.7 NMSA 1978.

C. Amounts distributed from the fund shall be expended only pursuant to approved budgets and upon duly executed vouchers approved as required by law."

Chapter 54 Section 2 Laws 2020

SECTION 2. Section 30-7-16 NMSA 1978 (being Laws 1981, Chapter 225, Section 1, as amended) is amended to read:

"30-7-16. FIREARMS OR DESTRUCTIVE DEVICES--RECEIPT, TRANSPORTATION OR POSSESSION BY CERTAIN PERSONS--PENALTY.--

A. It is unlawful for the following persons to receive, transport or possess a firearm or destructive device in this state:

(1) a felon;

(2) a person subject to an order of protection pursuant to Section 40-13-5 or 40-13A-5 NMSA 1978; or

(3) a person convicted of any of the following crimes:

(a) battery against a household member pursuant to Section 30-3-15 NMSA 1978;

(b) criminal damage to property of a household member pursuant to Section 30-3-18 NMSA 1978;

1978; or (c) a first offense of stalking pursuant to Section 30-3A-3 NMSA

(d) a crime listed in 18 U.S.C. 921.

B. A felon found in possession of a firearm shall be guilty of a third degree felony and shall be sentenced in accordance with the provisions of the Criminal Sentencing Act.

C. Any person subject to an order of protection pursuant to Section 40-13-5 or 40-13A-5 NMSA 1978 or convicted of a crime listed in Paragraph (3) of Subsection A of this section who receives, transports or possesses a firearm or destructive device is guilty of a misdemeanor.

D. As used in this section:

(1) except as provided in Paragraph (2) of this subsection, "destructive device" means:

(a) any explosive, incendiary or poison gas: 1) bomb; 2) grenade; 3) rocket having a propellant charge of more than four ounces; 4) missile having an explosive or incendiary charge of more than one-fourth ounce; 5) mine; or 6) similar device;

(b) any type of weapon by whatever name known that will, or that may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell that is generally recognized as particularly suitable for sporting purposes; or

(c) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in this paragraph and from which a destructive device may be readily assembled;

(2) the term "destructive device" does not include any device that is neither designed nor redesigned for use as a weapon or any device, although originally designed for use as a weapon, that is redesigned for use as a signaling, pyrotechnic, line throwing, safety or similar device;

(3) "felon" means a person convicted of a felony offense by a court of the United States or of any state or political subdivision thereof and:

(a) less than ten years have passed since the person completed serving a sentence or period of probation for the felony conviction, whichever is later;

(b) the person has not been pardoned for the felony conviction by the proper authority; and

(c) the person has not received a deferred sentence; and

(4) "firearm" means any weapon that will or is designed to or may readily be converted to expel a projectile by the action of an explosion or the frame or receiver of any such weapon."

Chapter 54 Section 3 Laws 2020

SECTION 3. Section 31-18-16 NMSA 1978 (being Laws 1977, Chapter 216, Section 5, as amended) is amended to read:

"31-18-16. BRANDISHING OF FIREARM--ALTERATION OF BASIC SENTENCE--SUSPENSION AND DEFERRAL LIMITED.--

A. When a separate finding of fact by the court or jury shows that a firearm was brandished in the commission of a noncapital felony, the basic sentence of imprisonment prescribed for the offense in Section 31-18-15 NMSA 1978 shall be increased by three years, except that when the offender is a serious youthful offender or a youthful offender, the sentence imposed by this subsection may be increased by one year.

B. For a second or subsequent noncapital felony in which a firearm is brandished, the basic sentence of imprisonment prescribed in Section 31-18-15 NMSA 1978 shall be increased by five years, except that when the offender is a serious youthful offender or a youthful offender, the sentence imposed by this subsection may be increased by three years.

C. If the case is tried before a jury and if a prima facie case has been established showing that a firearm was brandished in the commission of the offense, the court shall submit the issue to the jury by special interrogatory. If the case is tried by the court and if a prima facie case has been established showing that a firearm was brandished in the commission of the offense, the court shall decide the issue and shall make a separate finding of fact thereon.

D. As used in this section, "brandished" means displaying or making a firearm known to another person while the firearm is present on the person of the offending party with intent to intimidate or injure a person."

Chapter 54 Section 4 Laws 2020

SECTION 4. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2020.

LAWS 2020, CHAPTER 55

HEC/House Bill 17, aa
Approved March 6, 2020

AN ACT

RELATING TO HIGHER EDUCATION; REQUIRING PRIVATE POST-SECONDARY EDUCATIONAL INSTITUTIONS TO DISCLOSE CERTAIN INFORMATION TO PROSPECTIVE STUDENTS.

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

Chapter 55 Section 1 Laws 2020

SECTION 1. Section 21-23-3 NMSA 1978 (being Laws 1971, Chapter 303, Section 3, as amended) is amended to read:

"21-23-3. DEFINITIONS.--As used in the Post-Secondary Educational Institution Act:

A. "career school" means a private post-secondary educational institution offering a formal educational curriculum in New Mexico for a fee to members of the general public beyond compulsory school age, terminating in a certificate, diploma, associate degree or comparable confirmation of completion of the curriculum;

B. "college" or "university" means a private post-secondary educational institution offering a formal educational curriculum in New Mexico for a fee to members of the general public beyond compulsory school age, terminating in a baccalaureate, master's or doctoral degree or comparable confirmation of completion of the curriculum;

C. "department" means the higher education department;

D. "enrollment agreement" means an agreement, instrument or note executed before a person begins coursework that creates a binding obligation between the person and the post-secondary educational institution;

E. "license" means a written acknowledgment by the department that a career school or nonregionally accredited college or university has met the requirements of the department for offering a formal educational curriculum within New Mexico;

F. "post-secondary educational institution" includes an academic, vocational, technical, business, professional or other school, college or university or other organization or person offering or purporting to offer courses, instruction, training or

education from a physical site in New Mexico, through distance education, correspondence or in person;

G. "private post-secondary educational institution" means a nonpublicly funded post-secondary educational institution that offers post-secondary education for a fee to members of the general public;

H. "prospective student" means a person who demonstrates interest in signing an enrollment agreement with a post-secondary educational institution; and

I. "registration" means a written acknowledgment by the department that a regionally accredited college or university has filed pertinent curriculum and enrollment information, as required by the department, and is authorized to operate a private post-secondary educational institution."

Chapter 55 Section 2 Laws 2020

SECTION 2. A new section of the Post-Secondary Educational Institution Act is enacted to read:

"DISCLOSURE REQUIREMENTS.--

A. Every private post-secondary educational institution shall disclose to every prospective student prior to enrollment the total estimated cost of attendance for the prospective student's program, including:

(1) tuition and fees normally assessed a student carrying the same academic workload as determined by the private post-secondary educational institution, including costs for rental or purchase of any equipment, materials or supplies required of all students in the same program;

(2) an allowance for books, supplies, transportation and miscellaneous personal expenses, including a reasonable allowance for the documented rental or purchase of a personal computer, for a student attending the private post-secondary educational institution on at least a half-time basis, as determined by the institution;

(3) an allowance, as determined by the private post-secondary educational institution, for room and board costs incurred by the student that, for:

(a) a student without dependents residing in that institution's owned or operated housing, shall be a standard allowance determined by the institution based on the amount normally assessed most of its residents for room and board; and

(b) a student who lives in housing located on a military base or for which a basic allowance is provided under federal law, shall be an allowance based on the expenses reasonably incurred by such students for board but not for room;

(4) for a less than half-time student, as determined by the private post-secondary educational institution, tuition and fees and an allowance for only:

(a) books, supplies and transportation, as determined by the institution; and

(b) room and board costs, as determined in accordance with Paragraph (3) of this subsection;

(5) for a New Mexico student engaged in a program by correspondence within New Mexico, only tuition and fees and, if required, books and supplies, travel and room and board costs incurred specifically in fulfilling a required period of residential training;

(6) for an incarcerated student, only tuition and fees and, if required, books and supplies;

(7) for a student enrolled in an academic program in a program of study abroad approved for credit by the student's home private post-secondary educational institution, reasonable costs associated with such study, as determined by the private post-secondary educational institution at which the student is enrolled;

(8) for a student with a disability, an allowance, as determined by the private post-secondary educational institution, for those expenses related to the student's disability, including special services, personal assistance, transportation, equipment and supplies that are reasonably incurred and not provided for by other assisting agencies;

(9) for a New Mexico student receiving all or part of the student's instruction by means of telecommunications technology within New Mexico, no distinction shall be made with respect to the mode of instruction in determining costs; and

(10) at the option of the private post-secondary educational institution, for a student in a program requiring professional licensure or certification, the one-time cost of obtaining the first professional credentials, as determined by the institution.

B. Every private post-secondary educational institution shall disclose to every prospective student prior to enrollment:

(1) the length in semesters of the prospective student's program;

(2) the number of credit hours, or the equivalent information, required to complete the prospective student's program;

(3) the private post-secondary educational institution's cancellation and refund policy;

(4) the completion rates for both full-time and part-time students of the prospective student's program;

(5) the withdrawal rates of students pursuing the prospective student's program;

(6) the average combined loan debt for federal loans, institutional loans and private loans certified by the private post-secondary educational institution, for all students who completed the prospective student's program during the most recently completed award year;

(7) the placement rate for the prospective student's program, if the private post-secondary educational institution is required by its accrediting agency to calculate a placement rate for the prospective student's program or institution, or both, using the required methodology of the accrediting agency;

(8) whether the prospective student's program satisfies the applicable educational prerequisites for professional licensure or certification in the state; and

(9) the average earnings at ten years after entering the private post-secondary educational institution of former students of the institution who received federal financial aid, if available.

C. The disclosure information required pursuant to Subsections A and B of this section shall be transmitted to the department and prominently displayed:

(1) in a letter or an email message to the prospective student that does not contain:

(a) information about a program other than a program in which the prospective student has expressed interest; or

(b) any other substantive information; and

(2) on the publicly available website of each private post-secondary educational institution, if any.

D. The private post-secondary educational institution shall maintain records of the institution's efforts to provide the information described in Subsections A and B of this section to a prospective student for at least five years after the student enrolls at the institution."

Chapter 55 Section 3 Laws 2020

SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2021.

LAWS 2020, CHAPTER 56

House Bill 22
Approved March 6, 2020

AN ACT

RELATING TO MILITARY AFFAIRS; SPECIFYING WHAT CONSTITUTES MILITARY LEAVE AND WHO MAY AUTHORIZE MILITARY LEAVE FOR MEMBERS OF THE CIVIL AIR PATROL.

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

Chapter 56 Section 1 Laws 2020

SECTION 1. Section 20-7-5 NMSA 1978 (being Laws 1987, Chapter 318, Section 51) is amended to read:

"20-7-5. MILITARY LEAVE.--Members of the civil air patrol shall be permitted military leave pursuant to Section 20-4-7 NMSA 1978 not to exceed fifteen working days per year for official duties as assigned by the director of the civil air patrol division of the department of military affairs or an incident commander of an active mission."

Chapter 56 Section 2 Laws 2020

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2020.

LAWS 2020, CHAPTER 57

House Bill 27, aa, w/ec
Approved March 6, 2020

AN ACT

RELATING TO FINANCE; AUTHORIZING THE NEW MEXICO FINANCE AUTHORITY TO MAKE LOANS FOR PUBLIC PROJECTS FROM THE PUBLIC PROJECT REVOLVING FUND; DECLARING AN EMERGENCY.

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

Chapter 57 Section 1 Laws 2020

SECTION 1. AUTHORIZATION OF PROJECTS.--Pursuant to Section 6-21-6 NMSA 1978, the legislature authorizes the New Mexico finance authority to make loans from the public project revolving fund for public projects as defined in Section 6-21-3 NMSA 1978. Pursuant to Section 6-21-6 NMSA 1978, loans of one million dollars (\$1,000,000) or less do not require specific authorization and need not be identified in this act. Authorization is given to the New Mexico finance authority to make loans to the following qualified entities on terms and conditions established by the authority:

1. the Dulce independent school district in Rio Arriba county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;
2. the eastern New Mexico water utility authority for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;
3. the Juan Tabo hills estates public improvement district in Bernalillo county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;
4. Luna county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;
5. Navajo technical university in McKinley county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;
6. the board of regents of New Mexico institute of mining and technology in Socorro county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;
7. the state parks division of the energy, minerals and natural resources department for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;
8. the board of regents of New Mexico state university in Dona Ana county for the arrowhead center for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;
9. the board of regents of New Mexico state university in Dona Ana county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

10. the governing board of Mesalands community college in Quay county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

11. the city of Rio Communities in Valencia county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

12. the school of dreams academy in Valencia county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

13. aggie development incorporated for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

14. Catron county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

15. el camino real academy charter school in Bernalillo county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

16. the Logan municipal school district in Quay county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

17. the board of regents of the university of New Mexico for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects; and

18. the board of regents of the university of New Mexico for the university of New Mexico health sciences center for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects.

Chapter 57 Section 2 Laws 2020

SECTION 2. VOIDING OF AUTHORIZATION.--If a qualified entity listed in Section 1 of this act has not certified to the New Mexico finance authority by the end of fiscal year 2023 its desire to continue to pursue a loan from the public project revolving fund for a public project listed in that section, the legislative authorization granted to the New Mexico finance authority by Section 1 of this act to make a loan from the public project revolving fund to that qualified entity for that public project is void.

Chapter 57 Section 3 Laws 2020

SECTION 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

LAWS 2020, CHAPTER 58

House Bill 42, aa
Approved March 6, 2020

AN ACT

RELATING TO HEALTH COVERAGE; ENACTING SECTIONS OF THE HEALTH CARE PURCHASING ACT, THE PUBLIC ASSISTANCE ACT, THE NEW MEXICO INSURANCE CODE, THE HEALTH MAINTENANCE ORGANIZATION LAW AND THE NONPROFIT HEALTH CARE PLAN LAW TO ESTABLISH REIMBURSEMENT PARITY BETWEEN CERTIFIED PHARMACISTS CLINICIANS, CERTAIN PHARMACISTS AND CERTAIN OTHER LICENSED HEALTH PROFESSIONALS FOR THE SAME CLINICAL SERVICES.

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

Chapter 58 Section 1 Laws 2020

SECTION 1. A new section of the Health Care Purchasing Act is enacted to read:

"PHARMACIST PRESCRIPTIVE AUTHORITY SERVICES--REIMBURSEMENT PARITY.--A group health plan shall reimburse a participating provider that is a certified pharmacist clinician or pharmacist certified to provide a prescriptive authority service who provides a service at the standard contracted rate that the group health plan reimburses, for the same service under that group health plan, any licensed physician or physician assistant licensed pursuant to the Medical Practice Act or the Osteopathic Medicine Act or any advanced practice certified nurse practitioner licensed pursuant to the Nursing Practice Act."

Chapter 58 Section 2 Laws 2020

SECTION 2. A new section of the Public Assistance Act is enacted to read:

"PHARMACIST PRESCRIPTIVE AUTHORITY SERVICES--REIMBURSEMENT PARITY.--A medical assistance program or its contractor shall reimburse a participating provider that is a certified pharmacist clinician or pharmacist certified to provide a prescriptive authority service who provides a service at the standard contracted rate that the medical assistance program reimburses, for the same service under that program, any licensed physician or physician assistant licensed pursuant to the Medical Practice

Act or the Osteopathic Medicine Act or any advanced practice certified nurse practitioner licensed pursuant to the Nursing Practice Act."

Chapter 58 Section 3 Laws 2020

SECTION 3. A new section of Chapter 59A, Article 22 NMSA 1978 is enacted to read:

"PHARMACIST PRESCRIPTIVE AUTHORITY SERVICES--REIMBURSEMENT PARITY.--An insurer shall reimburse a participating provider that is a certified pharmacist clinician or pharmacist certified to provide a prescriptive authority service who provides a service pursuant to a health insurance plan, policy or certificate of health insurance at the standard contracted rate that the health insurance policy, health care plan or certificate of health insurance reimburses, for the same service pursuant to that policy, plan or certificate, any licensed physician or physician assistant licensed pursuant to the Medical Practice Act or the Osteopathic Medicine Act or any advanced practice certified nurse practitioner licensed pursuant to the Nursing Practice Act."

Chapter 58 Section 4 Laws 2020

SECTION 4. A new section of Chapter 59A, Article 23 NMSA 1978 is enacted to read:

"PHARMACIST PRESCRIPTIVE AUTHORITY SERVICES--REIMBURSEMENT PARITY.--An insurer shall reimburse a participating provider that is a certified pharmacist clinician or pharmacist certified to provide a prescriptive authority service who provides a service pursuant to a health insurance plan, policy or certificate of health insurance at the standard contracted rate that the health insurance policy, health care plan or certificate of health insurance reimburses, for the same service pursuant to that policy, plan or certificate, any licensed physician or physician assistant licensed pursuant to the Medical Practice Act or the Osteopathic Medicine Act or any advanced practice certified nurse practitioner licensed pursuant to the Nursing Practice Act."

Chapter 58 Section 5 Laws 2020

SECTION 5. A new section of the Health Maintenance Organization Law is enacted to read:

"PHARMACIST PRESCRIPTIVE AUTHORITY SERVICES--REIMBURSEMENT PARITY.--A carrier shall reimburse a participating provider that is a certified pharmacist clinician or pharmacist certified to provide a prescriptive authority service who provides a service pursuant to an individual or group contract at the standard contracted rate that the carrier reimburses, for the same service under that individual or group contract, any licensed physician or physician assistant licensed pursuant to the Medical Practice Act or the Osteopathic Medicine Act or any advanced practice certified nurse practitioner licensed pursuant to the Nursing Practice Act."

Chapter 58 Section 6 Laws 2020

SECTION 6. A new section of the Nonprofit Health Care Plan Law is enacted to read:

"PHARMACIST PRESCRIPTIVE AUTHORITY SERVICES--REIMBURSEMENT PARITY.--A health care plan shall reimburse a participating provider that is a certified pharmacist clinician or pharmacist certified to provide a prescriptive authority service who provides a service pursuant to a subscriber at the same rate that the carrier reimburses, for the standard contracted service under that subscriber contract, any licensed physician or physician assistant licensed pursuant to the Medical Practice Act or the Osteopathic Medicine Act or any advanced practice certified nurse practitioner licensed pursuant to the Nursing Practice Act."

LAWS 2020, CHAPTER 59

House Bill 47
Approved March 6, 2020

AN ACT

MAKING AN APPROPRIATION TO THE LOCAL GOVERNMENT PLANNING FUND.

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

Chapter 59 Section 1 Laws 2020

SECTION 1. APPROPRIATION.--Two million dollars (\$2,000,000) is appropriated from the public project revolving fund to the local government planning fund administered by the New Mexico finance authority for expenditure in fiscal year 2021 and subsequent fiscal years to make grants to qualified entities; to evaluate and estimate the costs of implementing the most feasible alternatives for infrastructure, water and wastewater public project needs; or to develop water conservation plans, long-term master plans, economic development plans or energy audits; and to pay the administrative costs of the local government planning program. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the public project revolving fund.

LAWS 2020, CHAPTER 60

House Bill 76
Approved March 6, 2020

AN ACT

RELATING TO SPECIAL DISTRICTS; AMENDING THE EASTERN NEW MEXICO WATER UTILITY AUTHORITY ACT; REMOVING CURRY COUNTY, THE VILLAGE OF MELROSE AND THE VILLAGE OF GRADY FROM THE MEMBERSHIP OF THE EASTERN NEW MEXICO WATER UTILITY AUTHORITY.

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

Chapter 60 Section 1 Laws 2020

SECTION 1. Section 73-27-4 NMSA 1978 (being Laws 2010, Chapter 39, Section 4) is amended to read:

"73-27-4. EASTERN NEW MEXICO WATER UTILITY AUTHORITY--CREATED.-

A. The "eastern New Mexico water utility authority" is created coextensive with the boundaries of Curry and Roosevelt counties and the territory physically occupied by the water facilities of the authority to plan, design, develop, purchase, acquire, own, operate, establish, construct and maintain the eastern New Mexico rural water system pipelines and waterworks to supply water for domestic, commercial, non-irrigated agricultural and industrial purposes by any available means to persons within and without the boundaries of the authority.

B. The eastern New Mexico water utility authority is created for the benefit of the four members of the eastern New Mexico rural water authority, including the city of Clovis, the city of Portales, the city of Texico and the town of Elida."

Chapter 60 Section 2 Laws 2020

SECTION 2. Section 73-27-5 NMSA 1978 (being Laws 2010, Chapter 39, Section 5) is amended to read:

"73-27-5. BOARD--APPOINTMENT--TERMS.--

A. The board shall consist of six members, each of whom shall reside within the boundaries of the authority, appointed as follows:

(1) three board members appointed by the Clovis city commission for a term of two years; provided, however, that two of the initial members shall be appointed for a term of one year for the purpose of having a staggered board;

(2) two board members appointed by the Portales city council for a term of two years; provided, however, that one of the initial members shall be appointed for a term of one year for the purpose of having a staggered board; and

(3) one board member appointed for a term of one year on a rotating basis and in the following order by:

- (a) the Texico city council; and
- (b) the Elida town council.

B. A vacancy occurring by other than expiration of a term shall be filled in the same manner as the original appointment, but only for the unexpired term."

Chapter 60 Section 3 Laws 2020

SECTION 3. Section 73-27-6 NMSA 1978 (being Laws 2010, Chapter 39, Section 6) is amended to read:

"73-27-6. BOARD--POWERS--DUTIES.--

A. All powers, privileges and duties vested in or imposed upon the authority shall be exercised and performed by the board; provided that the board may delegate its powers by resolution to an officer or agent of the board, with the exception of the following powers:

- (1) adoption of board rules, policies and procedures;
- (2) ratification of acquisition of property;
- (3) initiation or continuation of legal action, except that initiation and filing of liens for unpaid rates and charges and suits for payment thereof and discontinuance of service for failure to pay such rates and charges may be delegated;
- (4) establishment of fees, tolls, rates or charges; and
- (5) issuance of revenue bonds.

B. Meetings of the board shall be held at the call of the chair or whenever three members shall so request in writing. A majority of members then serving constitutes a quorum for the transaction of any business. Except as provided in Subsection C of this section, the affirmative vote of at least a majority of a quorum present shall be necessary for any action to be taken by the board. A vacancy in the membership of the board shall not impair the right of a quorum to exercise all rights and perform all duties of the board.

C. The non-delegable powers and duties provided in Subsection A of this section shall only be effective upon resolution passed by a supermajority of four members of the board.

D. The board shall promulgate and adhere to rules, policies and procedures that govern its conduct.

E. A member of the board having a financial interest or possible interest in the outcome of any policy, decision or determination before the board shall be disqualified from voting on the issue. A member's status as a ratepayer or customer of the authority shall not be deemed to constitute a financial interest or possible interest for the purposes of this section.

F. Subject to Subsections B through D of this section, the board may:

- (1) adopt bylaws;
- (2) fix the time and place of meetings and the method of providing notice of the meetings in accordance with the Open Meetings Act;
- (3) promulgate orders, resolutions, policies and rules necessary for the governance and management of the affairs of the authority and the execution of the powers vested in the authority;
- (4) maintain offices at a place as the board may designate;
- (5) employ a director who may employ and retain necessary staff;
- (6) establish user classifications;
- (7) fix and from time to time increase or decrease water rates, fees or other charges for water delivery or other related services or facilities operated or made available by the authority, subject to the following conditions:
 - (a) the rates, tolls or charges shall be uniform for all municipalities that have the power to appoint a member to the board;
 - (b) until paid, all rates, tolls or charges constitute a perpetual lien on and against the property served, and any such lien may be foreclosed in the same manner as provided by the laws of New Mexico for the foreclosure of real estate mortgages and shall not be subject to any limitations period, statutory or otherwise;
 - (c) the board shall prescribe and enforce rules by which properties shall be connected with and disconnected from the facilities of the authority, including payment plans to avoid discontinuing service to delinquent accounts;
 - (d) after giving reasonable notice, the board shall shut off or discontinue service for unauthorized connections, illegal connections or connections for which rates, tolls or other charges are delinquent in payment. The board may file suit in a court of competent jurisdiction to recover costs associated with an unauthorized,

illegal or delinquent connection, including the cost of water delivered, charges for connection and disconnection, damages and attorney fees; and

(e) the provisions of Subparagraphs (b) and (c) of this paragraph are not applicable to municipalities that have the power to appoint a member to the board; and

(8) adopt an operating budget that supports the full cost of operation, maintenance and replacement as established by an asset management plan and a rate-setting analysis. The operating budget shall be subject to the approval of the department of finance and administration."

LAWS 2020, CHAPTER 61

House Bill 118, aa
Approved March 6, 2020

AN ACT

RELATING TO CORPORATIONS; PROVIDING FOR A VOLUNTARY DESIGNATION AS A BENEFIT CORPORATION.

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

Chapter 61 Section 1 Laws 2020

SECTION 1. A new section of the Business Corporation Act is enacted to read:

"DESIGNATION AS A BENEFIT CORPORATION--REQUIREMENTS--STANDARD OF CONDUCT.--

A. A corporation, including a professional corporation, may elect to be designated as a benefit corporation. A professional corporation that elects to be designated as a benefit corporation does not violate the provisions of Section 53-6-5 NMSA 1978. A provision of the articles of incorporation or bylaws of a benefit corporation shall not limit, conflict with or supersede the provisions of this section. A corporation that elects to be designated as a benefit corporation:

(1) shall include a statement in the corporation's articles of incorporation that the corporation is a benefit corporation;

(2) in addition to the purpose for which the corporation is organized pursuant to Paragraph (3) of Subsection A of Section 53-12-2 NMSA 1978, shall have a purpose to create through its business and operations the general public benefit of a positive impact on society and the environment, taken as a whole, that is material taking into consideration the corporation's size and the nature of its business;

(3) may identify in the corporation's articles of incorporation that it has a purpose to create a specific public benefit of a positive effect on one or more communities or categories of persons, other than shareholders solely in their capacity as shareholders, or on the environment, including effects of an artistic, charitable, economic, educational, cultural, literary, medical, religious, social, ecological or scientific nature;

(4) shall prepare and provide to shareholders a benefit report annually that:

(a) describes the corporation's progress in achieving its general public benefit purpose and any specific public benefit purpose stated in the articles of incorporation;

(b) describes the process and rationale for selecting or changing the third-party standard used to measure achieving the general public benefit or a specific public benefit;

(c) assesses the overall social and environmental performance of the benefit corporation against a third-party standard;

(d) identifies each member of the board of directors and the duties and compensation as a director; provided that the benefit corporation may omit information regarding director compensation and financial or proprietary information from the benefit report that is made public; and

(e) discloses any connection with the entity that established the third-party standard used to assess the general public benefit or a specific public benefit; and

(5) shall publish the benefit report on the public portion of its internet website, if any, or provide a copy free of charge to any person that requests the benefit report.

B. When performing and discharging the duties of a director set forth in Section 53-11-35 NMSA 1978, a director of a benefit corporation, in determining what that director reasonably believes to be in, or not opposed to, the best interests of the benefit corporation, shall take into consideration:

(1) the interests of the benefit corporation's shareholders, employees, workforce and customers as beneficiaries of the general public benefit or a specific public benefit;

(2) community and societal factors;

(3) the local and global environment;

(4) the short-term and long-term interests of the benefit corporation, including benefits that may accrue to the benefit corporation from its long-term plans and the possibility that these interests may be best served by the continued independence of the benefit corporation; and

(5) the ability of the benefit corporation to accomplish its general public benefit purpose and any specific public benefit purpose stated in the corporation's articles of incorporation.

C. A director of a benefit corporation is not required to give priority to the interests of a particular person or group listed in Subsection B of this section over the interests of any other person or group unless the benefit corporation has stated in its articles of incorporation the intention to give priority to certain interests related to its accomplishment of the general public benefit or a specific public benefit.

D. An officer of a benefit corporation shall consider the interests and factors listed in Subsection B of this section if the officer:

(1) has the discretion to act with respect to a matter; and

(2) reasonably believes that the matter may have a material effect in achieving the corporation's general public benefit purpose or any specific public benefit purpose identified in the articles of incorporation.

E. The board of directors of a publicly traded corporation designated as a benefit corporation shall elect an independent director who shall prepare the benefit report. Any other corporation may designate a director or officer to prepare the benefit report.

F. A benefit corporation shall not be liable for monetary damages pursuant to this section for any failure to pursue or create general public benefit or a specific public benefit.

G. A claim or action against a benefit corporation for failure to pursue or create general public benefit or a specific public benefit as set forth in the articles of incorporation, or a violation of any obligation, duty or standard of conduct pursuant to this section, may only be commenced or maintained by the benefit corporation or on behalf of the corporation in a derivative lawsuit by:

(1) a person or group of persons that, at the time of the action or inaction that gave rise to the complaint, owned beneficially or of record at least two percent of the total number of shares or of a class of shares;

(2) a director of the benefit corporation;

(3) a person or group of persons that, at the time of the action or inaction that gave rise to the complaint, owned beneficially or of record five percent or more of the outstanding equity interests in an entity of which the benefit corporation is a subsidiary; or

(4) other persons as specified in the articles of incorporation or bylaws of the benefit corporation.

H. The amendments to the articles of incorporation that relate to the designation or termination of the designation of the benefit corporation or the general public benefit or a specific public benefit of the corporation shall only be adopted upon receiving the affirmative vote of the holders of a two-thirds' majority of the shares entitled to vote, unless any class of shares is entitled to vote as a class, in which event, the proposed amendment shall be adopted upon receiving the affirmative vote of the holders of a two-thirds' majority of the shares of each class of shares entitled to vote as a class and of the total shares entitled to vote.

I. A benefit corporation may terminate its designation as a benefit corporation by amending its articles of incorporation to delete the requirements of Paragraphs (1) and (2) of Subsection A of this section. The termination of the designation shall be effective upon the adoption of the amendment."

LAWS 2020, CHAPTER 62

House Bill 167
Approved March 6, 2020

AN ACT

MAKING AN APPROPRIATION FOR WASTEWATER SYSTEM FINANCING.

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

Chapter 62 Section 1 Laws 2020

SECTION 1. APPROPRIATION.--One million eight hundred thousand dollars (\$1,800,000) is appropriated from the public project revolving fund to the wastewater facility construction loan fund for expenditure in fiscal year 2021 and subsequent fiscal years to provide state matching funds for federal Clean Water Act of 1977 projects and to carry out the purposes of the Wastewater Facility Construction Loan Act. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the public project revolving fund.

LAWS 2020, CHAPTER 63

House Bill 234
Approved March 6, 2020

AN ACT

RELATING TO INSURANCE; REVISING THE DUTIES OF THE INSURANCE NOMINATING COMMITTEE; PROVIDING FOR AN INTERIM SUPERINTENDENT OF INSURANCE; REVISING QUALIFICATIONS FOR SUPERINTENDENT OF INSURANCE.

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

Chapter 63 Section 1 Laws 2020

SECTION 1. Section 59A-2-2 NMSA 1978 (being Laws 1984, Chapter 127, Section 20, as amended) is amended to read:

"59A-2-2. SUPERINTENDENT--APPOINTMENT--TERM--COMPENSATION--REMOVAL.--

A. The position of superintendent of insurance shall be the chief officer of the office of superintendent of insurance.

B. The superintendent shall be appointed by the insurance nominating committee.

C. The superintendent shall serve for a term of four years, except that the initial term beginning July 1, 2013 shall end on December 31, 2015. An incumbent superintendent may apply to the insurance nominating committee for appointment to additional terms.

D. The superintendent's annual compensation shall be subject to legislative appropriation and established by the insurance nominating committee at the start of each term and annually thereafter. The superintendent's annual compensation shall be no lower than that of the lowest-compensated cabinet secretary and no higher than that of the highest-compensated cabinet secretary.

E. The superintendent shall not be removed except for incompetence, willful neglect of duty or malfeasance in office. The insurance nominating committee may remove the superintendent after providing the superintendent with notice and a hearing."

Chapter 63 Section 2 Laws 2020

SECTION 2. Section 59A-2-2.1 NMSA 1978 (being Laws 2013, Chapter 74, Section 15, as amended) is amended to read:

"59A-2-2.1. INSURANCE NOMINATING COMMITTEE--DUTIES--
ADMINISTRATIVE ATTACHMENT.--

A. The "insurance nominating committee" is created and consists of nine members, including:

(1) four members who are selected by the New Mexico legislative council as follows:

(a) two members who shall represent the interests of the insurance industry;

(b) two members who shall represent the interests of insurance consumers and who have experience advocating on behalf of consumers or the public interest on insurance issues. These consumer members shall not be employed by or on behalf of or have a contract with an employer that is regulated by the office of superintendent of insurance; and

(c) no more than two of the four members shall be from the same political party;

(2) four members who are selected by the governor as follows:

(a) two members who shall represent the interests of the insurance industry;

(b) two members who shall represent the interests of insurance consumers and who have experience advocating on behalf of consumers or the public interest on insurance issues. These consumer members shall not be employed by or on behalf of or have a contract with an employer that is regulated by the office of superintendent of insurance; and

(c) no more than two of the four members shall be from the same political party; and

(3) a ninth member who shall be chair of the committee and who shall be selected by a majority of the other eight members; provided that the member shall:

(a) not be a candidate for the position of superintendent of insurance; and

(b) be either a former New Mexico superintendent of insurance or another person with extensive knowledge of insurance regulation in New Mexico, but does not have, nor have a spouse or child who has, any direct financial interest in an insurer, insurance agency or insurance transaction except as a policyholder or a claimant under a policy or as an owner of less than one percent of the shares of an insurer that is a publicly traded corporation.

B. A vacancy on the committee shall be filled by the original appointing authority for the remainder of the term.

C. A committee member shall:

(1) be a resident of New Mexico;

(2) serve a four-year term; except that a member of the first committee appointed shall serve for a term that ends on June 30, 2015; and

(3) serve without compensation, but shall be eligible to receive per diem and mileage pursuant to the Per Diem and Mileage Act.

D. The committee is subject to the Inspection of Public Records Act and the Open Meetings Act. Individual members of the committee are subject to the Governmental Conduct Act and the Financial Disclosure Act.

E. The committee shall convene within ninety days in anticipation of the occurrence of a vacancy in the superintendent position or the expiration of a superintendent's term of office.

F. Upon the occurrence of a vacancy in the superintendent position, or after the conclusion of the superintendent's term, the chair of the committee may appoint an interim superintendent who shall serve until a successor is duly qualified.

G. The committee shall actively solicit, accept and evaluate applications from qualified individuals for the position of superintendent and may require an applicant to submit any information it deems relevant to the consideration of the individual's application.

H. The committee shall appoint the superintendent by a vote of a majority of all members of the committee.

I. The committee shall meet no less often than annually.

J. The committee is administratively attached to the office of superintendent of insurance. The office of superintendent of insurance shall provide staff for the committee.

K. An employee of the office of superintendent of insurance who serves as staff for the committee shall not reveal to any person, except another committee staff person, any requests or statements disclosed in confidence by a committee member, except that this restriction shall not apply to any disclosure that is:

- (1) protected under the Whistleblower Protection Act; or
- (2) required by law."

Chapter 63 Section 3 Laws 2020

SECTION 3. Section 59A-2-3 NMSA 1978 (being Laws 1984, Chapter 127, Section 21, as amended) is amended to read:

"59A-2-3. SUPERINTENDENT--QUALIFICATIONS AND BOND.--The superintendent shall:

- A. be bonded as provided in the Surety Bond Act;
- B. not have a direct financial interest in an insurer, insurance agency or insurance transaction except as a policyholder or a claimant under a policy or as an owner of less than one percent of the shares of an insurer that is a publicly traded corporation; and
- C. not have a spouse who:
 - (1) has a direct financial interest in an insurer or insurance agency regulated by the office of superintendent of insurance, except as an owner of less than one percent of the shares of an insurer that is a publicly traded corporation; or
 - (2) is licensed as an individual by the office of superintendent of insurance."

LAWS 2020, CHAPTER 64

House Bill 254, aa
Approved March 6, 2020

AN ACT

RELATING TO SCHOOL DISTRICTS; ADJUSTING AMOUNTS TO BE USED IN CALCULATING STATE DISTRIBUTIONS TO SCHOOL DISTRICTS THAT IMPOSE A PUBLIC SCHOOL CAPITAL IMPROVEMENTS TAX AND TO CHARTER SCHOOLS WITHIN THOSE SCHOOL DISTRICTS; CREATING AN ADDITIONAL DISTRIBUTION TO THOSE SCHOOL DISTRICTS AND CHARTER SCHOOLS; REPEALING AN OUTDATED SECTION OF LAW.

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

Chapter 64 Section 1 Laws 2020

SECTION 1. Section 22-25-2 NMSA 1978 (being Laws 1975 (S.S.), Chapter 5, Section 2, as amended) is amended to read:

"22-25-2. DEFINITION.--As used in the Public School Capital Improvements Act, "capital improvements" means expenditures, including payments made with respect to lease-purchase arrangements as defined in the Education Technology Equipment Act or the Public School Lease Purchase Act but excluding any other debt service expenses, for:

- A. erecting, remodeling, making additions to, providing equipment for or furnishing public school buildings and pre-kindergarten classroom facilities;
- B. purchasing or improving public school or pre-kindergarten grounds;
- C. maintenance of public school buildings or public school or pre-kindergarten grounds, including the purchasing or repairing of maintenance equipment and participating in the facility information management system as required by the Public School Capital Outlay Act and including payments under contracts with regional education cooperatives for maintenance support services and expenditures for technical training and certification for maintenance and facilities management personnel, but excluding salary expenses of school district employees;
- D. purchasing activity vehicles for transporting students to extracurricular school activities;
- E. purchasing computer software and hardware for student use in public school classrooms; and
- F. purchasing and installing education technology improvements, excluding salary expenses of school district employees, but including tools used in the educational process that constitute learning and administrative resources, and that may also include:
 - (1) satellite, copper and fiber-optic transmission; computer and network connection devices; digital communication equipment, including voice, video and data equipment; servers; switches; portable media devices, such as discs and drives to contain data for electronic storage and playback; and the purchase or lease of software licenses or other technologies and services, maintenance, equipment and computer infrastructure information, techniques and tools used to implement technology in schools and related facilities; and

(2) improvements, alterations and modifications to, or expansions of, existing buildings or tangible personal property necessary or advisable to house or otherwise accommodate any of the tools listed in this subsection."

Chapter 64 Section 2 Laws 2020

SECTION 2. Section 22-25-7 NMSA 1978 (being Laws 1975 (S.S.), Chapter 5, Section 7, as amended) is amended to read:

"22-25-7. IMPOSITION OF TAX--LIMITATION ON EXPENDITURES.--

A. If as a result of an election held in accordance with the Public School Capital Improvements Act a majority of the qualified electors voting on the question votes in favor of the imposition of the tax, the tax rate shall be certified, unless the local school board requests by resolution that a rate be discontinued, by the department of finance and administration at the rate specified in the resolution authorized under Section 22-25-3 NMSA 1978 or at any lower rate required by operation of the rate limitation provisions of Section 7-37-7.1 NMSA 1978 upon the rate specified in the resolution and be imposed at the rate certified in accordance with the provisions of the Property Tax Code.

B. The revenue produced by the tax and, except as provided in Subsections D and F of Section 22-25-9 NMSA 1978, any state distribution resulting to the district under the Public School Capital Improvements Act shall be expended only for the capital improvements specified in the authorizing resolution.

C. The amount of tax revenue to be distributed to each charter school that was included in the resolution shall be determined each year and shall be in the same proportion as the average full-time-equivalent enrollment of the charter school on the first reporting date of the prior school year is to the total such enrollment in the school district; provided that, in determining the school district's total enrollment, charter school students located within the school district shall be included; and provided further that no distribution shall be made to an approved charter school that had not commenced classroom instruction in the prior school year. Each year, the department shall certify to the county treasurer of the county in which the eligible charter schools in the school district are located the percentage of the revenue to be distributed to each charter school. The county treasurer shall distribute the charter school's share of the property tax revenue directly to the charter school."

Chapter 64 Section 3 Laws 2020

SECTION 3. Section 22-25-9 NMSA 1978 (being Laws 1975 (S.S.), Chapter 5, Section 9, as amended) is amended to read:

"22-25-9. STATE DISTRIBUTION TO SCHOOL DISTRICT IMPOSING TAX UNDER CERTAIN CIRCUMSTANCES.--

A. Except as provided in Subsection E of this section, for each year that a capital improvements tax is imposed by a school district, the secretary shall distribute from the public school capital improvements fund to the school district an amount equal to the greater of:

(1) the difference between:

(a) the product of: 1) the school district's program units; 2) multiplied by the tax rate imposed by the school district; and 3) multiplied further by the sum calculated pursuant to Subsection B of this section; and

(b) the school district's estimated tax revenue; or

(2) the product of:

(a) five dollars (\$5.00) for fiscal year 2021; and in each subsequent fiscal year, the amount for the previous fiscal year adjusted by the percentage increase between the next preceding calendar year and the preceding calendar year of the consumer price index for the United States, all items, as published by the United States department of labor;

(b) multiplied by the school district's program units; and

(c) multiplied further by the tax rate imposed by the school district.

B. The amount in Item 3) of Subparagraph (a) of Paragraph (1) of Subsection A of this section shall be equal to the sum of:

(1) for fiscal year 2021, eighty-nine dollars twenty-five cents (\$89.25); and for fiscal year 2022 and each subsequent fiscal year, the amount for the previous fiscal year adjusted by the percentage increase between the next preceding calendar year and the preceding calendar year of the consumer price index for the United States, all items, as published by the United States department of labor; plus

(2) an additional amount certified to the secretary by the public school capital outlay council. No later than June 1 of each year, the council shall determine the amount needed in the next fiscal year for public school capital outlay projects pursuant to the Public School Capital Outlay Act and the amount of revenue, from all sources, available for the projects. If, in the sole discretion of the council, the amount available exceeds the amount needed, the council may certify an additional amount pursuant to this paragraph; provided that the sum of the amount calculated pursuant to this paragraph plus the amount in Paragraph (1) of this subsection shall not result in a total statewide distribution that, in the opinion of the council, exceeds one-half of the total revenue estimated to be received from taxes imposed pursuant to the Public School Capital Improvements Act.

C. If a distribution is made to a school district pursuant to Subsection A of this section, the secretary shall make an additional distribution from the public school capital improvements fund to the school district in an amount equal to the product of:

- (1) fifty-three dollars (\$53.00);
- (2) multiplied by the sum of the school district's program units;
- (3) multiplied further by the greater of six percent or the percentage calculated pursuant to Paragraph (6) of Subsection B of Section 22-24-5 NMSA 1978; and
- (4) multiplied further by the tax rate imposed by the school district.

D. In expending distributions made pursuant to this section, school districts and charter schools shall give priority to maintenance projects, including payments under contracts with regional education cooperatives for maintenance support services. In addition, distributions made pursuant to this section may be expended by school districts and charter schools as follows, but no distribution from the public school capital improvements fund may be used for capital improvements to any administration building of a school district:

- (1) for the school district portion of the total project cost for roof repair or replacement required by Section 22-24-4.3 NMSA 1978; or
- (2) for the school district portion of payments made under a financing agreement entered into by a school district or a charter school for the leasing of a building or other real property with an option to purchase for a price that is reduced according to the payments made, if the school district has received a grant for the state share of the payments pursuant to Subsection D of Section 22-24-5 NMSA 1978.

E. In the event that sufficient funds are not available in the public school capital improvements fund to make the distributions pursuant to this section, the dollar per program unit figure shall be reduced as necessary.

F. A portion of each distribution made by the state pursuant to this section shall be further distributed by the school district to each locally chartered or state-chartered charter school located within the school district. The amount to be distributed to each charter school shall be in the same proportion as the average full-time-equivalent enrollment of the charter school on the second and third reporting dates of the prior school year is to the total such enrollment in the school district; provided that, in determining the school district's total enrollment, charter school students located within the school district shall be included; and provided further that no distribution shall be made to an approved charter school that had not commenced classroom instruction in the prior school year. Each year, the department shall certify to the school district the amount to be distributed to each charter school. Distributions received by a charter

school pursuant to this subsection shall be expended pursuant to the provisions of the Public School Capital Improvements Act; except that if capital improvements for the charter school were not identified in a resolution approved by the electors, the charter school may expend the distribution for any capital improvements, including those specified in Subsection D of this section.

G. In making distributions pursuant to this section, the secretary shall include such reporting requirements and conditions as are required by rule of the public school capital outlay council. The council shall adopt such requirements and conditions as are necessary to ensure that the distributions are expended in the most prudent manner possible and are consistent with the original purpose as specified in the authorizing resolution. Copies of reports or other information received by the secretary in response to the requirements and conditions shall be forwarded to the council.

H. As used in this section:

(1) "capital improvements tax" means the tax authorized pursuant to the Public School Capital Improvements Act;

(2) "estimated tax revenue" means the revenue estimated to be received by a school district from the capital improvements tax, using prior year valuations and assuming a one hundred percent collection rate;

(3) "program units" means a school district's final program units determined pursuant to Sections 22-8-19, 22-8-20 through 22-8-23.1 and 22-8-23.3 NMSA 1978 generated in the previous fiscal year, including such program units generated by a charter school located within the school district; and

(4) "tax rate" means the rate approved by the qualified electors in the most recent election on the question of imposing a tax pursuant to the Public School Capital Improvements Act."

Chapter 64 Section 4 Laws 2020

SECTION 4. REPEAL.--Section 22-24-4.4 NMSA 1978 (being Laws 2005, Chapter 274, Section 7, as amended) is repealed.

Chapter 64 Section 5 Laws 2020

SECTION 5. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2020.

LAWS 2020, CHAPTER 65

House Bill 304, aa

Approved March 6, 2020

AN ACT

RELATING TO OUTDOOR RECREATION; TRANSFERRING ADMINISTRATION OF THE OUTDOOR EQUITY GRANT PROGRAM AND FUND FROM THE NEW MEXICO YOUTH CONSERVATION CORPS COMMISSION TO THE NEW MEXICO OUTDOOR RECREATION DIVISION OF THE ECONOMIC DEVELOPMENT DEPARTMENT; AMENDING AND RECOMPILING SECTIONS OF THE NMSA 1978.

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

Chapter 65 Section 1 Laws 2020

SECTION 1. Section 9-5B-6 NMSA 1978 (being Laws 1992, Chapter 91, Section 6, as amended) is amended to read:

"9-5B-6. COMMISSION--POWERS AND DUTIES.--

A. The commission may:

- (1) accept gifts, devises, grants and donations from others to carry out the provisions of the New Mexico Youth Conservation Corps Act;
- (2) request assistance and staff support from the department;
- (3) employ such personnel as necessary to carry out the provisions of the New Mexico Youth Conservation Corps Act;
- (4) delegate responsibility for the administration and implementation of conservation projects, corps members' employment and supervision, project coordination and other program matters;
- (5) establish work camps and long-term residential facilities to house corps members and their supervisors; and
- (6) contact potential sponsors and funding sources for support.

B. The commission shall:

- (1) adopt rules that are necessary for the proper administration of the New Mexico Youth Conservation Corps Act;
- (2) administer and enforce the provisions of the New Mexico Youth Conservation Corps Act and rules adopted pursuant to Paragraph (1) of this subsection;

(3) develop and approve corps work projects, activities and contracts with project sponsors;

(4) establish standards, procedures and policies for selecting, hiring, providing compensation for and other personnel matters involving corps members and other personnel;

(5) foster partnerships and cooperation between the corps and New Mexico's secondary and post-secondary schools to assist corps members in obtaining education and job training; and

(6) hire a program manager, who shall be the administrative officer of the corps."

Chapter 65 Section 2 Laws 2020

SECTION 2. Section 9-15-1 NMSA 1978 (being Laws 1983, Chapter 297, Section 1, as amended) is amended to read:

"9-15-1. SHORT TITLE.--Sections 9-15-1 through 9-15-36 NMSA 1978 may be cited as the "Economic Development Department Act"."

Chapter 65 Section 3 Laws 2020

SECTION 3. Section 9-15-14.1 NMSA 1978 (being Laws 2019, Chapter 117, Section 2) is amended to read:

"9-15-14.1. NEW MEXICO OUTDOOR RECREATION DIVISION-- DUTIES-- DEFINITIONS.--

A. The New Mexico outdoor recreation division of the department shall:

(1) increase outdoor recreation-based economic development, tourism and ecotourism in the state;

(2) recruit out-of-state-based outdoor recreation businesses to locate in New Mexico;

(3) promote stewardship and preservation of New Mexico's unique environment and cultural assets;

(4) promote education about and use of outdoor recreation assets to enhance public health; and

(5) administer the outdoor equity grant program.

B. The department, the tourism department, the state land office, the Rio Grande trail commission, the state parks division of the energy, minerals and natural resources department, the department of game and fish, the cultural affairs department, the Indian affairs department, the department of health and the department of transportation shall work in conjunction with the New Mexico outdoor recreation division to support the division's duties as they relate to the purposes of the respective departments and agencies.

C. For the purposes of administering functions of the New Mexico outdoor recreation division:

(1) "ecotourism" means a form of tourism that involves visiting areas of ecological interest and is intended as a low-impact and often small-scale alternative to standard commercial tourism; and

(2) "outdoor recreation" means a recreational activity that occurs outdoors in a natural environment, including the use of trails, the natural landscape, water or snow resources or other natural resources in the activity."

Chapter 65 Section 4 Laws 2020

SECTION 4. Section 9-5B-10.1 NMSA 1978 (being Laws 2019, Chapter 117, Section 7) is recompiled as part of the Economic Development Department Act and is amended to read:

~~"OUTDOOR EQUITY GRANT PROGRAM--CREATED--ADMINISTRATION--GRANT CRITERIA.--~~

A. The "outdoor equity grant program" is created in the department to be administered by the New Mexico outdoor recreation division of the department.

B. Each fiscal year, competitive grants shall be awarded to applicants for the sole purpose of funding outdoor recreation programs, in whole or in part, for youth up to the age of eighteen.

C. Political subdivisions of the state, Indian nations, tribes and pueblos and nonprofit organizations may apply for outdoor equity grants.

D. Annually, the New Mexico outdoor recreation division shall establish a minimum and maximum number of grants available based on the funding appropriated to the outdoor equity grant program fund for that fiscal year.

E. The New Mexico outdoor recreation division shall award grants to applicants through a competitive process and based upon the following minimum criteria:

(1) at least forty percent of the population served by the applicant are low-income youth up to the age of eighteen;

(2) the applicant has a well-developed, written plan to engage low-income youth in outdoor recreation activities; and

(3) the applicant has an educational plan to educate youth about climate and the environment as part of its outdoor recreation program.

F. The New Mexico outdoor recreation division shall establish grant reporting requirements that meet the general purpose of this section."

Chapter 65 Section 5 Laws 2020

SECTION 5. Section 9-5B-10.2 NMSA 1978 (being Laws 2019, Chapter 117, Section 8) is recompiled as part of the Economic Development Department Act and is amended to read:

"OUTDOOR EQUITY GRANT PROGRAM FUND--CREATED.--

A. The "outdoor equity grant program fund" is created in the state treasury. All appropriations, gifts, devises, grants and donations received shall be deposited in the fund. Money in the fund is appropriated to the department for the New Mexico outdoor recreation division to carry out the outdoor equity grant program. Any money appropriated to the fund or accruing to it through gifts, grants, bequests or interest shall remain in the fund. Money in the fund shall not revert at the end of a fiscal year.

B. The fund shall be administered by the department. Disbursements from the fund shall be made only upon warrant drawn by the secretary of finance and administration pursuant to vouchers signed by the secretary of economic development or the secretary's designee for the purpose of carrying out the outdoor equity grant program."

Chapter 65 Section 6 Laws 2020

SECTION 6. TEMPORARY PROVISION--TRANSFER OF APPROPRIATIONS, RECORDS AND CONTRACTS TO THE NEW MEXICO OUTDOOR RECREATION DIVISION OF THE ECONOMIC DEVELOPMENT DEPARTMENT.--On the effective date of this act:

A. all functions, appropriations, money, records and files of the New Mexico youth conservation corps commission relating to the outdoor equity grant program shall be transferred to the New Mexico outdoor recreation division of the economic development department;

B. all contractual obligations of the New Mexico youth conservation corps commission relating to the outdoor equity grant program shall be binding on the New Mexico outdoor recreation division; and

C. the rules, orders and decisions of the New Mexico youth conservation corps commission relating to the outdoor equity grant program shall remain in effect until repealed or amended.

LAWS 2020, CHAPTER 66

**House Bill 319, aa, w/ec
Approved March 6, 2020**

AN ACT

RELATING TO PROCUREMENT; INCREASING THE TOTAL AMOUNT LIMIT ON MULTIPLE SOURCE CONTRACTS FOR PROCUREMENT OF ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION THAT STATE AGENCIES AND LOCAL PUBLIC BODIES MAY ENTER INTO AND FOR PURCHASE ORDERS UNDER THOSE CONTRACTS; REQUIRING REPORTING; DECLARING AN EMERGENCY.

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

Chapter 66 Section 1 Laws 2020

SECTION 1. Section 13-1-154.1 NMSA 1978 (being Laws 2007, Chapter 312, Section 1, as amended) is amended to read:

"13-1-154.1. MULTIPLE SOURCE CONTRACTS--ARCHITECTURAL AND ENGINEERING SERVICES CONTRACTS--INDEFINITE QUANTITY CONSTRUCTION CONTRACTS.--

A. A state agency or local public body may procure multiple architectural or engineering services contracts for multiple projects under a single qualifications-based request for proposals; provided that the total amount of multiple contracts and all renewals for a single contractor does not exceed seven million five hundred thousand dollars (\$7,500,000) over four years and that a single contract, including any renewals, does not exceed six hundred fifty thousand dollars (\$650,000).

B. A state agency or local public body may procure multiple indefinite quantity construction contracts pursuant to a price agreement for multiple projects under a single request for proposals; provided that the total amount of a contract and all renewals does not exceed twelve million five hundred thousand dollars (\$12,500,000) over three years and the contract provides that any one purchase order under the contract may not exceed four million dollars (\$4,000,000).

C. A state agency or local public body may make procurements in accordance with the provisions of Subsection A or B of this section if:

(1) the advertisement and request for proposals states that multiple contracts may or will be awarded, states the number of contracts that may or will be awarded and describes the services or construction to be performed under each contract;

(2) there is a single selection process for all of the multiple contracts, except that for each contract there may be a separate final list and a separate negotiation of contract terms; and

(3) each of the multiple contracts for architectural or engineering services has a term not exceeding four years, or for construction, has a term not exceeding three years, each including all extensions and renewals.

D. A contract to be awarded pursuant to this section to a firm that is currently performing under a contract issued pursuant to this section shall not cause the total amount of all contracts issued pursuant to this section to that firm to exceed:

(1) seven million five hundred thousand dollars (\$7,500,000) in any four-year period for architectural or engineering services; or

(2) twelve million five hundred thousand dollars (\$12,500,000) in any three-year period for construction.

E. Procurement pursuant to this section is subject to the limitations of Sections 13-1-150 through 13-1-154 NMSA 1978.

F. A state agency and a local public body, not including an agency of the legislative or judicial branch of state government, shall report to the legislative finance committee on an annual basis and to the purchasing division of the general services department on, at minimum, a quarterly basis the aggregate amount of contracts for each contractor and the corresponding amounts to be spent under each multiple source contract pursuant to this section. The general services department may promulgate rules regarding reporting to the department pursuant to this subsection."

Chapter 66 Section 2 Laws 2020

SECTION 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

LAWS 2020, CHAPTER 67

**HJC/House Bill 184, aa
Approved March 6, 2020**

AN ACT

RELATING TO LAW ENFORCEMENT; CHANGING THE CURRENT AMOUNTS DISTRIBUTED FROM THE LAW ENFORCEMENT PROTECTION FUND; PROVIDING DISTRIBUTIONS FROM THE LAW ENFORCEMENT PROTECTION FUND TO THE DEPARTMENT OF PUBLIC SAFETY TO OFFSET COSTS INCURRED DUE TO CERTAIN SPECIAL DEPLOYMENTS; REQUIRING CERTIFIED LAW ENFORCEMENT OFFICERS WHO WORK AS SCHOOL RESOURCE OFFICERS TO BE SPECIFICALLY TRAINED FOR THOSE POSITIONS; ALLOWING SCHOOL DISTRICT POLICE DEPARTMENTS THAT HAVE FULL-TIME SCHOOL RESOURCE OFFICERS TO RECEIVE FUNDING FROM THE LAW ENFORCEMENT PROTECTION FUND.

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

Chapter 67 Section 1 Laws 2020

SECTION 1. LAW ENFORCEMENT OFFICERS AS SCHOOL RESOURCE OFFICERS--TRAINING REQUIRED.--

A. As used in this section, "school resource officer" means a commissioned and certified law enforcement officer who is designated to be responsible for school safety and crime prevention and the appropriate response to crimes in public schools and has completed the training specified in Subsection B of this section.

B. A law enforcement officer who is or will be assigned as a school resource officer shall receive specific training for the duty, including instruction on the following:

(1) the differences in successful law enforcement when conducted inside a school environment, including understanding the adolescent brain, crisis management and de-escalation techniques;

(2) tools to be a positive role model for youth, including mentoring and informal counseling techniques;

(3) the school resource officer's role and responsibilities to school personnel and students and their families and strategies for connecting students and families to appropriate resources that will assist students to succeed in school, including strategies for mitigating truancy;

(4) a variety of instructional techniques as well as classroom management tools to provide law-related education to students;

(5) an understanding of adolescent development and adolescent mental health disorders and treatment; and

(6) identification and response to students who are suspected of having a mental health need, including critical skills and capacity for appropriately responding to behavior issues that are typically observed among adolescents with mental health needs.

C. Beginning with the 2022-2023 school year, a law enforcement officer who:

(1) is assigned as a school resource officer shall complete the training required in Subsection B of this section within twelve months of being assigned as a school resource officer; or

(2) was serving as a school resource officer prior to the 2022-2023 school year and who has not received specific training for the position of school resource officer shall complete the training required in Subsection B of this section no later than July 1, 2023.

D. The school resource officer training shall be provided by or approved by the New Mexico law enforcement academy in consultation with the public education department.

Chapter 67 Section 2 Laws 2020

SECTION 2. Section 29-13-2 NMSA 1978 (being Laws 1983, Chapter 289, Section 2, as amended) is amended to read:

"29-13-2. PURPOSE OF ACT.--The purpose of the Law Enforcement Protection Fund Act is to provide for the equitable distribution of money to state police, municipal police, university police, tribal police, county sheriff's and school district police departments for use in the maintenance and improvement of those departments in order to enhance the efficiency and effectiveness of law enforcement services and to sustain at a reasonable level the payments available to the surviving eligible family members of a peace officer killed in the line of duty."

Chapter 67 Section 3 Laws 2020

SECTION 3. Section 29-13-2.1 NMSA 1978 (being Laws 1993, Chapter 179, Section 4, as amended) is amended to read:

"29-13-2.1. DEFINITIONS.--As used in the Law Enforcement Protection Fund Act:

A. "academy" means the New Mexico law enforcement academy;

B. "division" means the local government division of the department of finance and administration;

- C. "fund" means the law enforcement protection fund;
- D. "governmental entity" means the academy, the department of public safety, a municipality, a county, a university, a tribe or a school district;
- E. "school district police department" means a department of commissioned law enforcement officers who are charged with preventing, investigating and solving crimes on school district property;
- F. "tribal police department" means the police department of a tribe that has entered into an agreement with the department of public safety pursuant to Section 29-1-11 NMSA 1978;
- G. "tribe" means an Indian nation, tribe or pueblo located wholly or partly in New Mexico; and
- H. "university" means a four-year post-secondary educational institution listed in Article 12, Section 11 of the constitution of New Mexico."

Chapter 67 Section 4 Laws 2020

SECTION 4. Section 29-13-4 NMSA 1978 (being Laws 1993, Chapter 179, Section 6, as amended by Laws 2017, Chapter 1, Section 2 and by Laws 2017, Chapter 35, Section 3) is amended to read:

"29-13-4. DETERMINATION OF NEEDS AND RATE OF DISTRIBUTION.--

- A. Annually on or before April 15, the division shall consider and determine the relative needs as requested by tribal, municipal, school district and university police departments, county sheriff's departments, the department of public safety and the academy for money in the fund in the succeeding fiscal year pursuant to the provisions of Subsections C and E of this section.
- B. As necessary during the year, the division shall transfer an amount from the fund to the peace officers', New Mexico mounted patrol members' and reserve police officers' survivors fund that enables the balance of the peace officers', New Mexico mounted patrol members' and reserve police officers' survivors fund to be maintained at a minimum balance of three hundred fifty thousand dollars (\$350,000).
- C. The division shall determine the rate of distribution of money in the fund as follows:
 - (1) all municipal police, school district police and county sheriff's departments shall be entitled to a rate of distribution of forty-five thousand dollars (\$45,000);

(2) university police departments shall be entitled to a rate of distribution of forty-five thousand dollars (\$45,000);

(3) the academy shall be entitled to a rate of distribution of twenty-four thousand five hundred dollars (\$24,500) to carry out the purposes of Section 29-7-7.7 NMSA 1978;

(4) tribal police departments shall be entitled, unless allocations are adjusted pursuant to the provisions of Subsection D of this section, to one thousand dollars (\$1,000) for each commissioned peace officer in the tribe. To be counted as a commissioned peace officer for the purposes of this paragraph, a commissioned peace officer shall have been assigned to duty and have worked in New Mexico for no fewer than two hundred days in the calendar year immediately prior to the date of payment. Payments shall be made for only those divisions of the tribal police departments that perform services in New Mexico. A tribal police department shall not be eligible for any disbursement under the fund if commissioned peace officers cite non-Indians into the tribal court for civil or criminal citations;

(5) municipal, school district and university police and county sheriff's departments shall be entitled, unless allocations are adjusted pursuant to the provisions of Subsection D of this section, to one thousand dollars (\$1,000) for each police officer or sheriff's deputy employed full time by that department who has been certified by the academy, or by a regional law enforcement training facility in the state certified by the director of the academy, as a police officer or has been authorized to act as a New Mexico peace officer pursuant to the provisions of Section 29-1-11 NMSA 1978; and

(6) municipal police, sheriff's and school district police departments that assign officers as school resource officers shall be entitled to one thousand dollars (\$1,000) for each assigned school resource officer's training pursuant to Section 1 of this 2020 act.

D. After distributions are determined in accordance with Subsection A, Subsection B and Paragraphs (1), (2), (3) and (6) of Subsection C of this section, if the balance in the fund is insufficient to permit the total allocations provided by Paragraphs (4) and (5) of Subsection C of this section, the division shall reduce that allocation to the maximum amount permitted by available money.

E. After all distributions have been made in accordance with Subsections A through D of this section, and if the balance in the fund is sufficient, the department of public safety shall be entitled to a rate of distribution of not more than two million dollars (\$2,000,000)."

Chapter 67 Section 5 Laws 2020

SECTION 5. Section 29-13-5 NMSA 1978 (being Laws 1983, Chapter 289, Section 5, as amended) is amended to read:

"29-13-5. DETERMINATION OF NEEDS--REVIEW.--No later than May 1 of each year, the division shall notify in writing each affected municipal police, school district police, university police, tribal police and county sheriff's department, the department of public safety and the academy of its determination of money to be distributed pursuant to the provisions of Section 29-13-4 NMSA 1978. Any affected governmental entity may appeal that determination by filing a notice of appeal with the secretary of finance and administration no later than May 15. If an appeal is filed, the secretary of finance and administration shall review the determination of the division in an informal and summary proceeding and shall certify the result of the appeal to the division no later than June 30, and the division shall adjust its determination accordingly. If no appeal is filed, the original determination of the division shall be final and binding and not subject to further review."

Chapter 67 Section 6 Laws 2020

SECTION 6. Section 29-13-7 NMSA 1978 (being Laws 1983, Chapter 289, Section 7, as amended) is amended to read:

"29-13-7. EXPENDITURE LIMITATION--CONTROL.--

A. Except as provided for the academy and the department of public safety in Subsections B and C of this section, amounts distributed from the fund shall be expended only for the following:

- (1) the repair and purchase of law enforcement apparatus and equipment, including the financing and refinancing thereof, that meet minimum nationally recognized standards;
- (2) the purchase of law enforcement equipment, including protective vests, for police dogs;
- (3) expenses associated with advanced law enforcement planning and training;
- (4) maintaining the balance of the peace officers', New Mexico mounted patrol members' and reserve police officers' survivors fund at a minimum amount of three hundred fifty thousand dollars (\$350,000);
- (5) complying with match or contribution requirements for the receipt of federal funds relating to criminal justice programs;
- (6) no more than fifty percent of the replacement salaries of municipal and county law enforcement personnel of municipalities or counties participating in basic law enforcement training; and

(7) contingent upon the availability of funding and until June 30, 2021, a law enforcement officer retention payment in the amount of seven thousand five hundred dollars (\$7,500); provided that:

(a) the distribution is requested by a municipality or county law enforcement agency that on January 1, 2018 had a staffing vacancy rate of at least ten percent to retain a law enforcement officer who is certified in accordance with the Law Enforcement Training Act and has at least twenty years of actual service credit earned under a municipal police member coverage plan as determined by the public employees retirement association;

(b) the municipality or county law enforcement agency provides seven thousand five hundred dollars (\$7,500) in matching funds to the law enforcement officer; and

(c) the distribution and the matching funds paid to a law enforcement officer shall not constitute the officer's base salary or wages and shall not be considered to be salary or otherwise be used to determine a pension for the purposes of the Public Employees Retirement Act.

B. For the academy, amounts distributed from the fund shall be expended only for providing tourniquet and trauma kits and training on the use of tourniquet and trauma kits pursuant to Section 29-7-7.7 NMSA 1978.

C. The amount distributed to the department of public safety:

(1) shall:

(a) be used only to offset overtime-pay-related expenses incurred directly by the department of public safety from the special deployment of state police officers or other emergency assistance to counties or municipalities in response to critical circumstances as authorized by the governor; and

(b) not be expended to hire new personnel; and

(2) may be expended for costs, including travel, fuel, overtime, per diem and ammunition.

D. Amounts distributed from the fund shall be expended only pursuant to approved budgets and upon duly executed vouchers approved as required by law."

Chapter 67 Section 7 Laws 2020

SECTION 7. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2022.

LAWS 2020, CHAPTER 68

Senate Bill 19, w/ec
Approved March 6, 2020

AN ACT

RELATING TO PUBLIC FINANCE; AUTHORIZING THE NEW MEXICO FINANCE AUTHORITY TO MAKE LOANS OR GRANTS FROM THE WATER PROJECT FUND FOR CERTAIN WATER PROJECTS; DECLARING AN EMERGENCY.

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

Chapter 68 Section 1 Laws 2020

SECTION 1. AUTHORIZATION OF QUALIFYING WATER PROJECTS.-- Pursuant to Section 72-4A-9 NMSA 1978, the legislature authorizes the New Mexico finance authority to make loans or grants from the water project fund to the following qualifying entities for the following qualifying water projects on terms and conditions established by the water trust board and the New Mexico finance authority:

1. to the Agua Pura mutual domestic water consumers and mutual sewage works association in Mora county for a water storage, conveyance and delivery project;
2. to the Albuquerque Bernalillo county water utility authority in Bernalillo county for a water conservation or treatment, recycling or reuse project;
3. to the Ancones mutual domestic water and wastewater consumers association in Rio Arriba county for a water storage, conveyance and delivery project;
4. to the city of Anthony in Dona Ana county for a flood prevention project;
5. to the Big Mesa mutual domestic water consumers association in San Miguel county for a water storage, conveyance and delivery project;
6. to the city of Bloomfield in San Juan county for a water conservation or treatment, recycling or reuse project;
7. to the Cerro regional mutual domestic water consumers and sewage works association in Taos county for a water storage, conveyance and delivery project;
8. to the Claunch-Pinto soil and water conservation district in Bernalillo, Santa Fe and Tarrant counties for two watershed restoration and management projects;

9. to the city of Clovis in Curry county for a water conservation or treatment, recycling or reuse project;
10. to the village of Columbus in Luna county for a flood prevention project;
11. to the city of Deming in Luna county for a water conservation or treatment, recycling or reuse project;
12. to the eastern New Mexico water utility authority in Curry county for a water storage, conveyance and delivery project;
13. to the El Creston mutual domestic water consumers association in San Miguel county for a water storage, conveyance and delivery project;
14. to the Eldorado area water and sanitation district in Santa Fe county for a water storage, conveyance and delivery project;
15. to the El Valle de los Ranchos water and sanitation district in Taos county for a water storage, conveyance and delivery project;
16. to the city of Gallup in McKinley county for a water storage, conveyance and delivery project;
17. to Grant county for a flood prevention project;
18. to the city of Grants in Cibola county for a water storage, conveyance and delivery project;
19. to the city of Grants in Cibola county for two flood prevention projects;
20. to the La Cueva mutual domestic water consumers association in San Miguel county for a water storage, conveyance and delivery project;
21. to Los Alamos county for a water conservation or treatment, recycling or reuse project;
22. to the city of Portales in Roosevelt county for a water storage, conveyance and delivery project;
23. to the Regina mutual domestic water consumers association in Rio Arriba and Sandoval counties for a water storage, conveyance and delivery project;
24. to the upper Rio Grande watershed district in Rio Arriba county for a flood prevention project;

25. to the Rio Lucio domestic water consumers association in Taos county for a water storage, conveyance and delivery project;

26. to the Rodarte mutual domestic water consumers association in Taos county for a water storage, conveyance and delivery project;

27. to the city of Ruidoso Downs in Lincoln county for a water storage, conveyance and delivery project;

28. to the Sangre de Cristo regional mutual domestic water consumers and mutual sewage works association in Guadalupe county for a water storage, conveyance and delivery project;

29. to the San Juan soil and water conservation district in San Juan county for a watershed restoration and management project;

30. to the city of Santa Fe in Santa Fe county for a water storage, conveyance and delivery project;

31. to the city of Santa Rosa in Guadalupe county for a water storage, conveyance and delivery project;

32. to the southern Sandoval county arroyo flood control authority in Sandoval county for a flood prevention project;

33. to the city of Truth or Consequences in Sierra county for a water storage, conveyance and delivery project; and

34. to the Union del Llano mutual domestic water consumers association in Taos county for a water storage, conveyance and delivery project.

Chapter 68 Section 2 Laws 2020

SECTION 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

LAWS 2020, CHAPTER 69

Senate Bill 57, aa
Approved March 6, 2020

AN ACT

RELATING TO ANIMALS; IMPOSING AN ADDITIONAL FEE ON PET FOOD FOR DOGS AND CATS TO FUND THE DOG AND CAT SPAY AND NEUTER ASSISTANCE

PROGRAM AND THE ANIMAL SHELTERING ACT; ESTABLISHING A HOUSEHOLD INCOME LEVEL FOR ASSISTANCE; REQUIRING REPORTING.

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

Chapter 69 Section 1 Laws 2020

SECTION 1. Section 61-14-7.1 NMSA 1978 (being Laws 2017, Chapter 44, Section 3) is amended to read:

"61-14-7.1. ANIMAL SHELTERING COMMITTEE--DUTIES.--The sheltering committee shall:

A. develop a voluntary statewide dog and cat spay and neuter program in conjunction with animal shelters and euthanasia agencies;

B. develop criteria for individuals, nonprofit organizations, animal shelters and euthanasia agencies to receive assistance for dog and cat spaying and neutering from the animal care and facility fund; provided that assistance to individuals and nonprofit organizations shall only be given to individuals who have, or to nonprofit organizations that shall only provide assistance to service recipients who have, a household income that does not exceed two hundred percent of the current federal poverty level guidelines published by the United States department of health and human services; and

C. recommend to the board the disbursements of money from the animal care and facility fund to qualifying individuals, nonprofit organizations, animal shelters and euthanasia agencies."

Chapter 69 Section 2 Laws 2020

SECTION 2. Section 77-1B-4 NMSA 1978 (being Laws 2007, Chapter 60, Section 4, as amended) is amended to read:

"77-1B-4. ANIMAL CARE AND FACILITY FUND CREATED--ADMINISTRATION.--

A. The "animal care and facility fund" is created in the state treasury. All fees collected pursuant to the Animal Sheltering Act shall be deposited in the fund.

B. The animal care and facility fund shall consist of money collected by the board pursuant to the Animal Sheltering Act; income from investment of the fund; and money appropriated to the fund or accruing to it through fees or administrative penalties, cooperative research agreements, income, gifts, grants, donations, bequests, sales of promotional items, handbooks or educational materials or any other source.

Money in the fund shall not be transferred to another fund or encumbered or expended except for expenditures authorized pursuant to the Animal Sheltering Act.

C. Money in the fund is appropriated by the legislature to the board to be used to help animal shelters and communities defray the cost of implementing the board's initiatives conducted pursuant to the Animal Sheltering Act. The fund shall be administered by the board to carry out the purposes of the Animal Sheltering Act.

D. The "statewide spay and neuter subaccount" is established in the animal care and facility fund. Money in the subaccount shall only be used to carry out the board's dog and cat spay and neuter assistance program and for the reasonable costs of administering the Animal Sheltering Act, which reasonable costs shall not exceed five percent of the total fees distributed to the subaccount pursuant to the provisions of Section 5 of this 2020 act. Money collected pursuant to Section 7-2-30.9 NMSA 1978, Section 66-3-424.3 NMSA 1978 and Section 5 of this 2020 act shall be deposited in the subaccount.

E. A disbursement from the fund shall be made only upon a warrant drawn by the secretary of finance and administration pursuant to a voucher signed by the executive director of the board or the director's designee with the approval of the majority of the board with consideration of the recommendation of a majority of the animal sheltering committee.

F. Unexpended and unencumbered balances in the fund at the end of a fiscal year shall not revert to the general fund."

Chapter 69 Section 3 Laws 2020

SECTION 3. Section 77-1B-5 NMSA 1978 (being Laws 2007, Chapter 60, Section 5, as amended) is amended to read:

"77-1B-5. BOARD POWERS AND DUTIES.--The board shall:

A. adopt infrastructure and operating standards and may enforce those standards with consideration of the recommendations by the animal sheltering committee;

B. provide for inspections of animal shelters and euthanasia agencies;

C. provide for oversight, including oversight of licensing requirements, regulations and discipline, of veterinarians employed by local government animal shelters;

D. adopt methods and procedures acceptable for conducting emergency field euthanasia;

- E. adopt, promulgate and revise rules necessary to carry out the provisions of the Animal Sheltering Act;
- F. have authority to issue licenses and certificates pursuant to the Animal Sheltering Act;
- G. establish the types of licenses and certificates that may be issued pursuant to the Animal Sheltering Act and establish criteria for issuing the licenses and certificates;
- H. prescribe standards and approve curricula for educational programs that will be used to train and prepare persons for licensure or certification pursuant to the Animal Sheltering Act;
- I. implement continuing education requirements for licensees and certificate holders pursuant to the Animal Sheltering Act;
- J. conduct administrative hearings upon charges relating to violations of provisions of the Animal Sheltering Act or rules adopted pursuant to that act in accordance with the Uniform Licensing Act;
- K. provide for all examinations and for issuance and renewal of licenses and certificates;
- L. establish fees not to exceed one hundred fifty dollars (\$150) for licenses and certificates pursuant to the Animal Sheltering Act;
- M. establish committees as the board deems necessary to effect the provisions of the Animal Sheltering Act;
- N. apply for injunctive relief to enforce the provisions of the Animal Sheltering Act;
- O. conduct national criminal background checks on applicants seeking licensure or certification under the Animal Sheltering Act;
- P. keep a record of all proceedings;
- Q. make an annual report to the legislature, including information on the total number of dogs and cats spayed and neutered and the average costs per surgery paid for from the statewide spay and neuter subaccount of the animal care and facility fund. The New Mexico department of agriculture shall provide for inclusion in the annual report the number of pet foods registered pursuant to Section 76-19A-10 NMSA 1978 for the current and previous year listed by registrant;
- R. provide for the inspection of animal shelters and euthanasia agencies;

S. develop mechanisms to address complaints of misconduct at animal shelters and euthanasia agencies and noncompliance with the provisions of the Animal Sheltering Act or rules adopted pursuant to that act;

T. develop mechanisms to address complaints of licensee and certificate holder misconduct and noncompliance;

U. adopt standards for maintaining records concerning health care and disposition of animals; and

V. refer to the published association of shelter veterinarians standards in determining its regulations for animal shelters and euthanasia agencies."

Chapter 69 Section 4 Laws 2020

SECTION 4. Section 76-19A-1 NMSA 1978 (being Laws 2013, Chapter 23, Section 1) is amended to read:

"76-19A-1. SHORT TITLE.--Chapter 76, Article 19A NMSA 1978 may be cited as the "New Mexico Commercial Feed Act"."

Chapter 69 Section 5 Laws 2020

SECTION 5. A new section of the New Mexico Commercial Feed Act is enacted to read:

"SPAY AND NEUTER PROGRAM FEE.--

A. Except as provided in Subsection B of this section, in addition to the commercial feed registration fee required pursuant to Section 76-19A-10 NMSA 1978, the department shall collect an annual fee on each pet food registered with the department as follows:

- (1) beginning January 1, 2021, fifty dollars (\$50.00);
- (2) beginning January 1, 2022, seventy-five dollars (\$75.00); and
- (3) on and after January 1, 2023, one hundred dollars (\$100).

B. The provisions of Subsection A of this section do not apply in cases of:

- (1) prescription diet pet food prescribed by a veterinarian; or
- (2) pet food manufactured by a person who demonstrates to the board, in a manner prescribed by the board, that the person's tax-year annual gross revenue from the distribution of pet food is no more than three million dollars (\$3,000,000).

C. The fee collected pursuant to Subsection A of this section shall be distributed as follows:

(1) ninety-six percent of the fee shall be deposited with the state treasurer and credited to the statewide spay and neuter subaccount of the animal care and facility fund; and

(2) four percent of the fee shall be distributed to the department to administer the New Mexico Commercial Feed Act."

Chapter 69 Section 6 Laws 2020

SECTION 6. DELAYED REPEAL.--Section 5 of this act is repealed effective July 1, 2026.

Chapter 69 Section 7 Laws 2020

SECTION 7. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2020.

LAWS 2020, CHAPTER 70

Senate Bill 69
Approved March 6, 2020

AN ACT

MAKING AN APPROPRIATION FOR DRINKING WATER SYSTEM FINANCING.

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

Chapter 70 Section 1 Laws 2020

SECTION 1. APPROPRIATION.--Two million five hundred thousand dollars (\$2,500,000) is appropriated from the public project revolving fund to the drinking water state revolving loan fund for expenditure in fiscal year 2021 and subsequent fiscal years to provide state matching funds for federal Safe Drinking Water Act of 1974 projects and to carry out the purposes of the Drinking Water State Revolving Loan Fund Act. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the public project revolving fund.

LAWS 2020, CHAPTER 71

SEC/Senate Bill 96
Approved March 6, 2020

AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; CREATING REPORTING REQUIREMENTS FOR A STATEWIDE ONLINE FINANCIAL REPORTING SYSTEM; PRESCRIBING DUTIES FOR THE PUBLIC EDUCATION DEPARTMENT; CREATING REPORTING REQUIREMENTS FOR PUBLIC SCHOOLS; MAKING AN APPROPRIATION.

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

Chapter 71 Section 1 Laws 2020

SECTION 1. A new section of the Public School Finance Act is enacted to read:

"REPORTING SYSTEM--REPORTING REQUIREMENTS.--

A. No later than December 31, 2021, the department, with input from stakeholders, including school districts, charter school leaders, business managers and staff from the legislative finance committee and legislative education study committee, shall establish, implement and maintain a statewide financial reporting system that is based on a standard chart of accounts. The department shall annually update the reporting system.

B. In designing, implementing and maintaining the reporting system pursuant to Subsection A of this section, the department shall adhere to the following guidelines:

(1) the reporting system shall be based on a standard chart of accounts that will enable comparisons between schools, between local education agencies and between regional education cooperatives;

(2) the reporting system shall allow for the display of administrative costs of every school site and local education agency;

(3) the reporting system shall make it possible to determine how school sites and local education agencies budget funds to support at-risk students, offer bilingual and multicultural educational services to students and support special education students;

(4) the reporting system shall make it possible to determine each local education agency's and regional education cooperative's actual expenditures, which shall include actual salary expenditures and actual benefit expenditures reported by job category specified in the standard chart of accounts at the local education agency level, at the school site level and, if applicable, at the regional education cooperative level; and

(5) the reporting system shall report the expenditures for each of the major categories specified in the chart of accounts for school sites and local education agencies.

C. The standard chart of accounts shall include the reporting of revenues received at all levels, including local, state and federal funds.

D. As used in this section:

(1) "local education agency" means a school district or state-chartered charter school; and

(2) "reporting system" means a statewide online financial reporting system."

Chapter 71 Section 2 Laws 2020

SECTION 2. APPROPRIATION.--Three million dollars (\$3,000,000) is appropriated from the public education reform fund to the public education department for expenditure in fiscal years 2021 through 2023 to carry out the provisions of Section 1 of this act and to provide training and technical assistance. Any unexpended or unencumbered balance remaining at the end of fiscal year 2023 shall revert to the public education reform fund.

LAWS 2020, CHAPTER 72

Senate Bill 99
Approved March 6, 2020

AN ACT

RELATING TO PUBLIC EDUCATION; AUTHORIZING PUBLIC SCHOOLS TO GRANT DIPLOMAS TO VIETNAM VETERANS.

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

Chapter 72 Section 1 Laws 2020

SECTION 1. A new section of the Public School Code is enacted to read:

"HIGH SCHOOL DIPLOMAS--VIETNAM CONFLICT VETERANS.--

A. Notwithstanding any other provision of the Public School Code, a local school board may issue a high school diploma to a Vietnam conflict veteran who:

(1) is an honorably discharged member of the armed forces of the United States;

(2) was scheduled to graduate from high school after February 28, 1961 and before May 7, 1975;

(3) was a resident of New Mexico and attended a high school in the locality of the current school district; and

(4) left high school before graduation to serve in the Vietnam conflict.

B. A local school board may issue a high school diploma to a qualifying Vietnam conflict veteran regardless of whether the veteran holds a high school equivalency credential or is deceased.

C. The department shall adopt and promulgate rules to carry out the provisions of this section, including:

(1) an application form to be submitted to the local school board by the Vietnam conflict veteran or a person acting on behalf of the veteran if the veteran is incapacitated or deceased; and

(2) what constitutes acceptable evidence of eligibility for a diploma."

Chapter 72 Section 2 Laws 2020

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2020.

LAWS 2020, CHAPTER 73

Senate Bill 117, aa
Approved March 6, 2020

AN ACT

RELATING TO PROPERTY TAX; CLARIFYING THE LIMITATION ON VALUATION INCREASES FOR LOW-INCOME DISABLED PERSONS.

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

Chapter 73 Section 1 Laws 2020

SECTION 1. Section 7-36-21.3 NMSA 1978 (being Laws 2000, Chapter 21, Section 1, as amended) is amended to read:

"7-36-21.3. LIMITATION ON INCREASE IN VALUE FOR SINGLE-FAMILY DWELLINGS OCCUPIED BY LOW-INCOME OWNERS WHO ARE SIXTY-FIVE YEARS OF AGE OR OLDER OR DISABLED--REQUIREMENTS--PENALTIES.--

A. The valuation for property taxation purposes of a single-family dwelling owned and occupied by a person who is sixty-five years of age or older or disabled and whose modified gross income for the prior taxable year did not exceed the greater of thirty-five thousand dollars (\$35,000) or the amount calculated pursuant to Subsection F of this section shall not be greater than the assessed valuation of the property for property taxation purposes:

(1) for a person sixty-five years of age or older in the tax year in which the owner qualifies and files an application; or

(2) for a person who is disabled in the tax year in which the owner qualified and files an application for the limitation provided by this section.

B. The limitation provided by this section may be claimed by filing proof of eligibility with the county assessor on an application form furnished by the assessor. The application shall be filed no later than thirty days after the date of mailing by the assessor of the notice of valuation. The application form shall be designed by the department and shall provide for proof of age or disability, occupancy and income eligibility. An owner who applies for the limitation of value specified in this section and files proof of income eligibility for the three consecutive years immediately subsequent to the tax year for which the application is made need not claim the limitation for subsequent tax years if there is no change in eligibility. The county assessor shall apply the limitation automatically in subsequent tax years until a change in eligibility occurs.

C. An owner who has claimed and been allowed the limitation of value specified in this section for the three consecutive tax years immediately prior to the 2020 tax year is not required to claim the limitation for subsequent tax years if there is no change in eligibility, unless the county assessor requests updated information on the owner's modified gross income. The county assessor shall apply the limitation automatically in subsequent tax years until a change in eligibility occurs.

D. A person who has had a limitation applied to a tax year and subsequently becomes ineligible for the limitation because of a change in the person's status or income or a change in the ownership of the property against which the limitation was applied shall notify the county assessor of the loss of eligibility for the limitation by the last day of February of the tax year immediately following the year in which loss of eligibility occurs.

E. A person who knowingly violates the provisions of this section by intentionally claiming and receiving the benefit of a limitation to which the person is not entitled or who fails to comply with the provisions of Subsection D of this section shall be liable for all taxes due, interest and a civil penalty of one thousand dollars (\$1,000).

F. For the 2020 tax year and each subsequent tax year, the maximum amount of modified gross income in Subsection A of this section shall be adjusted to account for inflation. The department shall make the adjustment by multiplying thirty-five thousand dollars (\$35,000) by a fraction, the numerator of which is the consumer price index ending during the prior tax year and the denominator of which is the consumer price index ending in tax year 2019. The result of the multiplication shall be rounded down to the nearest one hundred dollars (\$100), except that if the result would be an amount less than the corresponding amount for the preceding tax year, then no adjustment shall be made.

G. The department shall publish annually the amount determined by the calculation made pursuant to Subsection F of this section and provide the calculated amount to each county assessor no later than December 1 of each tax year.

H. The limitation of value specified in Subsection A of this section does not apply to:

(1) a change in valuation resulting from any physical improvements made to the property during the year immediately prior to the tax year or a change in the permitted use or zoning of the property during the year immediately prior to the tax year; or

(2) a residential property in the first tax year that is valued for property taxation purposes.

I. As used in this section:

(1) "consumer price index" means the consumer price index for all urban consumers published by the United States department of labor for the month ending September 30;

(2) "disabled" means a person who has been determined to be blind or permanently disabled with medical improvement not expected pursuant to 42 USCA 421 for purposes of the federal Social Security Act or is determined to have a permanent total disability pursuant to the Workers' Compensation Act; and

(3) "modified gross income" means "modified gross income" as used in the Income Tax Act."

LAWS 2020, CHAPTER 74

Senate Bill 118, aa, w/cc
Approved March 6, 2020

AN ACT

RELATING TO PUBLIC FINANCES; CREATING THE LOCAL AND REGIONAL ECONOMIC DEVELOPMENT SUPPORT FUND; PROVIDING PROCEDURES FOR USING MONEY IN THE FUND TO SUPPORT LOCAL AND REGIONAL ECONOMIC DEVELOPMENT PROJECTS.

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

Chapter 74 Section 1 Laws 2020

SECTION 1. A new section of the Local Economic Development Act is enacted to read:

"LOCAL AND REGIONAL ECONOMIC DEVELOPMENT SUPPORT FUND--
ECONOMIC DEVELOPMENT DEPARTMENT.--

A. The "local and regional economic development support fund" is created in the state treasury. The fund consists of gifts, grants, donations and bequests made to the fund and appropriations made to the department for projects pursuant to the Local Economic Development Act. Income from the fund shall be credited to the fund. Money in the fund shall not revert or be transferred to any other fund at the end of a fiscal year.

B. The department shall administer the fund, and money in the fund is appropriated to the department to pay the cost of administering the fund and for participation in local and regional economic development projects as determined by the department.

C. Money in the fund shall be expended on warrants of the department of finance and administration pursuant to vouchers signed by the secretary of economic development."

Chapter 74 Section 2 Laws 2020

SECTION 2. A new section of the Local Economic Development Act is enacted to read:

"STATE PARTICIPATION IN ECONOMIC DEVELOPMENT PROJECTS--
PROJECT PARTICIPATION AGREEMENT--DUTIES AND REQUIREMENTS--
ECONOMIC DEVELOPMENT DEPARTMENT.--

A. The department may participate with local or regional governments in economic development projects that:

(1) provide for:

(a) the purchase, lease, grant, construction, reconstruction, improvement or other acquisition or conveyance of land, buildings or other infrastructure;

(b) rights-of-way infrastructure, including trenching and conduit, for the placement of new broadband telecommunications network facilities;

(c) public works improvements essential to the location or expansion of a qualifying entity;

(d) payments for professional services contracts necessary for local or regional governments to implement a plan or project;

(e) the provision of direct loans or grants for land, buildings or infrastructure;

(f) loan guarantees securing the cost of land, buildings or infrastructure;

(g) grants for public works infrastructure improvements essential to the location or expansion of a qualifying entity and grants or subsidies to cultural facilities;

(h) the purchase of land for a publicly held industrial park or a publicly owned cultural facility;

(i) technical assistance to cultural facilities; and

(j) the construction of a building for use by a qualifying entity;

and

(2) that also:

(a) provide new full-time economic base jobs;

(b) are primarily engaged in the sale of goods or commodities at retail if: 1) the department has determined that the retail project would not substantially compete with a specific business already in operation in the state; and 2) the business is located outside a class A county and is located in a municipality with a population of fifteen thousand or less according to the most recent federal decennial census or is located more than ten miles from the closest municipality with a population greater than fifteen thousand according to the most recent federal decennial census; or

(c) provide extensions or improvements to infrastructure, excluding buildings, on government owned land not obtained through the issuance of industrial revenue bonds pursuant to the Industrial Revenue Bond Act or the County

Industrial Revenue Bond Act in a municipality with a population of less than sixty thousand according to the most recent federal decennial census or in an unincorporated area not located within ten miles of the external boundaries of a municipality with a population of sixty thousand or more according to the most recent federal decennial census; provided that the project shall not include a participating qualifying entity; and provided further that the department shall prioritize participation in a project pursuant to this subparagraph based on: 1) the likelihood of creating jobs; 2) the economic impact on the local economy; and 3) contributions from the local or regional government or other New Mexico governmental entity, the federal government or private entities; but

(3) do not include the purchase, lease, grant or other acquisition or conveyance of water rights.

B. If the department participates in an economic development project in which a qualifying entity participates, the department, the local or regional government and the qualifying entity shall enter into a project participation agreement pursuant to this section.

C. If the department participates in an economic development project that does not include a qualifying entity, the department shall not enter into a project participation agreement pursuant to this section, but shall enter into an intergovernmental agreement with the participating local or regional government.

D. The project participation agreement shall require that public support provided for the economic development project shall be in exchange for a substantive contribution from the qualifying entity as determined by the department.

E. The qualifying entity shall provide security to the state and each local or regional government or any other New Mexico governmental entity providing public support for the economic development project. The security shall secure the qualifying entity's obligations based on terms stated in the project participation agreement with the department and the local or regional government and shall reflect a proportional decline in security as the substantive contribution requirements are met by the qualifying entity. The department at the discretion of the secretary of economic development may release at any time the security for that portion of the public support provided by the state.

F. If a qualifying entity fails to perform its substantive contribution, the state, local, regional or other participating New Mexico governmental entity may enforce the project participation agreement to recover its proportional share of that portion of the public support for which the qualifying entity failed to provide a substantive contribution; provided that the recovery shall be:

(1) limited to the amount of public support provided by the governmental entity enforcing the project participation agreement, unless otherwise authorized by another participating governmental entity; and

(2) proportional to the failed performance of the substantive contribution and shall take into account all previous substantive contributions for the economic development project performed by the qualifying entity, based on the terms stated in the project participation agreement.

G. The project participation agreement shall at a minimum set out:

(1) the contributions to be made by the qualifying entity, the state and the local or regional government or other New Mexico governmental entity;

(2) the security provided to the state and each local or regional government or other New Mexico governmental entity by the qualifying entity in the form of a letter of credit, lien, mortgage or other indenture and the pledge of the qualifying entity's financial or material participation and cooperation to guarantee the qualifying entity's performance pursuant to the project participation agreement;

(3) a schedule for project development and completion, including measurable goals and time limits for those goals;

(4) provisions for performance review and actions to be taken upon a determination that project performance is unsatisfactory; and

(5) provisions allowing the department and the local or regional government or other New Mexico governmental entity to recover that portion of the public support for which the qualifying entity failed to provide a substantive contribution as determined by the department."

Chapter 74 Section 3 Laws 2020

SECTION 3. Section 5-10-3 NMSA 1978 (being Laws 1993, Chapter 297, Section 3, as amended by Laws 2019, Chapter 208, Section 1 and by Laws 2019, Chapter 274, Section 6) is amended to read:

"5-10-3. DEFINITIONS.--As used in the Local Economic Development Act:

A. "arts and cultural district" means a developed district of public and private uses that is created pursuant to the Arts and Cultural District Act;

B. "broadband telecommunications network facilities" means the electronics, equipment, transmission facilities, fiber-optic cables and any other item directly related to a system capable of transmission of internet protocol or other formatted data at current federal communications commission minimum speed standard, all of which will be owned and used by a provider of internet access services;

C. "cultural facility" means a facility that is owned by the state, a county, a municipality or a qualifying entity that serves the public through preserving, educating

and promoting the arts and culture of a particular locale, including theaters, museums, libraries, galleries, cultural compounds, educational organizations, performing arts venues and organizations, fine arts organizations, studios and media laboratories and live-work housing facilities;

D. "department" means the economic development department;

E. "economic development project" or "project" means the provision of public support or assistance by the state to a local or regional government or the provision of direct or indirect assistance to a qualifying entity by a local or regional government. "Economic development project":

(1) includes:

(a) the purchase, lease, grant, construction, reconstruction, improvement or other acquisition or conveyance of land, buildings or other infrastructure;

(b) rights-of-way infrastructure, including trenching and conduit, for the placement of new broadband telecommunications network facilities;

(c) public works improvements essential to the location or expansion of a qualifying entity;

(d) payments for professional services contracts necessary for local or regional governments to implement a plan or project;

(e) the provision of direct loans or grants for land, buildings or infrastructure;

(f) technical assistance to cultural facilities;

(g) loan guarantees securing the cost of land, buildings or infrastructure in an amount not to exceed the revenue that may be derived from an increment of the: 1) municipal gross receipts tax imposed at a rate not to exceed one-fourth percent and dedicated by the ordinance imposing the increment to a project; or 2) county gross receipts tax imposed at a rate not to exceed one-eighth percent and dedicated by the ordinance imposing the increment to a project;

(h) grants for public works infrastructure improvements essential to the location or expansion of a qualifying entity and grants or subsidies to cultural facilities;

(i) the purchase of land for a publicly held industrial park or a publicly owned cultural facility; and

but (j) the construction of a building for use by a qualifying entity;

(2) does not include the purchase, lease, grant or other acquisition or conveyance of water rights;

F. "governing body" means the city council, city commission or board of trustees of a municipality or the board of county commissioners of a county;

G. "local government" means a municipality or county;

H. "municipality" means an incorporated city, town or village;

I. "new full-time economic base job" means a job:

(1) that is primarily performed in New Mexico;

(2) that is held by an employee who is hired to work an average of at least thirty-two hours per week for at least forty-eight weeks per year;

(3) that is:

(a) involved, directly or in a supervisory capacity, with the production of: 1) a service; provided that the majority of the revenue generated from the service is from sources outside the state; or 2) tangible or intangible personal property for sale; or

(b) held by an employee who is employed at a regional, national or international headquarters operation or at an operation that primarily provides services for other operations of the qualifying entity that are located outside the state; and

(4) that is not directly involved with natural resources extraction or processing, on-site services where the customer is present for the delivery of the service, retail, construction or agriculture except for value-added processing performed on agricultural products that would then be sold for wholesale or retail consumption;

J. "person" means an individual, corporation, association, partnership or other legal entity;

K. "qualifying entity" means a corporation, limited liability company, partnership, joint venture, syndicate, association or other person that is one or a combination of two or more of the following:

(1) an industry for the manufacturing, processing or assembling of agricultural or manufactured products;

(2) a commercial enterprise for storing, warehousing, distributing or selling products of agriculture, mining or industry, but, other than as provided in Paragraph (5), (6) or (9) of this subsection, not including any enterprise for sale of goods or commodities at retail or for distribution to the public of electricity, gas, water or telephone or other services commonly classified as public utilities;

(3) a business, including a restaurant or lodging establishment, in which all or part of the activities of the business involves the supplying of services to the general public or to governmental agencies or to a specific industry or customer, but, other than as provided in Paragraph (5) or (9) of this subsection, not including businesses primarily engaged in the sale of goods or commodities at retail;

(4) an Indian nation, tribe or pueblo or a federally chartered tribal corporation;

(5) a telecommunications sales enterprise that makes the majority of its sales to persons outside New Mexico;

(6) a facility for the direct sales by growers of agricultural products, commonly known as farmers' markets;

(7) a business that is the developer of a metropolitan redevelopment project;

(8) a cultural facility; and

(9) a retail business;

L. "regional government" means any combination of municipalities and counties that enter into a joint powers agreement to provide for economic development projects pursuant to a plan adopted by all parties to the joint powers agreement; and

M. "retail business" means a business that is primarily engaged in the sale of goods or commodities at retail and that is located in a municipality with a population, according to the most recent federal decennial census, of:

(1) fifteen thousand or less; or

(2) more than fifteen thousand but less than thirty-five thousand if:

(a) the economic development project is not funded or financed with state government revenues; and

(b) the business created through the project will not directly compete with an existing business that is: 1) in the municipality; and 2) engaged in the sale of the same or similar goods or commodities at retail."

Chapter 74 Section 4 Laws 2020

SECTION 4. Section 5-10-10 NMSA 1978 (being Laws 1993, Chapter 297, Section 10, as amended) is amended to read:

"5-10-10. LOCAL OR REGIONAL GOVERNMENT PARTICIPATION IN ECONOMIC DEVELOPMENT PROJECTS--PROJECT PARTICIPATION AGREEMENT--DUTIES AND REQUIREMENTS.--

A. If a local or regional government provides public support for an economic development project without the participation of the state, the local or regional government and the qualifying entity shall enter into a project participation agreement pursuant to this section.

B. The local or regional government shall require a substantive contribution from the qualifying entity for each economic development project. Public support provided for an economic development project shall be in exchange for a substantive contribution from the qualifying entity. The contribution shall be of value and may be paid in money, in-kind services, jobs, expanded tax base, property or other thing or service of value for the expansion of the economy.

C. The qualifying entity shall provide security to each local or regional government or any other New Mexico governmental entity providing public support for an economic development project. The security shall secure the qualifying entity's obligations based on terms stated in the project participation agreement with the local or regional government and shall reflect the amount of public support provided to the qualifying entity and the substantive contribution expected from the qualifying entity.

D. If a qualifying entity fails to perform its substantive contribution, the local or regional government shall enforce the project participation agreement to recover that portion of the public support for which the qualifying entity failed to provide a substantive contribution. The recovery shall be proportional to the failed performance of the substantive contribution and shall take into account all previous substantive contributions for the economic development project performed by the qualifying entity, based on the terms stated in the project participation agreement.

E. The project participation agreement at a minimum shall set out:

(1) the contributions to be made by each party to the participation agreement;

(2) the security provided to each governmental entity that provides public support for an economic development project by the qualifying entity in the form of a lien, mortgage or other indenture and the pledge of the qualifying business's financial or material participation and cooperation to guarantee the qualifying entity's performance pursuant to the project participation agreement;

(3) a schedule for project development and completion, including measurable goals and time limits for those goals; and

(4) provisions for performance review and actions to be taken upon a determination that project performance is unsatisfactory."

LAWS 2020, CHAPTER 75

Senate Bill 136

Approved March 6, 2020

AN ACT

RELATING TO PUBLIC INVESTMENTS; ALLOWING FOR AN INCREASE IN THE INVESTMENT OF THE SEVERANCE TAX PERMANENT FUND IN NEW MEXICO PRIVATE EQUITY FUNDS OR NEW MEXICO BUSINESSES.

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

Chapter 75 Section 1 Laws 2020

SECTION 1. Section 7-27-5.15 NMSA 1978 (being Laws 1990, Chapter 126, Section 5, as amended) is amended to read:

"7-27-5.15. NEW MEXICO PRIVATE EQUITY FUNDS AND NEW MEXICO BUSINESS INVESTMENTS.--

A. In addition to the investment required by Subsection F of this section, no more than eleven percent of the market value of the severance tax permanent fund may be invested in New Mexico private equity funds or New Mexico businesses under this section.

B. In making investments pursuant to Subsection A of this section, the council shall make investments in New Mexico private equity funds or New Mexico businesses whose investments or enterprises enhance the economic development objectives of the state.

C. The state investment officer shall make investments pursuant to Subsection A of this section only upon approval of the council and within guidelines and policies established by the council.

D. As used in this section:

(1) "New Mexico business" means, in the case of a corporation or limited liability company, a business with its principal office and a majority of its full-time employees located in New Mexico or, in the case of a limited partnership, a business

with its principal place of business and eighty percent of its assets located in New Mexico; and

(2) "New Mexico private equity fund" means an entity that makes, manages or sources potential investments in New Mexico businesses and that:

(a) has as its primary business activity the investment of funds in return for equity in or debt of businesses for the purpose of providing capital for start-up, expansion, product or market development, recapitalization or similar business purposes;

(b) holds out the prospects for capital appreciation from such investments;

(c) has at least one full-time manager with at least three years of professional experience in assessing the growth prospects of businesses or evaluating business plans;

(d) is committed to investing or helps secure investing by others, in an amount at least equal to the total investment made by the state investment officer in that fund pursuant to this section, in businesses with a principal place of business in New Mexico and that hold promise for attracting additional capital from individual or institutional investors nationwide for businesses in New Mexico; and

(e) accepts investments only from accredited investors as that term is defined in Section 2 of the federal Securities Act of 1933, as amended (15 USCA Section 77(b)), and rules and regulations promulgated pursuant to that section, or federally recognized Indian tribes, nations and pueblos with at least five million dollars (\$5,000,000) in overall investment assets.

E. The state investment officer is authorized to make investments in New Mexico businesses to create new job opportunities and to support new, emerging or expanding businesses in a manner consistent with the constitution of New Mexico if:

(1) the investments are made:

(a) in conjunction with cooperative investment agreements with parties that have demonstrated abilities and relationships in making investments in new, emerging or expanding businesses;

(b) in a New Mexico aerospace business that has received an award from the United States government or one of its agencies or instrumentalities: 1) in an amount, not less than one hundred million dollars (\$100,000,000), that is equal to at least ten times the investment from the severance tax permanent fund; and 2) for the purpose of stimulating commercial enterprises; or

(c) in a New Mexico business that: 1) is established to perform technology transfer, research and development, research commercialization, manufacturing, training, marketing or public relations in any field of science or technology, including energy, security, defense, aerospace, automotives, electronics, telecommunications, computer and information science, environmental science, biomedical science, life science, physical science, materials science or nanoscience, using research developed in whole or in part by a state institution of higher education or a prime contractor designated as a national laboratory by an act of congress that is operating a facility in the state, or an affiliated entity; and 2) has an agreement to operate the business on state lands;

(2) an investment in any one business does not exceed ten percent of the amount available for investment pursuant to this section; and

(3) the investments represent no more than fifty-one percent of the total investment capital in a business; provided, however, that nothing in this subsection prohibits the ownership of more than fifty-one percent of the total investment capital in a New Mexico business if the additional ownership interest:

(a) is due to foreclosure or other action by the state investment officer pursuant to agreements with the business or other investors in that business;

(b) is necessary to protect the investment; and

(c) does not require an additional investment of the severance tax permanent fund.

F. In addition to the investments provided for in Subsection A of this section, the state investment officer shall make a commitment to the small business investment corporation pursuant to the Small Business Investment Act to invest two percent of the market value of the severance tax permanent fund to create new job opportunities by providing capital for land, buildings or infrastructure for facilities to support new or expanding businesses and to otherwise make investments to create new job opportunities to support new or expanding businesses in a manner consistent with the constitution of New Mexico. On July 1 of each year, the state investment officer shall determine whether the invested capital in the small business investment corporation is less than two percent of the market value of the severance tax permanent fund. If the invested capital in the small business investment corporation equals less than two percent of the market value of the severance tax permanent fund, further commitments shall be made until the invested capital is equal to two percent of the market value of the fund.

G. The state investment officer shall report semiannually on the investments made pursuant to this section. Annually, a report shall be submitted to the legislature prior to the beginning of each regular legislative session and a second report no later than October 1 each year to the legislative finance committee, the revenue stabilization

and tax policy committee and any other appropriate interim committee. Each report shall provide the amounts invested in each New Mexico private equity fund, as well as information about the objectives of the funds, the companies in which each private equity fund is invested and how each private equity investment enhances the economic development objectives of the state. Each report also shall provide the amounts invested in each New Mexico business."

Chapter 75 Section 2 Laws 2020

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2020.

LAWS 2020, CHAPTER 76

House Bill 157, aa
Approved March 9, 2020

AN ACT

RELATING TO MOTOR VEHICLES; CREATING A SPECIAL REGISTRATION PLATE FOR SUPPORTERS OF FAMILIES EXPERIENCING CHILDHOOD CANCER; MAKING AN APPROPRIATION.

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

Chapter 76 Section 1 Laws 2020

SECTION 1. A new section of the Motor Vehicle Code is enacted to read:

"CHILDHOOD CANCER FAMILY SUPPORT SPECIAL REGISTRATION PLATE.--

A. The department shall issue a standardized childhood cancer family support special registration plate with a logo specified in Section 66-3-424 NMSA 1978 indicating that the recipient supports families with a child with cancer.

B. For an initial fee of forty dollars (\$40.00), which shall be in addition to the regular motor vehicle registration fees, a motor vehicle owner may apply for issuance of a special registration plate as provided in Subsection A of this section. The vehicle owner shall pay a renewal fee of forty dollars (\$40.00) each year to retain and renew the childhood cancer family support special registration plate.

C. The revenue from the fees imposed by Subsection B of this section for the childhood cancer family support special registration plate shall be distributed as follows:

(1) ten dollars (\$10.00) of the initial fee collected shall be retained by the department and is appropriated to the department for the manufacture and issuance of the special registration plate; and

(2) thirty dollars (\$30.00) of the initial fee and the entire renewal fee collected shall be distributed to and are appropriated to the department of health for childhood cancer awareness, outreach and education.

D. Beginning on July 1, 2023, and on July 1 of each subsequent year, the department shall compare the number of childhood cancer family support special registration plates issued or registration renewals for those plates in the previous fiscal year with the average of the number of such plates issued in fiscal years 2021 and 2022.

E. By September 1 of a fiscal year in which the department determines that the number of childhood cancer family support special registration plates issued or registration renewals for those plates in the previous fiscal year is less than fifty percent of the average number of such plates issued in fiscal years 2021 and 2022, the department shall stop issuing childhood cancer family support special registration plates."

Chapter 76 Section 2 Laws 2020

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2020.

LAWS 2020, CHAPTER 77

Senate Bill 75, aa
Approved March 9, 2020

AN ACT

RELATING TO WILDLIFE; ENACTING THE WILDLIFE TRAFFICKING ACT;
PROVIDING POWERS AND DUTIES; PROHIBITING CERTAIN ACTIONS; MAKING
TRAFFICKING OF ANIMAL SPECIES THREATENED WITH EXTINCTION A CRIME;
PROVIDING EXCEPTIONS; PRESCRIBING PENALTIES.

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

Chapter 77 Section 1 Laws 2020

SECTION 1. SHORT TITLE.--This act may be cited as the "Wildlife Trafficking Act".

Chapter 77 Section 2 Laws 2020

SECTION 2. DEFINITIONS.--As used in the Wildlife Trafficking Act:

- A. "covered animal part or product" means any portion of a covered animal species; any item that contains, is advertised as containing or is wholly or partially made from a part that comes from a covered animal species; or shark fins;
- B. "covered animal species" means any extant species of elephant, lion, rhinoceros or other species covered by Appendix 1 of the Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- C. "distribute" means either a change in possession for consideration or a change in legal ownership;
- D. "educational or scientific institution" means an institution that has an educational or scientific tax exemption from the federal internal revenue service or the institution's national or state tax authority;
- E. "sell" includes bartering for, exchanging, trading or possessing with the intent to sell and each such transaction made by any person, with or without remuneration, including any intrastate sale through the internet; and
- F. "total value of the covered animal species or covered animal part or product" means the fair market value of such part or product, the price at which the part or product was offered for sale or the actual price paid for the part or product, whichever is greater.

Chapter 77 Section 3 Laws 2020

SECTION 3. PROHIBITED ACTS.--

- A. Except as provided in Section 4 of the Wildlife Trafficking Act, it is unlawful for a person to knowingly sell or purchase any covered animal species or covered animal part or product.
- B. The act of obtaining an appraisal of any covered animal species or covered animal part or product alone does not constitute possession with intent to sell.

Chapter 77 Section 4 Laws 2020

SECTION 4. EXCEPTIONS.--It is not a violation of Section 3 of the Wildlife Trafficking Act if any of the following conditions are satisfied:

- A. the covered animal part or product is a fixed component of an antique product that is not made wholly or primarily of covered animal parts or products;

provided that the antique status is established by the owner or seller with evidence proving origin and showing that:

(1) the covered animal part or product is more than one hundred years old;

(2) the total weight of the covered animal part or product is less than two hundred grams; and

(3) at least fifty percent of the value of the antique product does not stem from the covered animal part or product;

B. the covered animal part or product is a component of a gun or musical instrument, including stringed instruments and bows, wind and percussion instruments and pianos;

C. the covered animal species or covered animal part or product is lawfully possessed by an enrolled member of a federally recognized Indian nation, tribe or pueblo for traditional, cultural or religious purposes;

D. the owner distributed the covered animal species or covered animal part or product to an educational or scientific institution, and such institution establishes, through evidence, that it is in compliance with all federal laws regulating the covered animal species or covered animal part or product;

E. the noncommercial transfer of ownership of the covered animal species or covered animal part or product is to a legal beneficiary of an estate, trust or other inheritance upon the death of the owner of the covered animal species or covered animal part or product or is a gift;

F. the sale, trade or purchase of the covered animal species or covered animal part or product is authorized by the Convention on International Trade in Endangered Species of Wild Fauna and Flora or by federal or state law or permit; or

G. the alleged violation of a provision of Section 3 of the Wildlife Trafficking Act is by an employee or agent of a federal, state or local law enforcement agency who is operating in the employee's or agent's official capacity as a federal, state or local law enforcement officer.

Chapter 77 Section 5 Laws 2020

SECTION 5. CRIMINAL AND CIVIL PENALTIES.--

A. A person who violates Section 3 of the Wildlife Trafficking Act is guilty of a misdemeanor and upon conviction shall be punished pursuant to the provisions of Section 31-19-1 NMSA 1978.

B. Each covered animal species or covered animal part or product sold or purchased in violation of Section 3 of the Wildlife Trafficking Act is a separate offense. Two or more offenses may be charged in the same complaint, information or indictment and punished as separate offenses for each covered animal species or covered animal part or product involved.

C. With or without a criminal conviction, a person who violates Section 3 of the Wildlife Trafficking Act and anyone who benefited or would have benefited from the violation may be sued in district court and is subject to a penalty not to exceed ten thousand dollars (\$10,000) or three times the total value of the covered animal species or covered animal part or product, whichever is greater.

D. Upon conviction in a criminal court or a finding in a civil court for a violation of Section 3 of the Wildlife Trafficking Act, the court shall order that the covered animal species or covered animal part or product be:

- (1) given to the United States fish and wildlife service, if requested by that agency;
- (2) destroyed; or
- (3) donated to an educational or scientific institution.

Chapter 77 Section 6 Laws 2020

SECTION 6. ENFORCEMENT AUTHORITY.--

A. The criminal enforcement provisions of the Wildlife Trafficking Act may be enforced by any commissioned law enforcement officer, including an officer employed by the department of game and fish and the state parks division of the energy, minerals and natural resources department.

B. The civil enforcement provision of the Wildlife Trafficking Act may be enforced by any agency or political subdivision of the state that employs commissioned law enforcement officers or by any person authorized by the attorney general.

Chapter 77 Section 7 Laws 2020

SECTION 7. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2020.

LAWS 2020, CHAPTER 78

House Bill 8, aa, w/ec
Approved March 9, 2020

AN ACT

RELATING TO SPECIAL DISTRICTS; CREATING THE ELECTRIC GENERATING FACILITY ECONOMIC DISTRICT ACT; ALLOWING FOR THE FORMATION OF AN ELECTRIC GENERATING FACILITY ECONOMIC DISTRICT AND AN AUTHORITY TO GOVERN A DISTRICT; PROVIDING POWERS AND DUTIES; CREATING THE ELECTRIC GENERATING FACILITY ECONOMIC DISTRICT GROSS RECEIPTS TAX TO PAY REVENUE BONDS ISSUED PURSUANT TO THE ELECTRIC GENERATING FACILITY ECONOMIC DISTRICT ACT; DECLARING AN EMERGENCY.

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

Chapter 78 Section 1 Laws 2020

SECTION 1. SHORT TITLE.--Sections 1 through 11 of this act may be cited as the "Electric Generating Facility Economic District Act".

Chapter 78 Section 2 Laws 2020

SECTION 2. DEFINITIONS.--As used in the Electric Generating Facility Economic District Act:

- A. "authority" means the governing body of a district; and
- B. "district" means an electric generating facility economic district governed by an authority.

Chapter 78 Section 3 Laws 2020

SECTION 3. CREATION OF A DISTRICT.--A county may form a district:

- A. the initial boundaries of which lie within the jurisdiction of the county; and
- B. that includes an operating coal-fueled electric generating facility that is owned by a non-investor-owned electric utility or a coal-fueled electric generating facility that is owned by a non-investor-owned electric utility and has been or is in the process of being retired.

Chapter 78 Section 4 Laws 2020

SECTION 4. CREATION OF AN AUTHORITY--MEMBERS--TERMS--QUALIFICATIONS.--

A. A county that forms a district shall create an authority to govern the district that consists of five members. The governing body of the county shall appoint authority members.

B. The terms of the authority members shall be staggered. Of the members initially appointed, that number of members closest to, but not more than, one-half of the membership shall serve for two years. The term of all other members shall be four years. If additional counties become part of the authority pursuant to Subsection E of this section, the additional authority members shall be appointed in a similar manner so that they shall serve staggered four-year terms.

C. An authority member shall not serve more than two consecutive four-year terms on the authority. A member who has served two consecutive four-year terms on the authority shall not serve another term until after four years following the second term have elapsed.

D. The authority shall include a non-voting member appointed by the governor who shall serve at the pleasure of the governor for a two-year term.

E. The authority shall, for the period ending December 31, 2020, authorize a county that borders the county that created the district within twenty miles of a qualifying electric generating facility to become part of the authority. Any additional county that becomes part of the district shall appoint four additional members to the authority.

F. An elected official shall not serve as an authority member nor influence or attempt to influence any action of an authority member. Authority members shall receive per diem and mileage as provided in the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance. An authority member shall post a surety bond for the faithful performance of the member's duties pursuant to the Surety Bond Act.

G. Before appointing a person as an authority member, the governing body of a county shall first determine that the person has:

(1) experience in energy development business, economic development, finance, commercial real estate investment or accounting or possesses other qualifications that the governing body determines are necessary or appropriate for carrying out the duties of the authority but does not have at the time of appointment and will not have during service as an authority member employment or a contract with an energy development business; and

(2) no direct substantial conflict of interest in the business or operation of the authority.

H. An authority member shall resign from the authority if a matter to be voted on poses a conflict of interest for the member. Authority members and employees of the

authority shall be governed by the provisions of the Governmental Conduct Act. An authority member or employee of the authority shall not:

(1) acquire a financial interest in a new or existing business venture or business property if the member or employee believes or has reason to believe that the financial interest will be directly affected by an official act conducted in that membership or employment capacity;

(2) use confidential information acquired by virtue of membership on or employment by the authority for the member's or employee's or another person's private gain; or

(3) as a person with a financial or other interest in a business that is party to a contract, enter into a contract with the authority without there being public notice of the contract, a competitive bidding process for entry into the contract and full disclosure of that financial or other interest.

I. The governing body that appoints an authority member may remove the member if the governing body determines that the member has:

(1) neglected or refused to perform an official duty;

(2) violated the policies or procedures adopted by the authority; or

(3) developed a direct, substantial conflict of interest in the business of the authority.

Chapter 78 Section 5 Laws 2020

SECTION 5. AUTHORITY--POWERS--DUTIES.--

A. An authority is a political subdivision of the state that may, in accordance with law and to effectuate the purposes of the district it governs:

(1) have perpetual existence;

(2) sue and be sued;

(3) adopt bylaws, policies and procedures;

(4) employ a director, who may employ staff as necessary to administer the authority;

(5) fix the time and place of meetings and the method of providing notice of the meetings;

(6) make and pass orders and resolutions necessary for governing and managing the authority and executing the powers of the authority;

(7) adopt and use a seal;

(8) create and define the duties of advisory committees;

(9) enter into contracts and agreements;

(10) borrow money and issue bonds;

(11) pledge all or a portion of its revenue to the payment of its bonds;

(12) issue refunding revenue bonds to refinance, pay or discharge all or part of its outstanding revenue bonds;

(13) impose liens;

(14) acquire, dispose of or encumber real or personal property or interests in real or personal property, including leases and easements;

(15) manage the land and property constituting and associated with the authority within the district, including by imposing rental charges and fees for the use of that land and property;

(16) sell, transfer or convey real or personal property or interests in real or personal property acquired by the authority;

(17) alter the boundaries of the district with the approval of the counties that are part of the district;

(18) establish standards and long-term development plans;

(19) apply to a public or private source for a loan, grant, guarantee or other type of financial assistance; and

(20) exercise the rights and powers necessary or incidental to or implied by the specific powers granted by this section.

B. An authority shall:

(1) govern the district;

(2) adopt rules to govern its conduct, including standards and procedures for calling emergency meetings and a conflicts-of-interest policy;

(3) use district property to create jobs and foster economic development in all areas it deems appropriate and in the public welfare; and

(4) comply with all applicable state and federal laws, ordinances or rules enacted by the county having jurisdiction over the district's land or real property.

Chapter 78 Section 6 Laws 2020

SECTION 6. REVENUE BONDS--EXEMPTION FROM TAXATION.--The bonds authorized by the Electric Generating Facility Economic District Act, the income from those bonds, mortgages or other security instruments executed as security for those bonds, lease agreements authorized by the Electric Generating Facility Economic District Act and revenue derived from a lease or sale by an authority are exempt from taxation by the state and its subdivisions.

Chapter 78 Section 7 Laws 2020

SECTION 7. BONDING AUTHORITY.--

A. An authority may issue revenue bonds for the purpose of constructing, purchasing, improving, remodeling, furnishing or equipping any necessary buildings, structures, roads or other infrastructure of the district.

B. An authority may pledge irrevocably any or all of the revenue received by the district to the payment of the interest on and principal of revenue bonds for any of the purposes authorized in the Electric Generating Facility Economic District Act.

C. Revenues in excess of the annual principal and interest due on revenue bonds secured by a pledge of revenue may be accumulated in a debt service reserve account. The authority may appoint a commercial bank trust department to act as paying agent or trustee of the revenues and to administer the payment of principal of and interest on the bonds.

D. Except as otherwise provided in the Electric Generating Facility Economic District Act, revenue bonds:

(1) may have interest, principal value or any part thereof payable at intervals or at maturity as may be determined by the authority;

(2) may be subject to a prior redemption at the district's option at a time and upon terms and conditions, with or without the payment of a premium, as determined by the authority;

(3) may mature at any time not exceeding thirty years after the date of issuance;

(4) may be serial in form and maturity, may consist of one bond payable at one time or in installments or may be in another form determined by the authority;

(5) shall be sold for cash at, above or below par and at a price that results in a net effective interest rate that does not exceed the maximum permitted by the Public Securities Act and the Public Securities Short-Term Interest Rate Act; and

(6) may be sold at public or negotiated sale.

E. At a regular or special meeting, the authority may adopt a resolution that:

(1) declares the necessity for issuing revenue bonds;

(2) authorizes the issuance of revenue bonds by an affirmative vote of a majority of all the members of the authority; and

(3) designates the sources of revenues to be pledged to the repayment of the revenue bonds.

Chapter 78 Section 8 Laws 2020

SECTION 8. REFUNDING BONDS.--

A. An authority that has issued bonds in accordance with the Electric Generating Facility Economic District Act may issue refunding bonds for the purpose of refinancing, paying and discharging all or any part of outstanding bonds for the:

(1) acceleration, deceleration or other modification of the payment of the outstanding bonds, including, without limitation, any capitalization of any interest thereon in arrears or about to become due for any period not exceeding two years from the date of the refunding bonds;

(2) purpose of reducing interest costs or effecting other economies; or

(3) purpose of modifying or eliminating restrictive contractual limitations:

(a) pertaining to the issuance of additional bonds; or

(b) concerning the outstanding bonds or facilities relating to the outstanding bonds.

B. An authority may pledge irrevocably for the payment of interest, principal and premium, if any, on refunding bonds the appropriate pledged revenues, which may be pledged to an original issue of bonds.

C. Refunding bonds may be issued separately or in combination in one series or more.

D. Refunding bonds shall be authorized by resolution. Bonds that are refunded shall be paid at maturity or on any permitted prior redemption date in the amounts, at the time and places and, if called prior to maturity, in accordance with any applicable notice provisions, all as provided in the proceedings authorizing the issuance of the refunded bonds or otherwise appertaining thereto, except for any such bond that is voluntarily surrendered for exchange or payment by the holder or owner.

E. The principal amount of the refunding bonds may exceed the principal amount of the refunded bonds and may also be less than or the same as the principal amount of the bonds being refunded if provision is duly and sufficiently made for the payment of the refunded bonds.

F. The proceeds of refunding bonds, including accrued interest and premiums appertaining to the sale of refunding bonds, shall be immediately applied to the retirement of the bonds being refunded or placed in escrow in a commercial bank or trust company that possesses and exercises trust powers and that is a member of the federal deposit insurance corporation. The proceeds shall be applied to the principal of, interest on and any prior redemption premium due in connection with the bonds being refunded; provided that the refunding bond proceeds, including accrued interest and premiums appertaining to a sale of refunding bonds, may be applied to the establishment and maintenance of a reserve fund and to the payment of expenses incidental to the refunding and the issuance of the refunding bonds, the interest on those bonds and the principal of those bonds, or both interest and principal as the authority determines. This section does not require the establishment of an escrow if the refunded bonds and the amounts necessary to retire the refunded bonds within that time are deposited with the paying agent for the refunded bonds. Any such escrow shall not necessarily be limited to proceeds of refunding bonds but may include other money available for its purpose. Proceeds in escrow pending such use may be invested or reinvested in bills, certificates of indebtedness, notes or bonds that are direct obligations of, or the principal and interest of which obligations are unconditionally guaranteed by, the United States or in certificates of deposit of banks that are members of the federal deposit insurance corporation; provided that the par value of the certificates of deposit is collateralized by a pledge of obligations or by a pledge of payment that is unconditionally guaranteed by the United States; and further provided that the par value of those obligations is at least seventy-five percent of the par value of the certificates of deposit. Such proceeds and investments in escrow, together with any interest or other income to be derived from any such investment, shall be in an amount at all times sufficient as to principal, interest, any prior redemption premium due and any charges of the escrow agent payable therefrom to pay the bonds being refunded as they become due at their respective maturities or at any designated prior redemption date or dates in connection with which the district shall exercise a prior redemption option. A purchaser of a refunding bond issued is not responsible for the application of the proceeds by the district or any of its officers, agents or employees.

G. Refunding bonds may bear additional terms and provisions as determined by the authority subject to the limitations in this section relating to original bond issues. Refunding bonds are not subject to the provisions of any other statute.

H. Refunding bonds:

(1) may have interest, principal value or any part thereof payable at intervals or at maturity, as determined by the authority;

(2) may be subject to prior redemption at the district's option at a time or times and upon terms and conditions with or without payment of premium or premiums, as determined by the authority;

(3) may be serial in form and maturity or may consist of a single bond payable in one or more installments or may be in another form, as determined by the authority; and

(4) shall be exchanged for the bonds and any matured unpaid interest being refunded at not less than par or sold at public or negotiated sale at, above or below par and at a price that results in a net effective interest rate that does not exceed the maximum permitted by the Public Securities Act.

I. At a regular or special meeting, an authority may adopt a resolution by majority vote to authorize the issuance of the refunding bonds.

Chapter 78 Section 9 Laws 2020

SECTION 9. BONDS NOT OBLIGATION OF THE STATE OR A COUNTY.-- Except as otherwise provided in the Electric Generating Facility Economic District Act, all bonds or other obligations issued pursuant to that act are payable solely from the revenues of the district that may be pledged to the payment of such obligations, and the bonds or other obligations shall not create an obligation, debt or liability of the state or any other of its political subdivisions. No breach of any pledge, obligation or agreement or a district shall impose a pecuniary liability or a charge upon the general credit or taxing power of the state or any other of its political subdivisions.

Chapter 78 Section 10 Laws 2020

SECTION 10. DISSOLUTION.--The governing body of the county that formed the district and the governing bodies of any counties that have become part of the district may, by majority vote, agree to unwind and dissolve the district and dismiss the authority members if they find the district is not meeting the needs of the community in creating jobs or fostering economic development. The assets and all debts and obligations of the district shall be transferred to and assumed by the counties as set forth in the unwinding or dissolution agreement.

Chapter 78 Section 11 Laws 2020

SECTION 11. LIMITATION OF APPLICABILITY.--No provision of the Electric Generating Facility Economic District Act or Section 12 of this 2020 act shall affect an operating coal-fueled electric generating facility that is owned by a non-investor-owned electric utility or a coal-fueled electric generating facility that is owned by a non-investor-owned electric utility and has been or is in the process of being retired unless and to the extent the owner of such a facility and any existing lienors to such a facility agree in writing that such a facility may be affected by the powers of the authority or the governing body of a county.

Chapter 78 Section 12 Laws 2020

SECTION 12. A new section of the County Local Option Gross Receipts and Compensating Taxes Act is enacted to read:

"ELECTRIC GENERATING FACILITY ECONOMIC DISTRICT GROSS RECEIPTS TAX--AUTHORITY TO IMPOSE--RATE--USE OF REVENUE.--

A. A majority of the members of the governing body of a county within which a county electric generating facility economic district is located and a bordering county within twenty miles of a qualifying electric generating facility may enact an ordinance imposing an excise tax of up to one-fourth percent of the gross receipts of any person engaging in business in the county or county area for the privilege of engaging in business in the county or county area. The tax authorized by this section may be referred to as the "county electric generating facility economic district gross receipts tax".

B. An ordinance imposing a county electric generating facility economic district gross receipts tax shall impose the tax in any number of increments of one-thousandth percent; provided that the aggregate amount of increments shall not exceed one-fourth percent.

C. The governing body, at the time of enacting an ordinance imposing a county electric generating facility economic district gross receipts tax, shall dedicate the revenue only for the payment of the interest on and principal of revenue bonds issued pursuant to the Electric Generating Facility Economic District Act. Revenue from a county electric generating facility economic district gross receipts tax shall not be used for any other purpose."

Chapter 78 Section 13 Laws 2020

SECTION 13. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

LAWS 2020, CHAPTER 79

House Bill 126, aa
Approved March 9, 2020

AN ACT

RELATING TO HEALTH COVERAGE; ENACTING SECTIONS OF THE HEALTH CARE PURCHASING ACT, THE PUBLIC ASSISTANCE ACT, THE NEW MEXICO INSURANCE CODE, THE HEALTH MAINTENANCE ORGANIZATION LAW AND THE NONPROFIT HEALTH CARE PLAN LAW TO REQUIRE COVERAGE OF A HEART ARTERY CALCIUM SCAN FOR CERTAIN INDIVIDUALS.

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

Chapter 79 Section 1 Laws 2020

SECTION 1. A new section of the Health Care Purchasing Act is enacted to read:

"HEART ARTERY CALCIUM SCAN COVERAGE.--

- A. Group health coverage, including any form of self-insurance, offered, issued or renewed under the Health Care Purchasing Act shall provide coverage for eligible insureds to receive a heart artery calcium scan.
- B. Coverage provided pursuant to this section shall:
- (1) be limited to the provision of a heart artery calcium scan to an eligible insured to be used as a clinical management tool;
 - (2) be provided every five years if an eligible insured has previously received a heart artery calcium score of zero; and
 - (3) not be required for future heart artery calcium scans if an eligible insured receives a heart artery calcium score greater than zero.
- C. At its discretion or as required by law, an insurer may offer or refuse coverage for further cardiac testing or procedures for eligible insureds based upon the results of a heart artery calcium scan.
- D. The provisions of this section shall not apply to short-term travel, accident-only or limited or specified-disease policies, plans or certificates of health insurance.
- E. As used in this section:
- (1) "eligible insured" means an insured who:

(a) is a person between the ages of forty-five and sixty-five; and

(b) has an intermediate risk of developing coronary heart disease as determined by a health care provider based upon a score calculated from an evidence-based algorithm widely used in the medical community to assess a person's ten-year cardiovascular disease risk, including a score calculated using a pooled cohort equation;

(2) "health care provider" means a physician, physician assistant, nurse practitioner or other health care professional authorized to furnish health care services within the scope of the professional's license; and

(3) "heart artery calcium scan" means a computed tomography scan measuring coronary artery calcium for atherosclerosis and abnormal artery structure and function."

Chapter 79 Section 2 Laws 2020

SECTION 2. A new section of the Public Assistance Act is enacted to read:

"HEART ARTERY CALCIUM SCAN COVERAGE.--

A. In accordance with federal law, the secretary shall adopt and promulgate rules that provide medical assistance coverage for eligible enrollees to receive a heart artery calcium scan.

B. Medical assistance coverage provided pursuant to this section shall:

(1) be limited to the provision of a heart artery calcium scan to an eligible enrollee to be used as a clinical management tool;

(2) be provided every five years if an eligible enrollee has previously received a heart artery calcium score of zero; and

(3) not be required for future heart artery calcium scans if an eligible enrollee receives a heart artery calcium score greater than zero.

C. At its discretion or as required by law, a managed care organization providing medical assistance may offer or refuse coverage for further cardiac testing or procedures for eligible enrollees based upon the results of a heart artery calcium scan.

D. The provisions of this section shall not apply to short-term travel, accident-only or limited or specified-disease policies, plans or certificates of health insurance.

E. As used in this section:

(1) "eligible enrollee" means an enrollee who:

(a) is a person between the ages of forty-five and sixty-five; and

(b) has an intermediate risk of developing coronary heart disease as determined by a health care provider based upon a score calculated from an evidence-based algorithm widely used in the medical community to assess a person's ten-year cardiovascular disease risk, including a score calculated using a pooled cohort equation;

(2) "health care provider" means a physician, physician assistant, nurse practitioner or other health care professional authorized to furnish health care services within the scope of the professional's license; and

(3) "heart artery calcium scan" means a computed tomography scan measuring coronary artery calcium for atherosclerosis and abnormal artery structure and function."

Chapter 79 Section 3 Laws 2020

SECTION 3. A new section of Chapter 59A, Article 23 NMSA 1978 is enacted to read:

"HEART ARTERY CALCIUM SCAN COVERAGE.--

A. A group health plan, other than a small group health plan or a blanket health insurance policy or contract that is delivered, issued for delivery or renewed in this state shall provide coverage for eligible insureds to receive a heart artery calcium scan.

B. Coverage provided pursuant to this section shall:

(1) be limited to the provision of a heart artery calcium scan to an eligible insured to be used as a clinical management tool;

(2) be provided every five years if an eligible insured has previously received a heart artery calcium score of zero; and

(3) not be required for future heart artery calcium scans if an eligible insured receives a heart artery calcium score greater than zero.

C. At its discretion or as required by law, an insurer may offer or refuse coverage for further cardiac testing or procedures for eligible insureds based upon the results of a heart artery calcium scan.

D. The provisions of this section do not apply to short-term travel, accident-only or limited or specified-disease policies, plans or certificates of health insurance.

E. As used in this section:

(1) "eligible insured" means an insured who:

(a) is a person between the ages of forty-five and sixty-five; and

(b) has an intermediate risk of developing coronary heart disease as determined by a health care provider based upon a score calculated from an evidence-based algorithm widely used in the medical community to assess a person's ten-year cardiovascular disease risk, including a score calculated using a pooled cohort equation;

(2) "health care provider" means a physician, physician assistant, nurse practitioner or other health care professional authorized to furnish health care services within the scope of the professional's license; and

(3) "heart artery calcium scan" means a computed tomography scan measuring coronary artery calcium for atherosclerosis and abnormal artery structure and function."

Chapter 79 Section 4 Laws 2020

SECTION 4. A new section of the Health Maintenance Organization Law is enacted to read:

"HEART ARTERY CALCIUM SCAN COVERAGE.--

A. A group health maintenance organization contract, other than a small group health maintenance organization contract, that is delivered, issued for delivery or renewed in this state shall provide coverage for eligible enrollees to receive a heart artery calcium scan.

B. Coverage provided pursuant to this section shall:

(1) be limited to the provision of a heart artery calcium scan to an eligible enrollee to be used as a clinical management tool;

(2) be provided every five years if an eligible enrollee has previously received a heart artery calcium score of zero; and

(3) not be required for future heart artery calcium scans if an eligible enrollee receives a heart artery calcium score greater than zero.

C. At its discretion or as required by law, a carrier may offer or refuse coverage for further cardiac testing or procedures for eligible enrollees based upon the results of a heart artery calcium scan.

D. The provisions of this section do not apply to short-term travel, accident-only or limited or specified-disease policies, plans or certificates of health insurance.

E. As used in this section:

(1) "eligible enrollee" means an enrollee who:

(a) is a person between the ages of forty-five and sixty-five; and

(b) has an intermediate risk of developing coronary heart disease as determined by a health care provider based upon a score calculated from an evidence-based algorithm widely used in the medical community to assess a person's ten-year cardiovascular disease risk, including a score calculated using a pooled cohort equation;

(2) "health care provider" means a physician, physician assistant, nurse practitioner or other health care professional authorized to furnish health care services within the scope of the professional's license; and

(3) "heart artery calcium scan" means a computed tomography scan measuring coronary artery calcium for atherosclerosis and abnormal artery structure and function."

Chapter 79 Section 5 Laws 2020

SECTION 5. A new section of the Nonprofit Health Care Plan Law is enacted to read:

"HEART ARTERY CALCIUM SCAN COVERAGE.--

A. A group health care plan, other than a small group health care plan, that is delivered, issued for delivery or renewed in this state shall provide coverage for eligible subscribers to receive a heart artery calcium scan.

B. Coverage provided pursuant to this section shall:

(1) be limited to the provision of a heart artery calcium scan to an eligible subscriber to be used as a clinical management tool;

(2) be provided every five years if an eligible subscriber has previously received a heart artery calcium score of zero; and

(3) not be required for future heart artery calcium scans if an eligible subscriber receives a heart artery calcium score greater than zero.

C. At its discretion or as required by law, a health care plan may offer or refuse coverage for further cardiac testing or procedures for eligible subscribers based upon the results of a heart artery calcium scan.

D. The provisions of this section do not apply to short-term travel, accident-only or limited or specified- disease policies, plans or certificates of health insurance.

E. As used in this section:

(1) "eligible subscriber" means a subscriber who:

(a) is a person between the ages of forty-five and sixty-five; and

(b) has an intermediate risk of developing coronary heart disease as determined by a health care provider based upon a score calculated from an evidence-based algorithm widely used in the medical community to assess a person's ten-year cardiovascular disease risk, including a score calculated using a pooled cohort equation;

(2) "health care provider" means a physician, physician assistant, nurse practitioner or other health care professional authorized to furnish health care services within the scope of the professional's license; and

(3) "heart artery calcium scan" means a computed tomography scan measuring coronary artery calcium for atherosclerosis and abnormal artery structure and function."

Chapter 79 Section 6 Laws 2020

SECTION 6. APPLICABILITY.--The provisions of this act are applicable to group health insurance policies, health care plans or certificates of health insurance, other than small group health plans, that are delivered, issued for delivery or renewed in this state on or after January 1, 2021.

LAWS 2020, CHAPTER 80

House Bill 326, aa
Approved March 9, 2020

AN ACT

RELATING TO TAXATION; AMENDING THE TAX ADMINISTRATION ACT TO DIRECT THE CREATION OF BUSINESS LOCATION CODES, PROVIDE BUSINESS

LOCATION INSTRUCTIONS AND ALLOW OFFSETTING OF CERTAIN ERRONEOUSLY PAID COMPENSATING TAXES AGAINST GROSS RECEIPTS TAX DUE; AMENDING THE DEFINITION OF "MANUFACTURING" IN THE UNIFORM DIVISION OF INCOME FOR TAX PURPOSES ACT; AMENDING DEFINITIONS RELATED TO CONSTRUCTION SERVICES IN THE GROSS RECEIPTS AND COMPENSATING TAX ACT; REPEALING A CERTAIN DEDUCTION AND A CERTAIN CREDIT PURSUANT TO THAT ACT; EXPANDING A GROSS RECEIPTS TAX DEDUCTION FOR MARKETPLACE SELLERS TO ALLOW GOVERNMENTAL GROSS RECEIPTS TO BE DEDUCTED; EXTENDING THE DATE OF A TAX CREDIT PROVIDED IN THE INVESTMENT CREDIT ACT; PROVIDING A TERMINATION DATE FOR THE CREDIT; INCLUDING A CALCULATION FOR THE CREDIT IF THE SALE OF QUALIFIED EQUIPMENT FOR WHICH THE CREDIT IS ALLOWED IS SUBJECT TO THE GROSS RECEIPTS TAX; INCLUDING A CALCULATION FOR THE CREDIT IF THE QUALIFIED EQUIPMENT IS NOT SUBJECT TO THE GROSS RECEIPTS TAX OR THE COMPENSATING TAX; PROVIDING THAT THE CREDIT WILL BE CLAIMED AGAINST A TAXPAYER'S STATE AND LOCAL TAX LIABILITIES; PROVIDING THAT INCREMENTS OF THE MUNICIPAL GROSS RECEIPTS TAX AND THE COUNTY GROSS RECEIPTS TAX SHALL BE IMPOSED IN INCREMENTS OF ONE-HUNDREDTHS PERCENT AND THAT ORDINANCES IMPOSING INCREMENTS OF CERTAIN LOCAL OPTION GROSS RECEIPTS TAXES REPEALED BY LAWS 2019, CHAPTER 274, SECTION 16 ARE IMPOSING INCREMENTS OF THE MUNICIPAL GROSS RECEIPTS TAX AND THE COUNTY GROSS RECEIPTS TAX.

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

Chapter 80 Section 1 Laws 2020

SECTION 1. Section 7-1-14 NMSA 1978 (being Laws 1969, Chapter 145, Section 1, as amended) is repealed and a new Section 7-1-14 NMSA 1978 is enacted to read:

"7-1-14. BUSINESS LOCATION INSTRUCTIONS FOR PURPOSES OF REPORTING GROSS RECEIPTS AND USE--LOCATION-CODE DATABASE AND LOCATION-RATE DATABASE.--

A. For purposes of the Gross Receipts and Compensating Tax Act, Interstate Telecommunications Gross Receipts Tax Act, Leased Vehicle Gross Receipts Tax Act and any act authorizing the imposition of a local option gross receipts or compensating tax, a person that has gross receipts and a person using property or services in New Mexico in a taxable manner shall report the gross receipts to the proper business location as provided in this section.

B. The business location for gross receipts from the sale, lease or granting of a license to use real property located in New Mexico, and any related deductions, shall be the location of the property.

C. The business location for gross receipts from the sale or license of tangible personal property, and any related deductions, shall be at the following locations:

(1) if the property is received by the purchaser at the New Mexico business location of the seller, the location of the seller;

(2) if the property is not received by the purchaser at a business location of the seller, the location indicated by instructions for delivery to the purchaser, or the purchaser's donee, when known to the seller;

(3) if Paragraphs (1) and (2) of this subsection do not apply, the location indicated by an address for the purchaser available from the business records of the seller that are maintained in the ordinary course of business; provided that use of the address does not constitute bad faith;

(4) if Paragraphs (1) through (3) of this subsection do not apply, the location for the purchaser obtained during consummation of the sale, including the address of a purchaser's payment instrument, if no other address is available; provided that use of this address does not constitute bad faith; or

(5) if Paragraphs (1) through (4) of this subsection do not apply, including a circumstance in which the seller is without sufficient information to apply those standards, the location from which the property was shipped or transmitted.

D. The business location for gross receipts from the lease of tangible personal property, including vehicles, other transportation equipment and other mobile tangible personal property, and any related deductions, shall be the location of primary use of the property, as indicated by the address for the property provided by the lessee that is available to the lessor from the lessor's records maintained in the ordinary course of business; provided that use of this address does not constitute bad faith. The primary business location shall not be altered by intermittent use at different locations, such as use of business property that accompanies employees on business trips and service calls.

E. The business location for gross receipts from the sale, lease or license of franchises, and any related deductions, shall be where the franchise is used.

F. The business location for gross receipts from the performance or sale of the following services, and any related deductions, shall be at the following locations:

(1) for professional services performed in New Mexico, other than construction-related services, or performed outside New Mexico when the product of the service is initially used in New Mexico, the location of the performer of the service or seller of the product of the service, as appropriate;

(2) for construction services and construction-related services performed for a construction project in New Mexico, the location of the construction site;

(3) for services with respect to the selling of real estate located in New Mexico, the location of the real estate;

(4) for transportation of persons or property in, into or from New Mexico, the location where the person or property enters the vehicle; and

(5) for services other than those described in Paragraphs (1) through (4) of this subsection, the location where the product of the service is delivered.

G. Except as provided in Subsection H of this section, uses of property or services subject to the compensating tax shall be reported at the business location at which gross receipts would have been required to be reported had the transaction been subject to the gross receipts tax.

H. If a person subject to the compensating tax can demonstrate that the first use upon which compensating tax is imposed occurred at a time and place different from the time and place of the purchase, then compensating tax shall be reported at the business location of the first use.

I. The secretary shall designate codes to identify the business locations for a person's gross receipts, or use for purchases subject to the compensating tax, and deductions related to those receipts or that use shall be reported.

J. The secretary shall develop a location-code database that provides the business location codes designated pursuant to Subsection I of this section. The secretary shall also develop and provide to taxpayers a location-rate database that sets out the tax rates applicable to business locations within the state, by address, and sellers who properly rely on this database shall not be liable for any additional tax due to the use of an incorrect rate.

K. As used in this section:

(1) "business location" means the code designated by the department to identify business locations and required to be used to report the gross receipts, or use for purchases subject to the compensating tax, and deductions related to those receipts or that use;

(2) "gross receipts" means, as applicable, "gross receipts" as used in the Gross Receipts and Compensating Tax Act and the Leased Vehicle Gross Receipts Tax Act and "interstate telecommunications gross receipts" in the Interstate Telecommunications Gross Receipts Tax Act;

(3) "in-person service" means a service physically provided in person by the service provider, where the customer or the customer's real or tangible personal property upon which the service is performed is in the same location as the service provider at the time the service is performed; and

(4) "professional service" means a service, other than an in-person service, that requires either an advanced degree from an accredited post-secondary educational institution or a license from the state to perform."

Chapter 80 Section 2 Laws 2020

SECTION 2. Section 7-1-29 NMSA 1978 (being Laws 1965, Chapter 248, Section 31, as amended) is amended to read:

"7-1-29. AUTHORITY TO MAKE REFUNDS OR CREDITS.--

A. In response to a claim for refund, credit or rebate made as provided in Section 7-1-26 NMSA 1978, but before a court acquires jurisdiction of the matter, the secretary or the secretary's delegate may authorize payment to a person in the amount of the credit or rebate claimed or refund an overpayment of tax determined by the secretary or the secretary's delegate to have been erroneously made by the person, together with allowable interest. A payment of a credit rebate claimed or a refund of tax and interest erroneously paid amounting to twenty thousand dollars (\$20,000) or more shall be made with the prior approval of the attorney general, except that the secretary or the secretary's delegate may make refunds with respect to the Oil and Gas Severance Tax Act, the Oil and Gas Conservation Tax Act, the Oil and Gas Emergency School Tax Act, the Oil and Gas Ad Valorem Production Tax Act, the Natural Gas Processors Tax Act or the Oil and Gas Production Equipment Ad Valorem Tax Act, Section 7-13-17 NMSA 1978 and the Cigarette Tax Act without the prior approval of the attorney general regardless of the amount.

B. Pursuant to the final order of the district court, the court of appeals, the supreme court of New Mexico or a federal court, from which order, appeal or review is not successfully taken, adjudging that a person has properly claimed a credit or rebate or made an overpayment of tax, the secretary shall authorize the payment to the person of the amount thereof.

C. In the discretion of the secretary, any amount of credit or rebate to be paid or tax to be refunded may be offset against any amount of tax for which the person due to receive the credit, rebate payment or refund is liable. The secretary or the secretary's delegate shall give notice to the taxpayer that the credit, rebate payment or refund will be made in this manner, and the taxpayer shall be entitled to interest pursuant to Section 7-1-68 NMSA 1978 until the tax liability is credited with the credit, rebate or refund amount.

D. In an audit by the department or a managed audit covering multiple reporting periods in which both underpayments and overpayments of a tax have been made in different reporting periods, the department shall credit the tax overpayments against the underpayments; provided that the taxpayer files a claim for refund of the overpayments. An overpayment shall be applied as a credit first to the earliest underpayment and then to succeeding underpayments. An underpayment of tax to which an overpayment is credited pursuant to this section shall be deemed paid in the period in which the overpayment was made or the period to which the overpayment was credited against an underpayment, whichever is later. If the overpayments credited pursuant to this section exceed the underpayments of a tax, the amount of the net overpayment for the periods covered in the audit shall be refunded to the taxpayer.

E. When a taxpayer makes a payment identified to a particular return or assessment, and the department determines that the payment exceeds the amount due pursuant to that return or assessment, the secretary may apply the excess to the taxpayer's other liabilities pursuant to the tax acts to which the return or assessment applies, without requiring the taxpayer to file a claim for a refund. The liability to which an overpayment is applied pursuant to this section shall be deemed paid in the period in which the overpayment was made or the period to which the overpayment was applied, whichever is later.

F. If the department determines, upon review of an original or amended income tax return, corporate income and franchise tax return, estate tax return, special fuels excise tax return or oil and gas tax return, that there has been an overpayment of tax for the taxable period to which the return or amended return relates in excess of the amount due to be refunded to the taxpayer pursuant to the provisions of Subsection K of Section 7-1-26 NMSA 1978, the department may refund that excess amount to the taxpayer without requiring the taxpayer to file a refund claim.

G. Records of refunds and credits made in excess of ten thousand dollars (\$10,000) shall be available for inspection by the public. The department shall keep such records for a minimum of three years from the date of the refund or credit.

H. In response to a timely refund claim pursuant to Section 7-1-26 NMSA 1978 and notwithstanding any other provision of the Tax Administration Act, the secretary or the secretary's delegate may refund or credit a portion of an assessment of tax paid, including applicable penalties and interest representing the amount of tax previously paid by another person on behalf of the taxpayer on the same transaction; provided that the requirements of equitable recoupment are met. For purposes of this subsection, the refund claim may be filed by the taxpayer to whom the assessment was issued or by another person who claims to have previously paid the tax on behalf of the taxpayer. Prior to granting the refund or credit, the secretary may require a waiver of all rights to claim a refund or credit of the tax previously paid by another person paying a tax on behalf of the taxpayer.

I. If, as a result of an audit by the department or a managed audit, a person is determined to owe gross receipts tax on receipts from the sale of property or services, the department may credit against the amount owed an amount of compensating tax paid by the purchaser if the person can demonstrate that the purchaser timely paid the compensating tax on the same property or services. The credit provided by this subsection shall not be denied solely because the purchaser cannot timely file for a refund of the compensating tax paid and, if the credit is to be granted, the department shall require, for the purpose of granting the credit, that the purchaser give up any right to claim a refund of that tax."

Chapter 80 Section 3 Laws 2020

SECTION 3. Section 7-4-10 NMSA 1978 (being Laws 1993, Chapter 153, Section 1, as amended) is amended to read:

"7-4-10. APPORTIONMENT OF BUSINESS INCOME.--

A. Except as provided in Subsections B and C of this section, all business income shall be apportioned to this state by multiplying the income by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor and the denominator of which is three.

B. If eighty percent or more of the New Mexico numerators of the property and payroll factors for a filing group, or for a taxpayer that is not a member of a filing group, are employed in manufacturing or operating a computer processing facility, the filing group or the taxpayer may elect to have business income apportioned to this state by multiplying the income by the sales factor for the taxable year.

C. If a filing group, or a taxpayer that is not a member of a filing group, has a headquarters operation in New Mexico, the filing group or the taxpayer may elect to have business income apportioned to this state by multiplying the income by the sales factor for the taxable year.

D. To elect the method of apportionment provided by Subsection B or C of this section, the taxpayer shall notify the department of the election, in writing, no later than the date on which the taxpayer files the return for the first taxable year to which the election will apply. The election shall apply as follows:

(1) if the election is made for taxable years beginning prior to January 1, 2020, to the taxable year in which the election is made and to each taxable year thereafter for three years, or until the taxable year ending prior to January 1, 2020, whichever is earlier;

(2) if the election is made for a taxable year beginning on or after January 1, 2020, to the taxable year in which the election is made and to each taxable year thereafter until the taxpayer notifies the department, in writing, that the election is

terminated, except that the taxpayer shall not terminate the election until the method of apportioning business income provided by Subsection B or C of this section has been used by the taxpayer for at least three consecutive taxable years, including a total of at least thirty-six calendar months; and

(3) if the election is made by a qualifying filing group, the election shall apply to the members of the filing group properly included pursuant to Section 7-2A-8.3 NMSA 1978.

E. For purposes of this section:

(1) "filing group" means "filing group" as that term is defined in the Corporate Income and Franchise Tax Act;

(2) "headquarters operation" means:

(a) the center of operations of a business: 1) where corporate staff employees are physically employed; 2) where the centralized functions are primarily performed, including administrative, planning, managerial, human resources, purchasing, information technology and accounting, but not including operating a call center; 3) the function and purpose of which is to manage and direct most aspects and functions of the business operations within a subdivided area of the United States; 4) from which final authority over regional or subregional offices, operating facilities and any other offices of the business are issued; and 5) including national and regional headquarters if the national headquarters is subordinate only to the ownership of the business or its representatives and the regional headquarters is subordinate to the national headquarters; or

(b) the center of operations of a business: 1) the function and purpose of which is to manage and direct most aspects of one or more centralized functions; and 2) from which final authority over one or more centralized functions is issued;

(3) "manufacturing" means combining or processing components or materials to increase their value for sale in the ordinary course of business, but does not include:

(a) construction;

(b) farming;

(c) power generation; provided that for taxable years beginning prior to January 1, 2024, "manufacturing" includes electricity generation at a facility that does not require location approval and a certificate of convenience and necessity prior to commencing construction or operation of the facility pursuant to the Public Utility Act;

- (d) processing natural resources, including hydrocarbons; or
- (e) processing or preparation of meals for immediate consumption; and

(4) "operating a computer processing facility" means managing the necessary and ancillary activities for the operation of a facility primarily used to process data or information, but does not include managing the operation of facilities that are predominantly used to support sales of tangible property or the provision of banking, financial or professional services."

Chapter 80 Section 4 Laws 2020

SECTION 4. Section 7-9-3.4 NMSA 1978 (being Laws 2003, Chapter 272, Section 5) is amended to read:

"7-9-3.4. DEFINITIONS--CONSTRUCTION, CONSTRUCTION MATERIALS AND CONSTRUCTION-RELATED SERVICES.--As used in the Gross Receipts and Compensating Tax Act:

A. "construction" means:

- (1) the building, altering, repairing or demolishing in the ordinary course of business any:
 - (a) road, highway, bridge, parking area or related project;
 - (b) building, stadium or other structure;
 - (c) airport, subway or similar facility;
 - (d) park, trail, athletic field, golf course or similar facility;
 - (e) dam, reservoir, canal, ditch or similar facility;
 - (f) sewerage or water treatment facility, power generating plant, pump station, natural gas compressing station, gas processing plant, coal gasification plant, refinery, distillery or similar facility;
 - (g) sewerage, water, gas or other pipeline;
 - (h) transmission line;
 - (i) radio, television or other tower;
 - (j) water, oil or other storage tank;

- (k) shaft, tunnel or other mining appurtenance;
 - (l) microwave station or similar facility;
 - (m) retaining wall, wall, fence, gate or similar structure; or
 - (n) similar work;
- (2) the leveling or clearing of land;
 - (3) the excavating of earth;
 - (4) the drilling of wells of any type, including seismograph shot holes or core drilling; or
 - (5) similar work;

B. "construction material" means tangible personal property that becomes or is intended to become an ingredient or component part of a construction project, but "construction material" does not include a replacement fixture when the replacement is not construction or a replacement part for a fixture; and

C. "construction-related service" means a service directly contracted for or billed to a specific construction project, including design, architecture, drafting, surveying, engineering, environmental and structural testing, security, sanitation and services required to comply with governmental construction-related rules. "Construction-related service" does not include general business services, such as legal or accounting services, equipment maintenance or real estate sales commissions."

Chapter 80 Section 5 Laws 2020

SECTION 5. Section 7-9-52 NMSA 1978 (being Laws 1969, Chapter 144, Section 42, as amended) is amended to read:

"7-9-52. DEDUCTION--GROSS RECEIPTS TAX--SALE OF CONSTRUCTION SERVICES AND CONSTRUCTION-RELATED SERVICES TO PERSONS ENGAGED IN THE CONSTRUCTION BUSINESS.--

A. Receipts from selling a construction service or a construction-related service may be deducted from gross receipts if the sale is made to a person engaged in the construction business who delivers a nontaxable transaction certificate to the person performing the construction service or a construction-related service.

B. The buyer delivering the nontaxable transaction certificate shall have the construction services or construction-related services directly contracted for or billed to:

(1) a construction project that is subject to the gross receipts tax upon its completion or upon the completion of the overall construction project of which it is a part;

(2) a construction project that is subject to the gross receipts tax upon the sale in the ordinary course of business of the real property upon which it was constructed; or

(3) a construction project that is located on the tribal territory of an Indian nation, tribe or pueblo."

Chapter 80 Section 6 Laws 2020

SECTION 6. Section 7-9-117 NMSA 1978 (being Laws 2019, Chapter 270, Section 36) is amended to read:

"7-9-117. DEDUCTION--GROSS RECEIPTS--GOVERNMENTAL GROSS RECEIPTS--MARKETPLACE SELLER.--

A. A marketplace seller may deduct receipts for sales, leases and licenses of tangible personal property, sales of licenses and sales of services or licenses for use of real property that are facilitated by a marketplace provider from gross receipts and governmental gross receipts; provided that the marketplace seller obtains documentation from the marketplace provider indicating that the marketplace provider is registered with the department and has remitted or will remit the taxes due on the gross receipts from those transactions.

B. The deduction provided by this section shall not apply if the marketplace provider is determined not to owe the tax due to the marketplace provider's reliance on information provided by the seller as determined pursuant to Subsection C of Section 7-9-5 NMSA 1978."

Chapter 80 Section 7 Laws 2020

SECTION 7. Section 7-9A-5 NMSA 1978 (being Laws 1979, Chapter 347, Section 5, as amended by Laws 1991, Chapter 159, Section 4 and also by Laws 1991, Chapter 162, Section 4) is amended to read:

"7-9A-5. INVESTMENT CREDIT--AMOUNT--CLAIMANT.--

A. The investment credit provided for in the Investment Credit Act may be claimed by a taxpayer carrying on a manufacturing operation in New Mexico in an amount equal to:

(1) the product of the sum of the compensating tax rate and, beginning July 1, 2021, any municipal or county compensating tax rate multiplied by the value of the qualified equipment; or

(2) if the sale is subject to the gross receipts tax, the product of the sum of the gross receipts tax rate and, beginning July 1, 2021, any municipal or county local option gross receipts tax rates multiplied by the seller's gross receipts from the sale of the qualified equipment.

B. If the purchase or the introduction into New Mexico of the qualified equipment is not subject to the gross receipts tax or compensating tax, the rate to determine the amount of the credit shall be equal to a rate of five and one-eighth percent."

Chapter 80 Section 8 Laws 2020

SECTION 8. Section 7-9A-7 NMSA 1978 (being Laws 1979, Chapter 347, Section 7, as amended) is amended to read:

"7-9A-7. VALUE OF QUALIFIED EQUIPMENT.--Prior to July 1, 2030, the value of qualified equipment shall be the adjusted basis established for the equipment under the applicable provisions of the Internal Revenue Code of 1986."

Chapter 80 Section 9 Laws 2020

SECTION 9. Section 7-9A-7.1 NMSA 1978 (being Laws 1983, Chapter 206, Section 6, as amended) is amended to read:

"7-9A-7.1. EMPLOYMENT REQUIREMENTS.--

A. Prior to July 1, 2030, to be eligible to claim a credit pursuant to the Investment Credit Act, the taxpayer shall employ the equivalent of one full-time employee who has not been counted to meet this employment requirement for any prior claim in addition to the number of full-time employees employed on the day one year prior to the day on which the taxpayer applies for the credit for every:

(1) seven hundred fifty thousand dollars (\$750,000), or portion of that amount, in value of qualified equipment claimed by the taxpayer in a taxable year in the same claim, up to a value of thirty million dollars (\$30,000,000); and

(2) one million dollars (\$1,000,000), or portion of that amount, in value of qualified equipment over thirty million dollars (\$30,000,000) claimed by the taxpayer in a taxable year in the same claim.

B. The department may require evidence showing compliance with this section. The department may find that an additional employee meets the requirements

of this section, although employed earlier than one year prior to the day on which the taxpayer applies for the credit, if the employee was only being trained prior to that date or the employee's employment was necessitated by the use of the qualified equipment."

Chapter 80 Section 10 Laws 2020

SECTION 10. Section 7-9A-8 NMSA 1978 (being Laws 1979, Chapter 347, Section 8, as amended) is amended to read:

"7-9A-8. CLAIMING THE CREDIT FOR CERTAIN TAXES.--

A. A taxpayer shall apply for approval for a credit within one year following the end of the calendar year in which the qualified equipment for the manufacturing operation is purchased or introduced into New Mexico.

B. A taxpayer having applied for and been granted approval for a credit by the department pursuant to the Investment Credit Act may claim an amount of available credit against the taxpayer's tax liabilities; provided that the credit shall be claimed against the taxpayer's tax liabilities pursuant to the Gross Receipts and Compensating Tax Act, the Municipal Local Option Gross Receipts and Compensating Taxes Act and the County Local Option Gross Receipts and Compensating Taxes Act before being claimed against the taxpayer's tax liabilities pursuant to the Withholding Tax Act; provided further that no taxpayer may claim, except as provided in Subsection C of this section, an amount of available credit for any reporting period that exceeds eighty-five percent of the sum of the taxpayer's tax liabilities for that reporting period. Any amount of available credit not claimed against the taxpayer's tax liabilities for a reporting period may be claimed in subsequent reporting periods.

C. A taxpayer may apply by September 30 of the current calendar year for a refund of the unclaimed balance of the available credit up to a maximum of two hundred fifty thousand dollars (\$250,000) if on January 1 of the current calendar year:

(1) the taxpayer's available credit is less than five hundred thousand dollars (\$500,000); and

(2) the sum of the taxpayer's tax liabilities for the previous calendar year was less than thirty-five percent of the taxpayer's available credit but more than ten thousand dollars (\$10,000).

D. As used in this section, "tax liabilities" means any tax liability a taxpayer incurs pursuant to the Withholding Tax Act, the Gross Receipts and Compensating Tax Act, the Municipal Local Option Gross Receipts and Compensating Taxes Act or the County Local Option Gross Receipts and Compensating Taxes Act."

Chapter 80 Section 11 Laws 2020

SECTION 11. Section 7-19D-9 NMSA 1978 (being Laws 1978, Chapter 151, Section 1, as amended) is amended to read:

"7-19D-9. MUNICIPAL GROSS RECEIPTS TAX--AUTHORITY TO IMPOSE RATE.--

A. The majority of the members of the governing body of any municipality may impose by ordinance an excise tax on the gross receipts of any person engaging in business in the municipality for the privilege of engaging in business in the municipality. A tax imposed pursuant to this section shall be imposed by the enactment of one or more ordinances enacting any number of increments of one-hundredth percent; provided that the total increments do not exceed the maximum rate provided in Subsection C of this section; and provided further that, if at the time of enacting the ordinance the total municipal gross receipts tax rate is not an even multiple of one-hundredth percent, the municipality may impose an increment in an amount sufficient to bring the total rate to an even multiple of one-hundredth percent. The governing body of a municipality may, at the time of enacting the ordinance, dedicate the revenue for any municipal purpose. If the governing body proposes to dedicate such revenue, the ordinance and, if any election is held, the ballot shall clearly state the purpose to which the revenue will be dedicated, and any revenue so dedicated shall be used by the municipality for that purpose unless a subsequent ordinance is adopted to change the purpose to which dedicated or to place the revenue in the general fund of the municipality.

B. The tax imposed pursuant to Subsection A of this section may be referred to as the "municipal gross receipts tax".

C. The maximum rate of the municipal gross receipts tax on the gross receipts of any person engaging in business in the municipality shall not exceed two and one-half percent. Of that two and one-half percent:

(1) a governing body may choose to require an election to impose increments up to a total of two and five-hundredths percent; and

(2) the remaining increments, up to a total of forty-five hundredths percent, shall not go into effect until after an election is held and a majority of the voters in the municipality voting in the election votes in favor of the tax. Increments approved by voters prior to July 1, 2019 shall be included in the increments approved by the voters, as provided in this paragraph.

D. An election shall be called on the questions of disapproval or approval of any ordinance enacted pursuant to Subsection C of this section or any ordinance amending such ordinance:

(1) if the governing body chooses to provide in the ordinance that it shall not be effective until the ordinance is approved by the majority of the registered voters voting on the question at an election to be held pursuant to the provisions of the Local Election Act; or

(2) if the ordinance does not contain a mandatory election provision as provided in Paragraph (1) of this subsection, upon the filing of a petition requesting such an election if the petition is filed:

(a) pursuant to the requirements of a referendum provision contained in a municipal home-rule charter and signed by the number of registered voters in the municipality equal to the number of registered voters required in its charter to seek a referendum; or

(b) in all other municipalities, with the municipal clerk within thirty days after the adoption of such ordinance and the petition has been signed by a number of registered voters in the municipality equal to at least five percent of the number of the voters in the municipality who were registered to vote in the most recent regular municipal election.

E. The signatures on the petition filed in accordance with Subsection D of this section shall be verified by the municipal clerk. If the petition is verified by the municipal clerk as containing the required number of signatures of registered voters, the governing body shall adopt an election resolution calling for the holding of a special election on the question of approving or disapproving the ordinance unless the ordinance is repealed before the adoption of the election resolution. An election held pursuant to Subparagraph (a) or (b) of Paragraph (2) of Subsection D of this section shall be called, conducted and canvassed as provided in the Local Election Act, and the election shall be held within seventy-five days after the date the petition is verified by the municipal clerk or it may be held in conjunction with a regular local election if such election occurs within seventy-five days after the date of verification by the municipal clerk.

F. If at an election called pursuant to Subsection D of this section a majority of the registered voters voting on the question approves the ordinance imposing the tax, the ordinance shall become effective in accordance with the provisions of the Municipal Local Option Gross Receipts and Compensating Taxes Act. If at such an election a majority of the registered voters voting on the question disapproves the ordinance, the ordinance imposing the tax shall be deemed repealed and the question of imposing any increment of the municipal gross receipts tax authorized in this section shall not be considered again by the governing body for a period of one year from the date of the election.

G. Any law that imposes or authorizes the imposition of a municipal gross receipts tax or that affects the municipal gross receipts tax, or any law supplemental thereto or otherwise appertaining thereto, shall not be repealed or amended or

otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding revenue bonds that may be secured by a pledge of such municipal gross receipts tax unless such outstanding revenue bonds have been discharged in full or provision has been fully made therefor."

Chapter 80 Section 12 Laws 2020

SECTION 12. Section 7-20E-9 NMSA 1978 (being Laws 1983, Chapter 213, Section 30, as amended) is amended to read:

"7-20E-9. COUNTY GROSS RECEIPTS TAX--AUTHORITY TO IMPOSE RATE--
COUNTY HEALTH CARE ASSISTANCE FUND REQUIREMENTS.--

A. A majority of the members of the governing body of a county may impose by ordinance an excise tax on the gross receipts of a person engaging in business in the county or the county area. A tax imposed pursuant to this section shall be imposed by the enactment of one or more ordinances enacting any number of increments of one-hundredth percent; provided that the total increments do not exceed the maximum rate provided in Subsections C and D of this section; and provided further that, if at the time of enacting the ordinance the total county gross receipts tax rate is not an even multiple of one-hundredth percent, the county may impose an increment in an amount sufficient to bring the total rate to an even multiple of one-hundredth percent. The governing body may, at the time of enacting the ordinance, dedicate the revenue for any county purpose.

B. The tax authorized by this section is to be referred to as the "county gross receipts tax".

C. The maximum rate of the county gross receipts tax that may be imposed on the gross receipts of any person engaging in business in a county shall not exceed one and twenty-five hundredths percent. Of that one and twenty-five hundredths percent:

(1) a governing body may choose to require an election to impose increments up to a total of one percent; and

(2) the remaining increments, up to a total of twenty-five hundredths percent, shall not go into effect until after an election is held and a majority of the voters in the county voting in the election votes in favor of the tax. Increments approved by voters prior to July 1, 2019 shall be included in the increments approved by the voters, as provided in this paragraph.

D. In addition to the maximum rate that may be imposed on the gross receipts of any person engaging in business in a county, the maximum rate of the county gross receipts tax that may be imposed on the gross receipts of any person

engaging in business in a county area shall not exceed one-half percent. Of that one-half percent:

(1) a governing body may choose to require an election to impose increments that total twelve hundredths percent; but

(2) the remaining increments, up to a total of thirty-eight hundredths percent, shall not go into effect until after an election is held and a majority of the voters in the county area voting in the election votes in favor of the tax. Increments approved by voters prior to July 1, 2019 shall be included in the increments approved by the voters, as provided in this paragraph.

E. A class A county with a county hospital operated and maintained pursuant to a lease or operating agreement with a state educational institution named in Article 12, Section 11 of the constitution of New Mexico shall provide not less than one million dollars (\$1,000,000) in funds, and that amount shall be dedicated to the support of indigent patients who are residents of that county. Funds for indigent care shall be made available each month of each year the tax is in effect in an amount not less than eighty-three thousand three hundred thirty-three dollars thirty-three cents (\$83,333.33). The interest from the investment of county funds for indigent care may be used for other assistance to indigent persons, not to exceed twenty thousand dollars (\$20,000) for all other assistance in any year.

F. A county, except a class A county with a county hospital operated and maintained pursuant to a lease or operating agreement with a state educational institution named in Article 12, Section 11 of the constitution of New Mexico, shall be required to dedicate revenue produced by the imposition of a one-eighth percent gross receipts tax increment for the support of indigent patients who are residents of that county. A county that imposed up to two one-eighth percent increments on January 1, 1996 for support of indigent patients in the county or, after January 1, 1996, imposes a one-eighth percent increment and dedicates one-half of that increment for county indigent patient purposes shall deposit the revenue dedicated for county indigent purposes that is transferred to the county in the county health care assistance fund, and such revenues shall be expended pursuant to the Indigent Hospital and County Health Care Act."

Chapter 80 Section 13 Laws 2020

SECTION 13. TEMPORARY PROVISION--ORDINANCES IMPOSING CERTAIN REPEALED LOCAL OPTION GROSS RECEIPTS TAXES DEEMED TO BE IMPOSING AN EQUAL RATE OF THE MUNICIPAL OR COUNTY GROSS RECEIPTS TAX.--An ordinance imposing a local option gross receipts tax authorized by those sections of law that were repealed and consolidated with the municipal gross receipts tax or the county gross receipts tax by Laws 2019, Chapter 274 is deemed to be imposing an equal rate of the municipal gross receipts tax or county gross receipts tax, as appropriate, as was imposed by the ordinance when the ordinance was enacted; provided that the

ordinance was in effect on the date of repeal and the ordinance has not been repealed by the governing body. Any dedication of revenue pursuant to the ordinance remains in effect until changed by the governing body; provided that, if the dedication were approved by the electorate, any change to the dedication must also be approved by the electorate.

Chapter 80 Section 14 Laws 2020

SECTION 14. REPEAL.--Sections 7-9-57.1 and 7-9-96 NMSA 1978 (being Laws 1998, Chapter 92, Section 3 and Laws 2005, Chapter 104, Section 26) are repealed effective July 1, 2020.

Chapter 80 Section 15 Laws 2020

SECTION 15. REPEAL.--Laws 2019, Chapter 270, Section 11 is repealed.

Chapter 80 Section 16 Laws 2020

SECTION 16. APPLICABILITY.--

A. The provisions of Section 3 of this act apply to taxable years beginning on and after January 1, 2020.

B. The provisions of Section 9 of this act apply to qualified equipment purchased or introduced to the state on and after July 1, 2020.

Chapter 80 Section 17 Laws 2020

SECTION 17. EFFECTIVE DATE.--

A. The effective date of the provisions of Sections 1, 2, 4 and 15 of this act is July 1, 2021.

B. The effective date of the provisions of Sections 6 through 12 of this act is July 1, 2020.

LAWS 2020, CHAPTER 81

**HTRC/House Bill 349, aa, w/ec, w/cc, partial veto
Approved March 11, 2020**

AN ACT

RELATING TO CAPITAL EXPENDITURES; AUTHORIZING THE ISSUANCE OF SEVERANCE TAX BONDS; AUTHORIZING EXPENDITURES FROM CERTAIN

FUNDS AND BALANCES; CLARIFYING CONDITIONS FOR THE ISSUANCE OF BONDS; ESTABLISHING CONDITIONS FOR THE EXPENDITURE OF SEVERANCE TAX BOND PROCEEDS; ESTABLISHING CONDITIONS FOR THE REVERSION OF UNEXPENDED BALANCES; REQUIRING TRANSFERS TO THE GENERAL FUND OPERATING RESERVE UNDER CERTAIN CIRCUMSTANCES; CLARIFYING THE PURPOSE OF APPROPRIATIONS MADE PURSUANT TO LAWS 2019, CHAPTER 277; PROVIDING CONTINGENT AUTHORIZATION TO THE PUBLIC EDUCATION DEPARTMENT TO REQUEST BUDGET INCREASES FOR CERTAIN CAPITAL EXPENDITURES; MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.

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

Chapter 81 Section 1 Laws 2020

SECTION 1. SEVERANCE TAX BONDS--AUTHORIZATIONS-- APPROPRIATION OF PROCEEDS.--

A. The state board of finance may issue and sell severance tax bonds in compliance with the Severance Tax Bonding Act in an amount not to exceed the total of the amounts authorized for purposes specified in this act. The state board of finance shall schedule the issuance and sale of the bonds in the most expeditious and economical manner possible upon a finding by the board that the project has been developed sufficiently to justify the issuance and that the project can proceed to contract within a reasonable time. The state board of finance shall further take the appropriate steps necessary to comply with the federal Internal Revenue Code of 1986, as amended. Proceeds from the sale of the bonds are appropriated for the purposes specified in this act.

B. The agencies named in this act shall certify to the state board of finance when the money from the proceeds of the severance tax bonds appropriated in this section is needed for the purposes specified in the applicable section of this act. If an agency has not certified the need for severance tax bond proceeds for a particular project by the end of fiscal year 2022, the authorization for that project is void.

C. Before an agency may certify for the need of severance tax bond proceeds, the project must be developed sufficiently so that the agency reasonably expects to:

(1) incur within six months after the applicable bond proceeds are available for the project a substantial binding obligation to a third party to expend at least five percent of the bond proceeds for the project; and

(2) spend at least eighty-five percent of the bond proceeds within three years after the applicable bond proceeds are available for the project.

D. Except as otherwise specifically provided by law:

(1) the unexpended balance from the proceeds of severance tax bonds appropriated in this act for a project shall revert to the severance tax bonding fund no later than the following dates:

(a) for a project for which severance tax bond proceeds were appropriated to match federal grants, six months after completion of the project;

(b) for a project for which severance tax bond proceeds were appropriated to purchase vehicles, including emergency vehicles and other vehicles that require special equipment; heavy equipment; books; educational technology; or other equipment or furniture that is not related to a more inclusive construction or renovation project, at the end of the fiscal year two years following the fiscal year in which the severance tax bond proceeds were made available for the purchase; and

(c) for any other project for which severance tax bonds were appropriated, within six months of completion of the project, but no later than the end of fiscal year 2024; and

(2) all remaining balances from the proceeds of severance tax bonds appropriated for a project in this act shall revert to the severance tax bonding fund three months after the latest reversion date specified for that type of project in Paragraph (1) of this subsection.

E. Except for appropriations to the capital program fund, money from severance tax bond proceeds provided pursuant to this act shall not be used to pay indirect project costs.

F. Except for a project that was originally funded using a tax-exempt loan or bond issue, a project involving repayment of debt previously incurred shall be funded through the issuance of taxable severance tax bonds with a term that does not extend beyond the fiscal year in which they are issued.

G. For the purpose of this section, "unexpended balance" means the remainder of an appropriation after reserving for unpaid costs and expenses covered by binding written obligations to third parties.

Chapter 81 Section 2 Laws 2020

SECTION 2. GENERAL FUND AND OTHER FUND APPROPRIATIONS-- LIMITATIONS--REVERSIONS.--

A. Except as otherwise specifically provided by law:

(1) the unexpended balance of an appropriation made in this act from the general fund or other state funds shall revert no later than the following dates:

(a) for a project for which an appropriation was made to match federal grants, six months after completion of the project;

(b) for a project for which an appropriation was made to purchase vehicles, including emergency vehicles and other vehicles that require special equipment; heavy equipment; books; educational technology; or other equipment or furniture that is not related to a more inclusive construction or renovation project, at the end of the fiscal year two years following the fiscal year in which the appropriation was made for the purchase; and

(c) for any other project for which an appropriation was made, within six months of completion of the project, but no later than the end of fiscal year 2024; and

(2) all remaining balances from an appropriation made in this act for a project shall revert three months after the latest reversion date specified for that type of project in Paragraph (1) of this subsection.

B. Except for appropriations to the capital program fund, money from appropriations made in this act shall not be used to pay indirect project costs.

C. Except as provided in Subsection E of this section, the balance of an appropriation made from the general fund shall revert in the time frame set forth in Subsection A of this section to the capital projects fund.

D. Except as provided in Subsection E of this section, the balance of an appropriation made from other state funds shall revert in the time frame set forth in Subsection A of this section to the originating fund.

E. The balance of an appropriation made from the general fund or other state funds to the Indian affairs department or the aging and long-term services department for a project located on lands of an Indian nation, tribe or pueblo shall revert in the time frame set forth in Subsection A of this section to the tribal infrastructure project fund.

F. For the purpose of this section, "unexpended balance" means the remainder of an appropriation after reserving for unpaid costs and expenses covered by binding written obligations to third parties.

Chapter 81 Section 3 Laws 2020

SECTION 3. FUNDING EXCEEDING TOTAL PROJECT COST--GENERAL FUND OVERAGE TO OPERATING RESERVE.--Prior to any general fund money appropriated in this act being available for expenditure, the department of finance and administration and the legislative council service shall determine those capital improvement projects for which legislative appropriations, in combination with all other funding sources, exceed the total cost for those projects. If capital improvement projects

funded with general fund appropriations are found to be in excess of the total project cost, the department shall not allow that overage to be encumbered. The department shall transfer all amounts of general fund appropriations in this act that are in excess of total project costs to the general fund operating reserve prior to July 1, 2020.

Chapter 81 Section 4 Laws 2020

SECTION 4. ADMINISTRATIVE OFFICE OF THE COURTS PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the administrative office of the courts that the need exists for the issuance of the bonds, the following amounts are appropriated to the administrative office of the courts for the following purposes:

1. one hundred four thousand dollars (\$104,000) to plan, design and construct a magistrate court judicial center in Curry county;
2. four hundred sixty-nine thousand dollars (\$469,000) to plan, design and construct a magistrate court building in Anthony in Dona Ana county;
3. four hundred thirty thousand dollars (\$430,000) for planning and design of a new magistrate court in Bernalillo in Sandoval county; and
4. six hundred seventy-one thousand dollars (\$671,000) to upgrade proprietary security and camera systems to enterprise-class information technology security and camera systems in magistrate courts statewide.

Chapter 81 Section 5 Laws 2020

~~[SECTION 5. AGING AND LONG-TERM SERVICES DEPARTMENT PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the aging and long-term services department that the need exists for the issuance of the bonds, the following amounts are appropriated to the aging and long-term services department for the following purposes:~~

- ~~1. one hundred thousand three hundred thirty-three dollars (\$100,333) to expand and improve the sports and fitness center at Los Volcanes senior center in Albuquerque in Bernalillo county;~~
- ~~2. two hundred fifty thousand dollars (\$250,000) to expand and improve the sports and fitness center at Los Volcanes senior center in Albuquerque in Bernalillo county;~~
- ~~3. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, furnish and equip an addition to the San Felipe elder center for the Pueblo of San Felipe in Sandoval county; and~~

4. ~~one hundred fifty thousand dollars (\$150,000) to plan, design, construct, furnish and equip a senior center in Moriarty in Torrance county.]~~ *LINE-ITEM VETO*

Chapter 81 Section 6 Laws 2020

SECTION 6. BERNALILLO COUNTY METROPOLITAN COURT PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the Bernalillo county metropolitan court that the need exists for the issuance of the bonds, the following amounts are appropriated to the Bernalillo county metropolitan court for the following purposes:

1. eight hundred thousand dollars (\$800,000) to acquire property adjacent to the existing court facilities and for design, engineering, demolition, construction and equipment to improve security and access for the Bernalillo county metropolitan court in Albuquerque in Bernalillo county; and
2. two hundred forty-five thousand dollars (\$245,000) to plan, equip, purchase and construct a security system with cameras in the multilevel Metro park facility of the Bernalillo county metropolitan court in Albuquerque in Bernalillo county.

Chapter 81 Section 7 Laws 2020

SECTION 7. BORDER AUTHORITY PROJECT--SEVERANCE TAX BONDS.-- Pursuant to the provisions of Section 1 of this act, upon certification by the border authority that the need exists for the issuance of the bonds, one million five hundred thousand dollars (\$1,500,000) is appropriated to the border authority to plan, design, construct and make infrastructure improvements for flood and erosion control at the Columbus port of entry in Luna county.

Chapter 81 Section 8 Laws 2020

SECTION 8. CAPITAL PROGRAM FUND PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the facilities management division of the general services department that the need exists for the issuance of the bonds, the following amounts are appropriated to the capital program fund for the following purposes:

1. six million dollars (\$6,000,000) to plan, design, construct, renovate, remodel, furnish and equip improvements, including demolition and abatement of hazardous materials, to the workforce solutions department administration building in Albuquerque in Bernalillo county;
2. five hundred thousand dollars (\$500,000) to plan, design, construct, repair and renovate facilities, including upgrading exterior and interior wall finishing and stucco, and to make other improvements at the youth diagnostic and development

center and Camino Nuevo youth center facilities in Albuquerque in Bernalillo county and at the John Paul Taylor center in Las Cruces in Dona Ana county;

3. eight hundred sixty thousand dollars (\$860,000) to plan, design, construct, renovate, equip, purchase and install equipment for human services department facilities, including perimeter security fencing, gates, heating, ventilation and air conditioning systems, signage, parking lots, curb and gutter, asphalt and accessibility compliance, in Hobbs in Lea county and in Bernalillo in Sandoval county;

4. four hundred fifteen thousand dollars (\$415,000) to plan, design, renovate and replace electrical systems, roofing and flooring at the homeland security and emergency management department in Santa Fe in Santa Fe county;

5. one million dollars (\$1,000,000) to plan and design infrastructure and site improvements, including utilities, restrooms, lighting and acoustic controls, at the firing range operated and maintained by the department of public safety in Santa Fe county;

6. nine million dollars (\$9,000,000) to plan, design, construct, furnish and equip a new state police district office in Santa Fe in Santa Fe county;

7. three million dollars (\$3,000,000) to plan, design, construct, renovate, furnish, purchase, install, equip and make other infrastructure improvements at the Gara building in Bernalillo county and at transitional living centers and correctional facilities statewide;

8. two million dollars (\$2,000,000) to plan, design, construct, renovate, furnish and equip facilities for the children, youth and families department statewide;

9. six million dollars (\$6,000,000) to plan, design, construct, renovate, remediate, furnish, equip, purchase and install equipment, including the purchase and installation of information technology equipment, medical equipment and infrastructure systems, for department of health facilities statewide;

10. one million five hundred thousand dollars (\$1,500,000) to plan, design, construct, renovate, furnish and equip infrastructure improvements at state police facilities statewide;

11. five million five hundred thousand dollars (\$5,500,000) to plan, design, construct, improve, renovate, remediate, furnish and equip facilities, including infrastructure upgrades, at state-owned facilities statewide;

12. one million five hundred thousand dollars (\$1,500,000) to decommission and demolish buildings, including abatement of hazardous materials, and other programmatic renovations and construction at state-owned facilities statewide;

13. five hundred thousand dollars (\$500,000) to plan, design, construct, replace and improve mechanical, electrical and plumbing systems, roofs and parking lots at department of workforce solutions offices statewide; and

14. four hundred thousand dollars (\$400,000) to plan, design, construct, renovate, improve and equip a safe place to live for youth who are human trafficking victims at a facility and location to be determined by the children, youth and families department.

Chapter 81 Section 9 Laws 2020

SECTION 9. COURT OF APPEALS PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the court of appeals that the need exists for the issuance of the bonds, three hundred thousand dollars (\$300,000) is appropriated to the court of appeals to plan, design, construct, renovate, furnish and equip the court of appeals building in Albuquerque in Bernalillo county.

Chapter 81 Section 10 Laws 2020

SECTION 10. CULTURAL AFFAIRS DEPARTMENT PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the cultural affairs department that the need exists for the issuance of the bonds, the following amounts are appropriated to the cultural affairs department for the following purposes:

1. seven hundred twenty-one thousand two hundred dollars (\$721,200) to plan, design, construct and equip a new gallery for temporary exhibits and upgrades to core exhibits and facilities at the New Mexico museum of natural history and science facilities, exhibits and sites in Albuquerque in Bernalillo county; and

2. three million dollars (\$3,000,000) to plan, design, construct, renovate, furnish and equip infrastructure improvements, including fire suppression and mitigation, climate control, security systems and accessibility compliance, at museums[~~including the Vladem contemporary in Santa Fe county,~~] and for monuments and historic sites statewide. *LINE-ITEM VETO*

Chapter 81 Section 11 Laws 2020

SECTION 11. CUMBRES AND TOLTEC SCENIC RAILROAD COMMISSION PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the Cumbres and Toltec scenic railroad commission that the need exists for the issuance of the bonds, one million dollars (\$1,000,000) is appropriated to the Cumbres and Toltec scenic railroad commission for track rehabilitation and related infrastructure improvements, including locomotive and boiler upgrades to comply with federal railroad administration standards, and for

improvements to passenger cars for the Cumbres and Toltec scenic railroad operating between New Mexico and Colorado.

Chapter 81 Section 12 Laws 2020

SECTION 12. DISTRICT ATTORNEY OF THE FIRST JUDICIAL DISTRICT PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the district attorney of the first judicial district that the need exists for the issuance of the bonds, two hundred seventy-five thousand dollars (\$275,000) is appropriated to the district attorney of the first judicial district to purchase, equip and install telecommunications systems, security systems, information technology, furniture and office equipment, including partitions and fixtures, to the first judicial district attorney's office in Santa Fe in Santa Fe county.

Chapter 81 Section 13 Laws 2020

SECTION 13. FIRST JUDICIAL DISTRICT COURT PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the first judicial district court that the need exists for the issuance of the bonds, the following amounts are appropriated to the first judicial district court for the following purposes:

1. twenty-two thousand one hundred dollars (\$22,100) to purchase and install x-ray equipment for the Rio Arriba county magistrate court in the first judicial district in Rio Arriba county;

~~2. one hundred thousand dollars (\$100,000) to plan, design, purchase, construct and install an electronic queue management system in the Steve Herrera judicial complex in Santa Fe in Santa Fe county;~~

~~3. three hundred eight thousand dollars (\$308,000) to plan, design, purchase and install courtroom video presentation and conferencing systems for the first judicial district court complex in Santa Fe in Santa Fe county;] and *LINE-ITEM VETO*~~

4. twenty-two thousand one hundred dollars (\$22,100) to plan, design, construct, purchase and install x-ray equipment for the magistrate court in Santa Fe in Santa Fe county.

Chapter 81 Section 14 Laws 2020

SECTION 14. SECOND JUDICIAL DISTRICT COURT PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the second judicial district court that the need exists for the issuance of the bonds, one million two hundred three thousand eighteen dollars (\$1,203,018) is appropriated to the second judicial district court for security equipment, renovation and structural alterations and to purchase fixed and mobile equipment, furnishings and technology for the

renovation of the first through third floors of the Bernalillo county courthouse in Albuquerque in Bernalillo county.

Chapter 81 Section 15 Laws 2020

SECTION 15. THIRD JUDICIAL DISTRICT COURT PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the third judicial district court that the need exists for the issuance of the bonds, fifty-six thousand eight hundred forty dollars (\$56,840) is appropriated to the third judicial district court to purchase and install security equipment, including an x-ray machine, metal detector and a public address system, for the magistrate court in Dona Ana county.

Chapter 81 Section 16 Laws 2020

SECTION 16. FOURTH JUDICIAL DISTRICT COURT PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the fourth judicial district court that the need exists for the issuance of the bonds, the following amounts are appropriated to the fourth judicial district court for the following purposes:

1. sixty-six thousand ninety-one dollars (\$66,091) to purchase and install an audio and video intercom system for offices of the fourth judicial district court in San Miguel and Guadalupe counties[; and

2. ~~five thousand four hundred eighty-five dollars (\$5,485) to purchase, construct and install a New Mexico state seal at the fourth judicial district court in Las Vegas in San Miguel county.]~~ *LINE-ITEM VETO*

Chapter 81 Section 17 Laws 2020

SECTION 17. EIGHTH JUDICIAL DISTRICT COURT PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the eighth judicial district court that the need exists for the issuance of the bonds, two hundred ninety-two thousand five hundred dollars (\$292,500) is appropriated to the eighth judicial district court to plan, design, construct, remodel and improve a courthouse, including consolidation of clerks' offices and expansion of jury facilities, for the eighth judicial district court in Taos in Taos county.

Chapter 81 Section 18 Laws 2020

SECTION 18. NINTH JUDICIAL DISTRICT COURT PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the ninth judicial district court that the need exists for the issuance of the bonds, the following amounts are appropriated to the ninth judicial district court for the following purposes:

[1. — nine thousand dollars (\$9,000) to purchase and install chairs for a jury box at the ninth judicial district court in Clovis in Curry county; and] *LINE-ITEM VETO*

2. twenty-eight thousand five hundred dollars (\$28,500) to purchase and equip mobile video conference equipment for district and magistrate courts in the ninth judicial district in Curry and Roosevelt counties.

Chapter 81 Section 19 Laws 2020

SECTION 19. ELEVENTH JUDICIAL DISTRICT COURT PROJECTS-- SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the eleventh judicial district court that the need exists for the issuance of the bonds, the following amounts are appropriated to the eleventh judicial district court for the following purposes:

1. one hundred twenty-one thousand seven hundred dollars (\$121,700) to plan, design, construct, purchase, equip and replace x-ray machines and magnetometers at district and magistrate courts for the eleventh judicial district in Aztec and Farmington in San Juan county and in Gallup in McKinley county;

2. ninety-four thousand eight hundred twenty-five dollars (\$94,825) to plan, design, construct, renovate and equip office space for pretrial services at the eleventh judicial district courthouse in Aztec in San Juan county; and

3. two hundred nine thousand eight hundred ninety-one dollars (\$209,891) to plan, design, construct, replace and install an electronic access control system at the eleventh judicial district courthouse in Aztec in San Juan county.

Chapter 81 Section 20 Laws 2020

SECTION 20. THIRTEENTH JUDICIAL DISTRICT COURT PROJECT-- SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the thirteenth judicial district court that the need exists for the issuance of the bonds, one hundred four thousand eight hundred twenty-five dollars (\$104,825) is appropriated to the thirteenth judicial district court to plan, design, construct, purchase and install metal detectors and x-ray scanners in magistrate courts in the thirteenth judicial district in Sandoval, Valencia and Cibola counties.

Chapter 81 Section 21 Laws 2020

SECTION 21. ECONOMIC DEVELOPMENT DEPARTMENT PROJECT-- SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the economic development department that the need exists for the issuance of the bonds, one million five hundred thousand dollars (\$1,500,000) is appropriated to the economic development department to plan, design and construct

infrastructure improvements in mainstreet districts and local arts and cultural districts statewide.

Chapter 81 Section 22 Laws 2020

SECTION 22. PUBLIC EDUCATION DEPARTMENT PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the public education department that the need exists for the issuance of the bonds, the following amounts are appropriated to the public education department for the following purposes:

1. thirty-eight thousand dollars (\$38,000) to plan, design, construct, renovate, furnish and equip buildings and grounds, including the purchase of activity transportation, information technology and installation of related equipment, fencing, wiring and infrastructure, for La Academia de Esperanza charter school in Bernalillo county;

2. one hundred ninety-seven thousand dollars (\$197,000) to plan, design, construct and improve buildings and facilities for the junior reserve officers' training corps program, including the purchase and installation of related equipment, furniture[; ~~rifles and marksmanship target ranges,~~] in the Albuquerque public school district in Bernalillo county; *LINE-ITEM VETO*

3. two hundred thousand dollars (\$200,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Grant middle school in the Albuquerque public school district in Bernalillo county;

4. two hundred two thousand dollars (\$202,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Hawthorne elementary school in the Albuquerque public school district in Bernalillo county;

5. one hundred ninety-eight thousand six hundred sixty-six dollars (\$198,666) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Hayes middle school in the Albuquerque public school district in Bernalillo county;

6. one hundred seventy thousand dollars (\$170,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, related equipment, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at the Highland autism center in the Albuquerque public school district in Bernalillo county;

7. one hundred fifty thousand dollars (\$150,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Hubert H. Humphrey elementary school in the Albuquerque public school district in Bernalillo county;

8. one hundred thirty thousand dollars (\$130,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Jackson middle school in the Albuquerque public school district in Bernalillo county;

9. one hundred thirty thousand dollars (\$130,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Jefferson middle school in the Albuquerque public school district in Bernalillo county;

10. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct and renovate the grounds and playgrounds, including the purchase and installation of related equipment, fencing, shade structures, turf, bleachers, drainage improvements and landscaping, at Kennedy middle school in the Albuquerque public school district in Bernalillo county;

11. one hundred thousand dollars (\$100,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Lavaland elementary school in the Albuquerque public school district in Bernalillo county;

12. one hundred ninety-five thousand dollars (\$195,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security

systems, fencing, telecommunications alarm upgrades and information technology, at Manzano high school in the Albuquerque public school district in Bernalillo county;

13. one hundred thousand dollars (\$100,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Monte Vista elementary school in the Albuquerque public school district in Bernalillo county;

14. one hundred five thousand dollars (\$105,000) to plan, design, construct and renovate the grounds and playgrounds, including the purchase and installation of related equipment, fencing, shade structures, turf, bleachers, drainage improvements and landscaping, at Montessori of the Rio Grande elementary school in the Albuquerque public school district in Bernalillo county;

15. three hundred thousand dollars (\$300,000) to design, develop and construct a playground, including purchasing and acquiring play structures and equipment and relevant playground landscaping, for New Mexico international school charter school in the Albuquerque public school district in Bernalillo county;

16. one hundred thousand dollars (\$100,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Painted Sky elementary school in the Albuquerque public school district in Bernalillo county;

17. one million dollars (\$1,000,000) to plan, purchase, design, construct, equip and furnish facilities related to the new gymnasium wing, including related building infrastructure and the purchase and installation of related equipment, monitoring equipment, weight room equipment, fencing, bleachers, asphalt paving, drainage improvements and landscaping, at Rio Grande high school in the Albuquerque public school district in Bernalillo county;

18. two hundred thirty-five thousand dollars (\$235,000) to acquire land for and to plan, design, construct, renovate, equip and furnish buildings, equipment or portables for South Valley preparatory school in Albuquerque in Bernalillo county;

19. one hundred ninety thousand dollars (\$190,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Tomasita elementary school in the Albuquerque public school district in Bernalillo county;

20. two hundred fifty thousand dollars (\$250,000) to purchase, acquire and install resources for information technology, including related equipment, furniture, wiring and infrastructure, at Valley high school in the Albuquerque public school district in Bernalillo county;

21. two hundred eight thousand eight hundred dollars (\$208,800) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Whittier elementary school in the Albuquerque public school district in Bernalillo county;

22. one hundred twenty-eight thousand dollars (\$128,000) to purchase and equip an activity bus for student travel for the Raton public school district in Colfax county;

23. three hundred thousand dollars (\$300,000) for replacement of and improvements to athletic facilities, including the football field, track, bleachers and press box, in the Texico municipal school district in Curry county;

24. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, repair and renovate the roof at Elida high school in the Elida municipal school district in Roosevelt county;

25. forty-eight thousand dollars (\$48,000) to purchase equipment~~[-including musical instruments, costumes and recording equipment,]~~ for Mariachi Cardenal of the Las Vegas city public school district in San Miguel county; *LINE-ITEM VETO*

26. one million four hundred thousand dollars (\$1,400,000) to acquire land and to plan, design, construct, renovate and equip a youth center for the Las Vegas city public school district in San Miguel county;

27. one hundred forty-five thousand dollars (\$145,000) to plan, design, construct, purchase, replace and install a heating, ventilation and air conditioning system at Pojoaque Valley high school in the Pojoaque Valley public school district in Santa Fe county~~[-and~~

~~28. four hundred forty thousand dollars (\$440,000) to plan, design and construct improvements to the dance barns facility for the Santa Fe public school district in Santa Fe county.]~~ *LINE-ITEM VETO*

Chapter 81 Section 23 Laws 2020

SECTION 23. STATE PARKS DIVISION OF THE ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT PROJECTS--SEVERANCE TAX BONDS.-- Pursuant to the provisions of Section 1 of this act, upon certification by the state parks

division of the energy, minerals and natural resources department that the need exists for the issuance of the bonds, the following amounts are appropriated to the state parks division of the energy, minerals and natural resources department for the following purposes:

1. fifty thousand dollars (\$50,000) to purchase and equip vehicles and equipment and make improvements for the Rio Grande Nature Center state park in Bernalillo county;
2. fifty thousand dollars (\$50,000) to purchase and equip vehicles and equipment and make improvements for Bluewater Lake state park in Cibola county;
3. thirty-five thousand dollars (\$35,000) to purchase and equip vehicles and equipment and make improvements for Eagle Nest Lake state park in Colfax county;
4. fifty thousand dollars (\$50,000) to purchase and equip vehicles and equipment and make improvements for El Vado Lake state park in Rio Arriba county;
5. forty thousand dollars (\$40,000) to purchase and equip vehicles and equipment and make improvements for Heron Lake state park in Rio Arriba county;
6. forty thousand dollars (\$40,000) to purchase and equip vehicles and equipment and make improvements for Navajo Lake state park in San Juan county;
7. thirty-five thousand dollars (\$35,000) to purchase and equip vehicles and equipment and make improvements for Conchas Lake state park in San Miguel county;
8. thirty-five thousand dollars (\$35,000) to purchase and equip vehicles and equipment and make improvements for Fenton Lake state park in Sandoval county;
9. fifty thousand dollars (\$50,000) to purchase and equip vehicles and equipment and make improvements for Elephant Butte Lake state park in Sierra county; and
10. one million dollars (\$1,000,000) to plan, design and construct upgrades and improvements to New Mexico state parks related to water and wastewater infrastructure statewide.

Chapter 81 Section 24 Laws 2020

SECTION 24. ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the energy, minerals and natural resources department that the need exists for the issuance of the bonds, the following amounts are appropriated to the energy, minerals and natural resources department for the following purposes:

1. five hundred thousand dollars (\$500,000) to purchase and equip fire engines and firefighting vehicles for the energy, minerals and natural resources department statewide; and
2. one million eight hundred thousand dollars (\$1,800,000) to plan, design and construct watershed restoration and community wildfire protection improvements, including forest thinning, statewide.

Chapter 81 Section 25 Laws 2020

SECTION 25. OFFICE OF THE STATE ENGINEER PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the office of the state engineer that the need exists for the issuance of the bonds, the following amounts are appropriated to the office of the state engineer for the following purposes:

1. twenty thousand dollars (\$20,000) for fencing and security systems along the Alameda drain trail for the middle Rio Grande conservancy district in Bernalillo county;
2. fifteen thousand dollars (\$15,000) to plan, design, construct, purchase and equip a turbine pump for the Fort Sumner irrigation district in De Baca county;
3. forty-one thousand dollars (\$41,000) to plan, design, construct and equip lining improvements to the ditches and laterals in the Fort Sumner irrigation district in De Baca county;
4. one million one hundred thousand dollars (\$1,100,000) to acquire property and to plan, design, construct and equip a drainage channel to the Brahman diversion channel in Dona Ana county;
5. two million five hundred thousand dollars (\$2,500,000) to plan, design, acquire, construct and equip a flood control dam on the Lower Spring canyon arroyo in Dona Ana county;
6. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, equip, purchase and install improvements to the Villa Mora dam area, including trails, parking and lighting, in Las Cruces in Dona Ana county;
7. fifty thousand dollars (\$50,000) to acquire San Juan-Chama project water for storage in the Rio Chama irrigation reserve in Abiquiu in Rio Arriba county;
8. sixty thousand dollars (\$60,000) to plan, design, construct and make improvements to the Lyden canal flood control infrastructure in the upper Rio Grande watershed district in Rio Arriba county;

9. four hundred thousand dollars (\$400,000) for the San Juan river basin recovery implementation program in San Juan county;
10. two million dollars (\$2,000,000) to plan, design, construct, rehabilitate and make improvements to publicly owned dams statewide;
11. five hundred thousand dollars (\$500,000) to purchase, construct, install, map and calibrate surface and ground water measurement structures, equipment and related software for administrative purposes and accountability statewide;
12. twenty thousand dollars (\$20,000) to acquire water rights for the West Rim mutual domestic water users' association in Taos county; and
13. two hundred fifty thousand dollars (\$250,000) to plan, design and construct a pedestrian bridge to improve access to the Rio Grande bosque near the Peralta riverside drain for the middle Rio Grande conservancy district in Valencia county.

Chapter 81 Section 26 Laws 2020

SECTION 26. DEPARTMENT OF ENVIRONMENT PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the department of environment that the need exists for the issuance of the bonds, the following amounts are appropriated to the department of environment for the following purposes:

1. six hundred ninety thousand dollars (\$690,000) to plan, design, construct and equip a water reuse facility, including a wastewater reuse plant, a reservoir and pipelines for distribution of non-potable water to irrigation sites and discharge into Tijeras arroyo, in Albuquerque in Bernalillo county;
2. five hundred ninety-seven thousand dollars (\$597,000) to plan and design a wastewater reuse plant for the Albuquerque-Bernalillo county water utility authority in Bernalillo county;
3. one million three hundred ninety-five thousand nine hundred dollars (\$1,395,900) to plan, design, construct and equip a wastewater reclamation plant for the Albuquerque- Bernalillo county water utility authority to serve the Winrock site and public parks in Albuquerque in Bernalillo county;
- ~~4. twenty five thousand dollars (\$25,000) to plan, design, construct and equip a well and a water tank for the Pueblo of Isleta in Bernalillo county;~~ *LINE-ITEM VETO*
5. six hundred twenty-five thousand dollars (\$625,000) to plan, design and construct a third well and related infrastructure in Tijeras in Bernalillo county;

6. two hundred thirteen thousand dollars (\$213,000) to develop a preliminary engineering report and to purchase and install electronic read meters for the Quemado Lake water association in Catron county;

7. two hundred thousand dollars (\$200,000) to acquire land and rights of way for and to plan, design, construct and improve a wastewater treatment plant and effluent system for Reserve in Catron county;

8. one hundred seventy thousand dollars (\$170,000) to plan, design, construct and equip water meter system improvements for the Fambrough mutual domestic water consumers association in Chaves county;

9. five hundred four thousand dollars (\$504,000) to plan, design and construct water system improvements in Dexter in Chaves county;

10. one hundred thousand dollars (\$100,000) to purchase, equip and install a backup generator for a well in Hagerman in Chaves county;

11. three hundred thousand dollars (\$300,000) to plan, design, construct and install improvements, including pond liners, a pivot irrigation system, sludge removal and concrete overflow weirs, to water and wastewater systems in Hagerman in Chaves county;

12. one hundred twenty-six thousand five hundred twenty-seven dollars (\$126,527) to plan, design, construct, repair, purchase, equip and make improvements to the water and wastewater systems for the Bluewater water and sanitation district in Bluewater in Cibola county;

13. one hundred thousand dollars (\$100,000) to acquire property for and to plan, design, construct, equip and improve a wastewater system for the Bluewater water and sanitation district in Bluewater in Cibola county;

14. one hundred fifty-eight thousand dollars (\$158,000) to plan, design, construct and replace a water tank in Angel Fire in Colfax county;

15. ninety-eight thousand dollars (\$98,000) to plan, design, construct, repair, replace, install and equip sewer lagoon liners for a wastewater system in Maxwell in Colfax county;

16. one hundred fifty thousand dollars (\$150,000) to purchase and equip a backhoe and a maintenance vehicle for the water system in the Desert Aire area for the Anthony water and sanitation district in Dona Ana county;

17. one hundred ninety thousand dollars (\$190,000) to plan, design and construct fencing for the Chaparral wastewater treatment plant in Dona Ana county;

18. one hundred fifty thousand dollars (\$150,000) to acquire easements, rights of way and land and to plan, design, construct, purchase and equip wastewater system improvements for the community of Desert Aire in Dona Ana county;
19. one hundred one thousand dollars (\$101,000) to plan, design and construct improvements to the south central wastewater collection systems in Dona Ana county;
20. fifty thousand dollars (\$50,000) to plan, design and construct improvements to the Picacho Hills arroyo sewer line for the Dona Ana mutual domestic water consumers association in Dona Ana county;
21. two hundred ten thousand dollars (\$210,000) to purchase, equip and install equipment, including security equipment, a utility truck, a backhoe and trenchers, for La Union mutual domestic sewer and water association in Dona Ana county;
22. three hundred twenty-three thousand dollars (\$323,000) to plan, design and construct water system improvements, including booster station and water line improvements and interconnection with the High Valley Estates water system, for the Vista del Rey Estates mutual domestic water consumers association in Dona Ana county;
23. one hundred thousand dollars (\$100,000) to conduct archaeological and environmental studies for and to plan, design and construct water line extensions for the Anthony water and sanitation district in Anthony in Dona Ana county;
24. five hundred thousand dollars (\$500,000) to plan, design and construct a septic replacement project in Las Cruces in Dona Ana county;
25. three hundred twenty thousand dollars (\$320,000) to plan, design, construct, replace, purchase and equip the water system booster pump, including demolition of the existing booster station, in Mesilla in Dona Ana county;
26. five hundred thousand dollars (\$500,000) to plan, design and construct a sewer line, including sewer interceptor, manholes, fittings and attachments, along National Parks highway in Carlsbad in Eddy county;
27. five hundred thousand dollars (\$500,000) to plan, design and construct a water tank for Hope in Eddy county;
28. eight hundred thousand dollars (\$800,000) to plan, design and construct improvements to sewer collection and a wastewater treatment plant, including replacement of sewer mains, replacement and installation of manholes, service reconstructions and the installation of security fencing and gates, in Loving in Eddy county;

29. four hundred fifty-five thousand dollars (\$455,000) to plan, design, construct, purchase, equip and install wastewater system improvements in Bayard in Grant county;
30. seventy thousand dollars (\$70,000) to plan, design, construct, purchase, equip and furnish water system improvements for Santa Clara in Grant county;
31. one hundred fifty thousand dollars (\$150,000) to purchase and equip a loader for the Southwest solid waste authority in Silver City in Grant county;
32. forty-eight thousand dollars (\$48,000) to plan, design and construct a Puerto de Luna water line lateral extension to Agua Negra in Guadalupe county;
33. two hundred thousand dollars (\$200,000) to purchase and equip tractor trailers for the solid waste department of Santa Rosa in Guadalupe county;
34. one hundred eight thousand dollars (\$108,000) to plan, design, construct and repair water storage tank and water system improvements in Roy in Harding county;
35. eight hundred thousand dollars (\$800,000) to plan, design and construct water and wastewater system improvements in Lordsburg in Hidalgo county;
36. one hundred twenty-five thousand dollars (\$125,000) to plan, design and construct improvements, including lead paint removal and painting, for the water tower in Tatum in Lea county;
37. seventy-five thousand dollars (\$75,000) to plan, design, construct, purchase and install a lift station and control for the wastewater treatment plant in Capitan in Lincoln county;
38. five hundred thousand dollars (\$500,000) to plan, design and construct water system improvements in Carrizozo in Lincoln county;
39. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct and purchase equipment for improvements to the water system in Corona in Lincoln county;
40. seven hundred fifty thousand dollars (\$750,000) to plan, design, purchase and construct a water tank for the Hondo Valley public school district in Lincoln county;
41. eighty-four thousand five hundred dollars (\$84,500) to purchase and equip trash collection equipment, including dumpsters and poly carts, for the Greentree solid waste authority in Ruidoso Downs in Lincoln county;

42. two hundred thirty thousand dollars (\$230,000) to purchase and equip a solid waste collection truck, including a roll-off system, for the Greentree solid waste authority in Ruidoso Downs in Lincoln county;

43. two hundred thousand dollars (\$200,000) to plan, design, construct, furnish and equip a wastewater sanitary system for the Fort Sill Apache Tribe in Luna county;

44. seven hundred thousand dollars (\$700,000) to acquire rights of way and to plan, design, purchase, construct and install a regional supervisory control and data acquisition system to benefit the Baca, Thoreau, Mariano Lake and Smith Lake chapters of the Navajo Nation in McKinley county;

45. one hundred thousand dollars (\$100,000) to plan, design, construct and improve a water system for the Williams Acres water and sanitation district in McKinley county;

46. seventy-five thousand dollars (\$75,000) to plan, design, construct, improve and equip the Baahaali/Chichiltah regional solid waste collection and recycling center in Vanderwagen for the Baahaali chapter of the Navajo Nation in McKinley county;

47. six hundred sixty thousand dollars (\$660,000) to plan, design and construct a water system to serve the Vanderwagen community of the Chichiltah chapter of the Navajo Nation in McKinley county;

~~48. — forty thousand dollars (\$40,000) to plan, design and construct storm drainage improvements along Calle Pinon in Gallup in McKinley county;]~~ *LINE-ITEM VETO*

49. one hundred forty thousand dollars (\$140,000) to perform environmental studies and to plan, design and construct a community water and drainage system for the Iyanbito chapter of the Navajo Nation in McKinley county;

50. two hundred thousand dollars (\$200,000) to plan, design and construct water system improvements in the Smith Lake chapter of the Navajo Nation in McKinley county;

51. sixty thousand dollars (\$60,000) to purchase and equip roll-off transport trucks, trailers and containers for the northwest New Mexico regional solid waste authority in Thoreau in McKinley county;

52. two hundred seventy-five thousand dollars (\$275,000) to acquire easements and rights of way and to plan, design and construct water system improvements for the regional Beacon Bisti N9 lateral water project for the Tse'ii'ahi' chapter of the Navajo Nation in McKinley county;

53. fifty thousand dollars (\$50,000) to acquire land, easements and rights of way for and to plan, design and construct water line extensions, including archaeological and environmental studies and clearances, in the Tse'ii'ahi' chapter of the Navajo Nation in McKinley county;

54. ninety-eight thousand dollars (\$98,000) to plan, design and construct water system improvements for the Agua Pura mutual domestic water consumers and mutual sewage works association in Mora county;

55. forty-eight thousand five hundred dollars (\$48,500) to plan, design, construct and equip water system improvements for the Ledoux mutual domestic consumers association in Mora county;

56. three million dollars (\$3,000,000) to plan, design and construct improvements to contaminated water systems in Curry and Otero counties;

57. one million dollars (\$1,000,000) to plan, design, acquire easements and construct the eastern New Mexico rural water system interim pipeline for the eastern New Mexico water utility authority in Curry and Roosevelt counties;

58. five hundred fifty thousand dollars (\$550,000) to acquire easements and rights of way and to plan, design and construct water system improvements for the regional Beacon Bisti N9 lateral water project for the White Rock chapter of the Navajo Nation in McKinley and San Juan counties;

59. five hundred fifty thousand dollars (\$550,000) to plan, design, construct and equip improvements, including a well and a water tank, for the water system in Logan in Quay county;

60. three hundred fifty thousand dollars (\$350,000) to plan, design, construct and repair water ground storage tanks for San Jon in Quay county;

61. three hundred thousand dollars (\$300,000) to plan, design, construct, improve and replace sewer lines in Tukumcari in Quay county;

62. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to the wastewater treatment facility for the Abiquiu mutual domestic water consumers association and mutual sewage works association in Rio Arriba county;

63. ninety-five thousand dollars (\$95,000) to plan, design and construct an interconnection between the Agua Sana water users' association and the Chamita mutual domestic water consumers and sewage works association in Rio Arriba county;

64. fifty thousand dollars (\$50,000) to plan, design and construct a water distribution system for the Alcalde mutual domestic water consumers' and mutual sewage works association in Rio Arriba county;

65. seventy thousand dollars (\$70,000) for well site evaluation and to plan, design, construct, purchase, equip and install water wells for El Rito regional water and wastewater association in Rio Arriba county;

66. seventy-five thousand dollars (\$75,000) to plan, design and construct phase 2 of a water storage tank replacement, including a level control system and foundation, for the La Madera mutual domestic water consumers' association in Rio Arriba county;

67. twenty-five thousand dollars (\$25,000) to plan, design, construct, repair and replace a water line of the Rio de Chama for the Plaza Blanca mutual domestic water consumers' association in Rio Arriba county;

~~68. one hundred thousand dollars (\$100,000) to purchase and equip heavy equipment, including a roll-off truck and an air burner, for solid waste management in Rio Arriba county;~~ *LINE-ITEM VETO*

69. thirty-five thousand dollars (\$35,000) to plan, design, construct, purchase and install meter system improvements for the Velarde mutual domestic water consumers' and mutual sewage works association in Rio Arriba county;

70. sixty thousand dollars (\$60,000) to plan, design and construct improvements to a water system for the Canjilon mutual domestic water consumers and mutual sewage works association in Canjilon in Rio Arriba county;

71. eight hundred thousand dollars (\$800,000) to plan, design and construct a sewer line extension for Chama in Rio Arriba county;

~~72. one hundred thousand dollars (\$100,000) for an environmental study in Espanola in Rio Arriba county;~~

~~73. ten thousand dollars (\$10,000) to plan, design and construct water system improvements for the Ancones mutual domestic water and wastewater consumers association in La Madera in Rio Arriba county;~~ *LINE-ITEM VETO*

74. eighty-five thousand dollars (\$85,000) to plan, design and construct improvements to infrastructure for the hatchery outflow to meet drinking water standards in the area of Los Ojos in Rio Arriba county;

75. three hundred seventy-five thousand dollars (\$375,000) to plan, design, construct and equip water system improvements for the Lybrook mutual domestic water consumers association in Rio Arriba county;

76. one million five hundred thousand dollars (\$1,500,000) to plan, design, construct and equip a natural gas line for Tierra Amarilla in Rio Arriba county;

77. five hundred thousand dollars (\$500,000) to plan, design, construct, furnish and equip a wastewater system in Elida in Roosevelt county;

~~[78. one hundred thousand dollars (\$100,000) to acquire land for and to plan, design and construct well field improvements for Portales in Roosevelt county;] LINE-ITEM VETO~~

79. eight hundred fifty thousand dollars (\$850,000) to plan, design and construct a wastewater booster pump station to convey wastewater for treatment between Kirtland and Farmington in San Juan county;

80. two million dollars (\$2,000,000) to acquire rights of way and to plan, design and construct water system improvements, including a water pipeline and water line, from the North Star system at Aztec along New Mexico highway 574 to San Juan county road 1350 for phase one of the Aztec/La Plata regional pipeline project in San Juan county;

81. one million five hundred thousand dollars (\$1,500,000) to acquire utility easements and to plan, design and construct water lines along New Mexico highway 173 in Aztec in San Juan county;

82. eight hundred fifty thousand dollars (\$850,000) to plan, design, construct and improve the wastewater treatment plant in Bloomfield in San Juan county;

83. one million three hundred fifteen thousand dollars (\$1,315,000) to plan, design, construct, purchase, install and replace a plant cooling tower, including emergency power transfer switches and building automation systems, in Farmington in San Juan county;

84. five hundred ninety-nine thousand dollars (\$599,000) to acquire easements and rights of way and to plan, design and construct, including surveying and archaeological and environmental studies, water system improvements for the regional San Juan lateral water project in the Naschitti chapter of the Navajo Nation in San Juan county;

85. ninety thousand dollars (\$90,000) to plan, design, construct, purchase, install, replace, furnish and equip insulated fireproof steel buildings for the Navajo Dam domestic water consumers and mutual sewage works cooperative at Navajo Dam in San Juan county;

86. five hundred thousand dollars (\$500,000) to acquire easements and rights of way and to plan, design and construct, including surveying and archaeological and environmental studies, water system improvements for the regional San Juan lateral water project in the Tse Alnaozti'i' chapter of the Navajo Nation in San Juan county;

87. two hundred thousand dollars (\$200,000) to acquire rights of way, to perform archaeological and environmental studies and to plan, design, construct and extend scattered water lines for the Sheepsprings chapter of the Navajo Nation in San Juan county;

88. two hundred seventy-five thousand dollars (\$275,000) to plan, design and construct water and wastewater lines on the south side of Shiprock in the Shiprock chapter of the Navajo Nation in San Juan county;

89. one hundred fifty thousand dollars (\$150,000) to acquire easements and rights of way for and to plan, design and construct, including archaeological and environmental studies, a water line extension for the Tse'Daa'Kaan chapter of the Navajo Nation in San Juan county;

90. one hundred thousand dollars (\$100,000) to acquire easements and rights of way, to perform surveying, archaeological and environmental studies and to plan, design and construct water system improvements for the regional San Juan lateral water project in the Two Grey Hills chapter of the Navajo Nation in San Juan county;

91. one hundred thousand dollars (\$100,000) to plan, design and construct a water system improvements project for the Chappelle mutual domestic consumers association in Chappelle in San Miguel county;

92. fifty thousand dollars (\$50,000) to plan, design and construct a water system improvements project for El Creston mutual domestic water consumers association in San Miguel county;

93. one hundred fifty thousand dollars (\$150,000) to plan, design and construct a water storage tank for El Valle water alliance in San Miguel county;

94. forty thousand dollars (\$40,000) to plan, design, construct, repair and renovate well houses for El Valle water alliance in San Miguel county;

95. fifty-eight thousand dollars (\$58,000) to plan, design and construct water system improvements for Las Tusas mutual domestic water consumers association in San Miguel county;

96. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, upgrade, purchase and equip water and sewer lines in Pecos in San Miguel county;

97. fifty-eight thousand dollars (\$58,000) to plan, design and construct water system improvements, including water supply lines and wells, for the Pendaries village mutual domestic water consumers association in San Miguel county;

98. thirty-eight thousand dollars (\$38,000) to plan, design, construct, purchase and equip water system improvements, including water meters, for the Tecolotito mutual domestic water consumers association in San Miguel county;

99. six hundred forty thousand dollars (\$640,000) to plan, design and construct a connection between the east Pecos sewer system and the Pecos wastewater treatment plant for the east Pecos mutual domestic water consumers association in Pecos in San Miguel county;

~~[100. fifty thousand dollars (\$50,000) to acquire land, easements and rights of way and to plan, design and construct an extension of the sewer collection system along New Mexico highway 63 and east Rincon road in Pecos in San Miguel county;]~~
LINE-ITEM VETO

101. fifty thousand dollars (\$50,000) to plan, design and construct water system improvements for the Pena Blanca mutual domestic water consumers and mutual sewage works association in Sandoval county;

102. thirty-three thousand dollars (\$33,000) to plan, design, construct, purchase and install a water storage tank for the Ponderosa mutual domestic water consumers' association and sewage works association in Ponderosa in Sandoval county;

103. one hundred thousand dollars (\$100,000) to plan, design and construct water system improvements for the Regina mutual domestic water consumers association in Sandoval county;

104. five hundred sixty thousand dollars (\$560,000) to plan, design and construct arroyo stabilization improvements in the lower Montoyas arroyo for the southern Sandoval county arroyo flood control authority in Sandoval county;

105. eight hundred thousand dollars (\$800,000) to plan, design and construct arroyo stabilization improvements in the lower Venada arroyo between New Mexico highway 528 and the outlet to the Rio Grande for the southern Sandoval county arroyo flood control authority in Sandoval county;

106. one hundred thousand dollars (\$100,000) to plan, design, construct, purchase, equip and install a supervisory control and data acquisition system for wastewater facilities for Bernalillo in Sandoval county;

107. twenty-five thousand dollars (\$25,000) to plan, design and construct water and wastewater lines from casa San Ysidro and the old church to Corrales road for a visitor center in Corrales in Sandoval county;

108. fifty thousand dollars (\$50,000) to plan, design and construct a wastewater emergency bypass and collection system for Corrales in Sandoval county;

109. six hundred eighty-seven thousand two hundred dollars (\$687,200) to plan, design and construct improvements to the Lybrook water system for the Counselor chapter of the Navajo Nation in Sandoval county;

110. one hundred fifty thousand dollars (\$150,000) to plan, design and construct improvements to a wastewater system in Cuba in Sandoval county;

111. one hundred twenty-five thousand dollars (\$125,000) to plan, design and construct water line replacements and water system improvements for the Jemez Springs domestic water association in Sandoval county;

112. ninety-seven thousand dollars (\$97,000) to design, construct and repair the sand filter building in La Jara in Sandoval county;

113. one hundred nine thousand three hundred fifty dollars (\$109,350) to plan, design and construct a water well, water storage tanks, water lines and a building, including the purchase and installation of related equipment, for Las Acequias de Placitas water cooperative in Placitas in Sandoval county;

114. five hundred fifty thousand dollars (\$550,000) to acquire water rights, including needed applications and transfers, and to plan, design and construct improvements to the water distribution system, including wells and water line extensions, for the Agua Fria community water system association in Santa Fe county;

115. four hundred thousand dollars (\$400,000) to plan, design and construct improvements to the water system for the Chupadero water-sewage corporation in Santa Fe county;

116. one hundred fifty thousand dollars (\$150,000) to plan, design and construct water system improvements, including fire protection, for the Galisteo mutual domestic water consumers' and mutual sewage works association in Santa Fe county;

117. two hundred twenty-seven thousand dollars (\$227,000) to plan, design, construct, purchase, equip and install a drinking water project for the greater Glorieta community regional mutual domestic water consumers and sewage works in Santa Fe county;

118. seventy-five thousand dollars (\$75,000) to plan, design and construct water system improvements, including a water storage tank, for the Rio Chiquito mutual domestic water consumers and mutual sewage works association in Santa Fe county;

119. eight hundred thirty-five thousand dollars (\$835,000) to plan, design and construct a wastewater system expansion, including the relocation of other utilities within the corridor, in the Agua Fria village area of Santa Fe county;

120. five hundred thousand dollars (\$500,000) to plan, design and construct a booster pump station and water line extension to serve the Eldorado area water and sanitation district and the community of Canoncito in Santa Fe county;

121. two hundred thousand dollars (\$200,000) to purchase, equip and install a supervisory control and data acquisition system, including real-time data and remote operations, for the drinking water system for the Pueblo of Tesuque in Santa Fe county;

122. four hundred thousand dollars (\$400,000) to plan, design and construct water system improvements for Elephant Butte in Sierra county;

123. two hundred ten thousand dollars (\$210,000) to purchase and equip garbage trucks for Magdalena in Socorro county;

124. one million two hundred fifty thousand dollars (\$1,250,000) to plan, design and construct projects that improve surface water quality and river habitat statewide;

~~[125. sixty thousand dollars (\$60,000) to plan, design, construct and improve a water distribution system for the Cerro regional mutual domestic water consumers and sewage works association in Taos county;]~~ *LINE-ITEM VETO*

126. forty-five thousand dollars (\$45,000) to plan, design and construct improvements to infrastructure, including the painting of a water tank and installation of fencing and culverts, for the Chamisal mutual domestic water consumers association in Taos county;

127. thirty-five thousand dollars (\$35,000) to plan, design, construct, furnish and equip the replacement of the water metering system for the Chamisal mutual domestic water consumers association in Taos county;

128. eighty thousand dollars (\$80,000) to plan, design and construct electrical improvements for a well and to purchase and equip a vehicle for use in support of water system operations for El Prado water and sanitation district in Taos county;

129. one hundred thirty thousand dollars (\$130,000) to plan, design and construct phase 2 improvements, including conducting environmental studies and securing easements and rights of way, for a wastewater system for El Valle de Los Ranchos water and sanitation district in Taos county;

130. sixty thousand dollars (\$60,000) to plan, design and construct the replacement of a water line for the Llano Quemado mutual domestic water consumers association in Taos county;

131. sixty thousand dollars (\$60,000) to plan, design and construct water system improvements for the lower Arroyo Hondo mutual domestic water consumers and mutual sewage works association in Taos county;

132. three hundred sixty thousand dollars (\$360,000) to plan, design and construct water system improvements, including a pump station, water storage tanks and water lines, for the lower Des Montes mutual domestic water consumers association in Taos county;

133. sixty thousand dollars (\$60,000) to plan, design, construct and equip water system improvements, including tanks and water supply wells, for the Ojo Caliente mutual domestic water consumers association in Taos county;

134. fifty thousand dollars (\$50,000) to plan, design and construct water system improvements for the Rio Lucio domestic water consumers' association in Taos county;

135. sixty thousand dollars (\$60,000) to plan, design and construct water system improvements for the Rodarte mutual domestic water consumers association in Taos county;

136. sixty thousand dollars (\$60,000) to plan, design, construct, upgrade and make improvements to the San Cristobal mutual domestic water consumers association water system in Taos county;

137. sixty thousand dollars (\$60,000) to plan, design and construct water system improvements for the Talpa mutual domestic water consumers association in Taos county;

138. one hundred ten thousand dollars (\$110,000) to plan, design and construct improvements to the water system for the Tres Piedras mutual domestic water consumers association in Taos county;

139. ten thousand dollars (\$10,000) to plan, design and construct water system improvements for the Union del Llano mutual domestic water consumers association in Taos county;

140. four hundred fifty thousand dollars (\$450,000) to plan, design, construct and equip water system improvements for Red River in Taos county;

141. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and equip a water booster station for Taos Ski Valley in Taos county;

142. one hundred twenty thousand dollars (\$120,000) to plan, design and construct water system improvements for Duran in Torrance county;

143. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct, purchase, equip and install an automated water meter reading system, including meters and meter reading equipment, in Estancia in Torrance county;

144. forty thousand dollars (\$40,000) to plan, design and construct water system improvements in Estancia in Torrance county;

145. two hundred eighty thousand dollars (\$280,000) to plan, design, construct, furnish and equip pump stations and water and wastewater system improvements for Moriarty in Torrance county;

146. one hundred thousand dollars (\$100,000) to plan, design, construct, replace, purchase and install water valves for Moriarty in Torrance county;

147. one hundred thousand dollars (\$100,000) to plan, design, construct, purchase, improve and replace natural gas system components, including pipelines, for Mountainair in Torrance county;

148. fifty thousand dollars (\$50,000) to acquire land and to plan, design and construct a municipal well for Willard in Torrance county;

~~149. fifty thousand dollars (\$50,000) to plan, design, construct and equip improvements to a wastewater system in Willard in Torrance county;~~ *LINE-ITEM VETO*

150. five hundred thousand dollars (\$500,000) to plan, design, construct, renovate and equip wastewater storage lagoons and a wastewater treatment facility in Clayton in Union county;

151. sixty-five thousand dollars (\$65,000) to renovate a water tower in Belen in Valencia county;

152. one million five hundred thousand dollars (\$1,500,000) to design and construct utility extensions to the Central rail park in Los Lunas in Valencia county; and

153. five hundred thousand dollars (\$500,000) to plan, design and construct a wastewater collection system in Peralta in Valencia county.

Chapter 81 Section 27 Laws 2020

SECTION 27. STATE FAIR COMMISSION PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the state fair commission that the need exists for the issuance of the bonds, the following amounts are appropriated to the state fair commission for the following purposes:

1. two hundred thousand dollars (\$200,000) to purchase, install, furnish and equip lighting, furniture, display boards, equipment, technology equipment and auditorium equipment for the African American performing arts center facilities at the New Mexico state fair in Albuquerque in Bernalillo county;

2. one hundred eighty thousand dollars (\$180,000) to plan, design, construct, furnish, equip and install secure booths at the African American pavilion at the New Mexico state fairgrounds in Albuquerque in Bernalillo county; and

3. two million dollars (\$2,000,000) to plan, design, construct, renovate, purchase and install equipment and for site improvements at the New Mexico state fairgrounds in Albuquerque in Bernalillo county.

Chapter 81 Section 28 Laws 2020

SECTION 28. DEPARTMENT OF FINANCE AND ADMINISTRATION PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the department of finance and administration that the need exists for the issuance of the bonds, the following amounts are appropriated to the department of finance and administration for the following purposes:

1. seven hundred fifty thousand dollars (\$750,000) to plan, design, construct, renovate and equip the women's health birthing center at the Rehoboth McKinley Christian hospital in Gallup in McKinley county;

2. one million two hundred thousand dollars (\$1,200,000) for the New Mexico mortgage finance authority to construct or rehabilitate affordable housing statewide, pursuant to the New Mexico Housing Trust Fund Act and the Affordable Housing Act; and

3. one million dollars (\$1,000,000) for the New Mexico mortgage finance authority to weatherize homes and to provide energy efficiency improvements pursuant to the Affordable Housing Act for low-income households statewide.

Chapter 81 Section 29 Laws 2020

SECTION 29. DEPARTMENT OF HEALTH PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the department of health that the need exists for the issuance of the bonds, one million five hundred thousand dollars (\$1,500,000) is appropriated to the department of health to purchase and install scientific and analytic equipment at the scientific laboratory division of the department of health in Albuquerque in Bernalillo county and to purchase and equip accessible vans for a community program in Los Lunas in Valencia county.

Chapter 81 Section 30 Laws 2020

SECTION 30. INDIAN AFFAIRS DEPARTMENT PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the Indian affairs department that the need exists for the issuance of the bonds, the following amounts are appropriated to the Indian affairs department for the following purposes:

1. two hundred seventeen thousand one hundred fifty-nine dollars (\$217,159) to purchase and equip farm equipment and to plan, design and construct a storage building for the Pueblo of Isleta in Bernalillo county;
2. three hundred thousand dollars (\$300,000) to plan, design, construct, furnish and equip a multi-sports complex for the Pueblo of Zuni in McKinley county;
3. one hundred seventy thousand dollars (\$170,000) to plan, design, construct and replace the roof of the tribal administration building at the Pueblo of Santa Clara in Rio Arriba county;
4. fifty thousand dollars (\$50,000) to plan, design, construct and equip renovations to a hogan at the Navajo preparatory school in Farmington in San Juan county;
- ~~5. one hundred fifty thousand dollars (\$150,000) to plan, design and construct a preschool in the Red Valley chapter of the Navajo Nation in San Juan county;]~~ *LINE-ITEM VETO*
6. one hundred sixty thousand dollars (\$160,000) to plan, design, construct, renovate, furnish, equip and expand the chapter house in the Upper Fruitland chapter of the Navajo Nation in San Juan county;
- ~~7. one hundred fifty thousand dollars (\$150,000) to plan, design and construct an administrative building for the Nambe economic development corporation in the Pueblo of Nambe in Santa Fe county;]~~ and *LINE-ITEM VETO*
8. five hundred thousand dollars (\$500,000) to plan, design, construct and equip new water wells in the Alamo chapter of the Navajo Nation in Socorro county.

Chapter 81 Section 31 Laws 2020

SECTION 31. DEPARTMENT OF INFORMATION TECHNOLOGY PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the department of information technology that the need exists for the issuance of the bonds, the following amounts are appropriated to the department of information technology for the following purposes:

1. one million dollars (\$1,000,000) to plan, design, construct, renovate, furnish and equip a building for the Albuquerque radio communications bureau in Bernalillo county;
2. three million dollars (\$3,000,000) to acquire easements and rights of way and to plan, design and construct improvements, including conducting archaeological and environmental studies and enhanced 911 and rural addressing, for the broadband

internet access project across the Navajo Nation in McKinley, San Juan, Rio Arriba, Sandoval, Bernalillo, Cibola and Socorro counties;

3. three hundred seventy-two thousand nine hundred dollars (\$372,900) to plan, design, engineer, construct, purchase and equip broadband infrastructure in northern New Mexico; and

4. two million dollars (\$2,000,000) to plan, design, purchase, install and implement infrastructure to stabilize and modernize public safety radio communications systems statewide.

Chapter 81 Section 32 Laws 2020

SECTION 32. INDIAN WATER RIGHTS SETTLEMENT FUND--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the office of the state engineer that the need exists for the issuance of the bonds, nine million dollars (\$9,000,000) is appropriated to the Indian water rights settlement fund. Notwithstanding the requirement for a joint resolution of the legislature in Subsection A of Section 72-1-11 NMSA 1978, if a corresponding commitment has been made for the federal portion of the settlement in the Aamodt case, the money may be expended by the interstate stream commission in fiscal year 2021 and subsequent fiscal years to implement the state's portion of the settlement, and any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert.

Chapter 81 Section 33 Laws 2020

SECTION 33. INDIAN WATER RIGHTS SETTLEMENT FUND--CLARIFYING THE PURPOSE OF APPROPRIATIONS MADE PURSUANT TO LAWS 2019, CHAPTER 277.--The appropriations for capital expenditures provided for in Laws 2019, Chapter 277, Sections 24, 25, 66 and 71 and the references to contributions by the state to the Aamodt settlement set forth in Section 25 of that act are declared to refer to and be contributions by the state for the construction of the regional water system that is the centerpiece of that settlement, including the state's share of non-federal construction cost overruns, as set forth in the agreement reached pursuant to Section 611(g) of the Federal Claims Resolution Act of 2010, Pub. L. 111-291, 124 Stat. 3139-40, and do not include or refer to contributions for the state's non-construction cost share under the Aamodt settlement.

Chapter 81 Section 34 Laws 2020

SECTION 34. INTERSTATE STREAM COMMISSION PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the interstate stream commission that the need exists for the issuance of the bonds, the following amounts are appropriated to the interstate stream commission for the following purposes:

1. fifteen thousand dollars (\$15,000) to purchase, replace and install access control gates for ditches and acequias in Bernalillo county;
2. ninety thousand dollars (\$90,000) to plan, design, construct and improve the irrigation system for the 1892 Luna irrigation ditch association in Catron county;
3. two hundred thousand dollars (\$200,000) to plan, design, construct and equip improvements to the acequia Madre de San Mateo in Cibola county;
4. fifty thousand dollars (\$50,000) to plan, design and construct acequia improvements and repairs for the Heredia community ditch association in Grant county;
5. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, replace and make improvements to the acequia de Anton Chico, acequia de Los Ranchitos and acequia de Tecolotito in Guadalupe county;
6. twenty-five thousand dollars (\$25,000) to plan, design and construct improvements, including a section of ditch width in Tecolotito, for the acequia de Anton Chico in Guadalupe county;
7. thirty-two thousand dollars (\$32,000) to purchase and install erosion control devices and to plan, design and construct infrastructure improvements for the acequia de Vado de Juan Paiz in Guadalupe county;
8. eighteen thousand dollars (\$18,000) to plan, design and construct improvements, including a pipeline, concrete lining and sluice gates, for the east ditch at Puerto de Luna in Guadalupe county;
9. ten thousand dollars (\$10,000) to plan, design and construct improvements to the acequia Canoncito de La Cueva in the Canoncito de La Cueva area in Mora county;
10. eighteen thousand dollars (\$18,000) to purchase and install instrumentation to monitor water levels at Morphy Lake dam for the acequia de La Isla in Mora county;
11. ten thousand dollars (\$10,000) to acquire easements and to plan, design, construct and install improvements, including a Morphy Lake intake canal lining and river diversion dam, for the acequia de La Isla in Mora county;
12. ten thousand dollars (\$10,000) to plan, design and construct improvements to the acequia de Los Huerros in Mora county;
13. ten thousand dollars (\$10,000) to plan, design and construct improvements to the acequia del Alto al Norte in Mora county;

14. forty-eight thousand five hundred dollars (\$48,500) to plan, design, construct and install improvements to the Cassidy ditch in Mora county;
15. forty thousand dollars (\$40,000) to plan, design and construct improvements, including piping, inlet and outlet structures and steel trash racks, to the acequia de La Lomita in Rio Arriba and Santa Fe counties;
16. twenty-one thousand seven hundred twenty-five dollars (\$21,725) to plan, design and construct improvements to the acequia del Distrito in Santa Fe and Rio Arriba counties;
17. one hundred thousand dollars (\$100,000) to plan, design and construct improvements, including replacement of culverts, to acequia del Llano in Rio Arriba and Santa Fe counties;
18. forty thousand dollars (\$40,000) to plan, design and construct improvements, including splash walls and culverts, to the acequia Arriba de Canones in Rio Arriba county;
19. twenty thousand dollars (\$20,000) to plan, design and construct improvements, including erosion control structures, removal of top-heavy and native and/or non-native invasive tree species and for bank stabilization projects, for the acequia de Alcalde in Rio Arriba county;
20. twenty thousand dollars (\$20,000) to plan, design and construct improvements, including the replacement of a siphon, for the acequia de La Canada Ancha in Rio Arriba county;
21. ten thousand dollars (\$10,000) to plan, design, construct, repair and improve the acequia de La Mesa Prieta in Rio Arriba county;
22. ten thousand dollars (\$10,000) to plan, design, purchase, construct and improve the acequia de La Otra Vanda in Rio Arriba county;
23. two hundred thousand dollars (\$200,000) to plan, design, construct and install improvements for restoration of the acequia de La Plaza de Dixon between New Mexico highways 75 and 68 in Rio Arriba county;
24. one hundred ten thousand dollars (\$110,000) to plan, design, construct and renovate improvements to the acequia de La Plaza de Dixon south of the Rio Embudo near New Mexico highway 75 in Rio Arriba county;
25. ten thousand dollars (\$10,000) to plan, design, construct and equip improvements to the acequia de La Posecion in Rio Arriba county;

26. thirty thousand dollars (\$30,000) to plan, design and construct improvements to the acequia de Los Espinosas in Rio Arriba county;
27. ten thousand dollars (\$10,000) to plan, design and construct improvements, including replacing a culvert, for the acequia de Los Espinosas in Rio Arriba county;
28. forty thousand dollars (\$40,000) to plan, design, construct, repair and improve, including desagues, the acequia de Los Garcias in Rio Arriba county;
29. twenty thousand dollars (\$20,000) to plan, design, construct and install improvements, including underground pipelines, for the acequia de Los Garcias in Rio Arriba county;
30. ten thousand dollars (\$10,000) to plan, design and construct improvements, including acequia lining and water control features, for the acequia de Los Ranchos de Chimayo in Santa Fe county;
31. fifty thousand dollars (\$50,000) to plan, design and construct improvements and repairs for the acequia de Los Vigiles in Rio Arriba county;
32. twenty thousand dollars (\$20,000) to plan, design, purchase and construct phase 3 improvements, including installing ditch linings and purchasing equipment, for the acequia de Ojo Sarco in Rio Arriba county;
33. thirty-five thousand dollars (\$35,000) to plan, design and construct improvements, including a sluice box, a headgate, pipeline and structures, for the acequia del Medio in Rio Arriba county;
34. thirty thousand dollars (\$30,000) to plan, design and construct improvements to the acequia Mesa del Medio in Rio Arriba county;
35. forty thousand dollars (\$40,000) to plan, design and construct acequia improvements and repairs for the Ferran community ditch association in Rio Arriba county;
36. thirty-five thousand dollars (\$35,000) to plan, design, construct and equip ditch improvements for La Cueva ditch association in Rio Arriba county;
37. two hundred seventy-five thousand dollars (\$275,000) to plan, design, construct, repair and improve the ditch, including diversion structures and ditch alignment, and to purchase equipment for the M-B ditch in Rio Arriba county;
38. three hundred thousand dollars (\$300,000) to plan, design and construct improvements to Polvadera acequia number 1 of Canones in Rio Arriba county;

39. ten thousand dollars (\$10,000) to plan, design, repair and construct acequia improvements, including a diversion dam, for the Vallecitos east ditch association in Rio Arriba county;
40. forty thousand dollars (\$40,000) to plan, design, construct, repair and make improvements, including a diversion dam and a headwall, for the Vallecitos west ditch association in Rio Arriba county;
41. twenty thousand dollars (\$20,000) to plan, design, construct, repair and improve the acequia del Bordo, including the mother ditch system, in Canjilon in Rio Arriba county;
42. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, furnish and equip improvements to the Eledge ditch in San Juan county;
43. fifty-six thousand dollars (\$56,000) to plan, design and construct a permanent diversion structure and other improvements for the Turley-Manzanares ditch in San Juan county;
44. one million dollars (\$1,000,000) to plan, design and construct a spillgate and other improvements for the Citizens ditch and La Pumpa acequia for the Bloomfield irrigation district in San Juan county;
45. fifty thousand dollars (\$50,000) to plan, design and construct improvements, including bank stabilization, for the acequia de Los Seguras in San Miguel county;
46. sixty-one thousand dollars (\$61,000) to plan, design, construct, repair and renovate headgates and a gabion dam and to make other improvements for the Ancon del Gato acequia association in San Miguel county;
47. fifteen thousand dollars (\$15,000) to plan, design and construct improvements to La Fragua Puerticito y Saiz community ditch in San Miguel county;
48. ten thousand dollars (\$10,000) to plan, design, construct, repair and make improvements, including a dam and spillway, for the west Pecos acequia association in San Miguel county;
49. ten thousand dollars (\$10,000) to plan, design, construct, repair and make improvements, including in the area of the point of diversion, for the acequia del Molino in Pecos in San Miguel county;
50. ten thousand dollars (\$10,000) to plan, design and construct ditch improvements for the east Pecos ditch association in Pecos in San Miguel county;

51. one hundred thousand dollars (\$100,000) to plan, design and construct phase 4 system and pipeline improvements to the Archibeque ditch in Sandoval county;

52. eighty thousand dollars (\$80,000) to plan, design and construct improvements to the Canon community ditch in Sandoval county;

53. fifty thousand dollars (\$50,000) to plan, design, construct, purchase and equip improvements, including a diversion dam reconstruction, for the Nacimiento community ditch association in Sandoval county;

54. thirty-three thousand two hundred twenty-five dollars (\$33,225) to plan, design and construct improvements, including erosion control structures, mediation of high-risk areas, piping, lining, head gates and other infrastructure, for the acequia de La Comunidad in Santa Fe county;

55. seventy-six thousand dollars (\$76,000) to plan, design and construct improvements to the acequia de La Joya in Socorro county;

56. forty-seven thousand dollars (\$47,000) to plan, design and construct improvements, including a diversion, to the acequia de La Otra Banda in Santa Fe county;

57. seventy-four thousand dollars (\$74,000) to plan, design, construct and improve the acequia de Los Herreras, including water control structures, in Santa Fe county;

58. forty thousand dollars (\$40,000) to plan, design, construct, furnish and equip water management and water system improvements for the acequia de Los Indios in Santa Fe county;

59. ten thousand dollars (\$10,000) to plan, design and construct improvements to the acequia del Cano in Santa Fe county;

60. twenty thousand dollars (\$20,000) to plan, design and construct improvements, including gabions, for the acequia del Potrero in Santa Fe county;

61. twenty thousand dollars (\$20,000) to plan, design, purchase and construct improvements, including culverts, headgates and head walls, for the acequia del Rancho in Santa Fe county;

62. ten thousand dollars (\$10,000) to plan, design and construct improvements, including a concrete canvas barrier, for the acequia Larga de Jacona in Santa Fe county;

63. ten thousand dollars (\$10,000) to plan, design and construct improvements, including a concrete diversion dam, for the acequia Martinez Medio in Santa Fe county;
64. eighty thousand dollars (\$80,000) to plan, design, construct, furnish, equip and install improvements to the acequias de Chupadero in Santa Fe county;
65. sixty-five thousand dollars (\$65,000) to plan, design, construct, repair, furnish, equip and make improvements to the acequia de La Capilla in La Cienega in Santa Fe county;
66. sixty thousand dollars (\$60,000) to plan, design, construct and make improvements to the Las Palomas community ditch pipeline in Sierra county;
67. seven hundred fifty thousand five hundred thirty-five dollars (\$750,535) to purchase water rights for the strategic water reserve program pursuant to Section 72-14-3.3 NMSA 1978 for the interstate stream commission statewide;
68. twenty thousand dollars (\$20,000) to plan, design, construct and improve, including encasement, a section of the acequia de La Sebadilla for the acequias de Chamisal y Ojito in Taos county;
69. twenty thousand dollars (\$20,000) to plan, design and construct improvements, including pipeline, gates, inlets, outlet structures and the removal of concrete lining, for the acequia del Finado Francisco Martinez in Taos county;
70. twenty thousand dollars (\$20,000) to plan, design, construct, repair and improve the acequia del Llano de San Miguel in Taos county;
71. twenty thousand dollars (\$20,000) to plan, design, construct, purchase and install compuertas and to make other improvements to the acequia del Monte de Rio Chiquito in Taos county; and
72. twenty thousand dollars (\$20,000) to plan, design, repair, construct and make improvements, including a diversion dam, the purchase and installation of ditch lining and reinforcement of the ditch banks, to las acequias de Las Trampas in Taos county.

Chapter 81 Section 35 Laws 2020

SECTION 35. LOCAL GOVERNMENT DIVISION OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION PROJECTS--SEVERANCE TAX BONDS.-- Pursuant to the provisions of Section 1 of this act, upon certification by the local government division of the department of finance and administration that the need exists for the issuance of the bonds, the following amounts are appropriated to the local

government division of the department of finance and administration for the following purposes:

1. three hundred fifty-five thousand dollars (\$355,000) to plan, design and construct an accessible day shelter and behavioral health services building in Albuquerque in Bernalillo county;
2. one hundred thousand dollars (\$100,000) to acquire land for and to plan, design, construct, equip and furnish the Edward G. Sandoval baseball fields used by the North Valley little league in Bernalillo county;
3. two hundred fifteen thousand dollars (\$215,000) to plan, design, renovate and construct improvements to the Eisenhower pool in Albuquerque in Bernalillo county;
4. seven hundred twenty thousand dollars (\$720,000) to purchase and equip a hazardous materials squad vehicle for Albuquerque fire rescue in Albuquerque in Bernalillo county;
5. one hundred fifty thousand dollars (\$150,000) to plan, design and construct phase 4 improvements, including landscaping and security, to Martineztown park in Albuquerque in Bernalillo county;
6. twenty-five thousand dollars (\$25,000) to purchase and install shade structures and to make improvements at El Oso Grande and Matheson parks in Albuquerque in Bernalillo county;
7. one million two hundred twenty-five thousand dollars (\$1,225,000) to acquire land and to plan, design, construct and equip a visitor center and multi-use trail along west Central avenue in Bernalillo county;
8. ninety thousand dollars (\$90,000) to plan, design, construct, purchase and equip improvements to the working classroom incorporated youth arts education center in Albuquerque in Bernalillo county;
9. one hundred twenty thousand dollars (\$120,000) to acquire land and to plan, design and construct an Atrisco land grant monument and memorial plaza park in the Atrisco community in Bernalillo county;
10. two hundred thousand dollars (\$200,000) to plan, design, construct, equip and furnish facility improvements, including shade structures, field and parking lighting, an additional access road, additional parking, accessibility improvements, a playground and a prescription/ walking trail, for the Atrisco Valley little league at Atrisco park in Bernalillo county;

~~[11. twenty five thousand dollars (\$25,000) to plan, design, construct, equip and furnish phase 2 improvements at Carlito Springs open space in Bernalillo county;]~~
LINE-ITEM VETO

12. twenty-five thousand dollars (\$25,000) to purchase and install a commercial shredder, a vertical baler and defibrillators for community development in Bernalillo county;

13. four hundred twenty-five thousand dollars (\$425,000) to plan, design, demolish, construct, renovate, furnish and equip the domestic violence waiting area for the domestic violence clerk's offices in Bernalillo county;

14. three hundred thousand dollars (\$300,000) to plan, design, construct, equip, furnish and improve facilities, including bleachers with shade structures, concrete common areas between fields and parking and entryway improvements, for the East Mountain little league in Bernalillo county;

15. five hundred eighty-seven thousand dollars (\$587,000) to plan, design, construct, furnish and equip an educational center and local agricultural food hub in Bernalillo county;

16. one hundred forty thousand dollars (\$140,000) to plan, design, construct, equip and furnish site, accessibility and building improvements, including an addition to the main house, at the Gutierrez-Hubbell house open space in the traditional Pajarito village center in Bernalillo county;

17. one hundred twenty-five thousand dollars (\$125,000) to acquire land and to design, construct, equip and furnish site and building improvements to the ball field and skate park at Los Vecinos community center in Bernalillo county;

18. one million one hundred sixty-five thousand dollars (\$1,165,000) to plan, design, improve, construct and equip facility improvements to the Mesa Del Sol regional outdoor sports complex in Bernalillo county;

19. five hundred thousand dollars (\$500,000) to plan, design, construct, purchase, equip and furnish an aquatic facility in the North Valley in Bernalillo county;

20. five hundred thousand dollars (\$500,000) to plan, design, construct, equip and furnish improvements, including to roads, drainage, trails, soccer fields, parking, bridges and circulation, at Rio Bravo park in Bernalillo county;

~~[21. three hundred thirty five thousand dollars (\$335,000) to purchase and equip vehicles for the sheriff's department in Bernalillo county;~~

~~22. — one hundred twenty thousand dollars (\$120,000) to purchase and equip color infrared cameras for the Bernalillo county sheriff's department metro air support unit in Bernalillo county;~~

~~23. — twenty five thousand dollars (\$25,000) to purchase, equip and install a three-dimensional scanner for the Bernalillo county sheriff's office in Bernalillo county;~~

~~24. — two hundred twenty thousand dollars (\$220,000) to purchase and equip a BearCat vehicle for the sheriff's department in Bernalillo county;~~

~~25. — sixty thousand dollars (\$60,000) to plan, design, construct, furnish, equip, purchase and install a simulation shoot house training facility for the sheriff's office in Bernalillo county;] LINE-ITEM VETO~~

26. eighty thousand dollars (\$80,000) to plan, design, construct, repair, replace and improve roofs and heating, ventilation and air conditioning systems in the South Valley library in Bernalillo county;

27. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish site improvements, including a tournament grade regional softball facility, for Tom Tenorio park in Bernalillo county;

28. one million dollars (\$1,000,000) to acquire land and buildings and to plan, design, construct, demolish and renovate new and existing buildings, parking lots, landscaping, utilities, fencing, roofs and water suppression systems facilities for a transitional living and substance abuse recovery center for adolescents and young adults in Bernalillo county;

~~[29. — fifty thousand dollars (\$50,000) to plan, design, construct, furnish, equip and improve the site and buildings, including an auxiliary gymnasium, at Vista Grande community center in Bernalillo county;] LINE-ITEM VETO~~

30. one hundred fifty thousand dollars (\$150,000) for demolition and to plan, design, construct, equip and furnish site and building improvements and additions to the Westside community center in Bernalillo county;

31. two million five hundred ninety-five thousand dollars (\$2,595,000) to acquire land for and to plan, design, construct and equip a westside fire station in Bernalillo county;

32. one hundred fifty-five thousand dollars (\$155,000) to plan, design, construct, purchase, equip and install photovoltaic panel arrays and solar infrastructure for the communal building at the tiny home village campus in Bernalillo county;

~~[33. — fifty thousand dollars (\$50,000) to acquire land and to plan, design, construct and equip a non-staffed visitors center, including on-site and off-site~~

~~improvements and a multi-use trail, along west Central avenue in Bernalillo county;]~~
~~LINE-ITEM VETO~~

34. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, repair, renovate, equip and make improvements, including an expansion of bird housing, in the nature theater for the animal encounters exhibit at the Albuquerque biopark zoo in Albuquerque in Bernalillo county;

35. thirteen thousand dollars (\$13,000) to purchase and install benches and picnic tables at Academy Hills park in Albuquerque in Bernalillo county;

36. twenty-five thousand dollars (\$25,000) to plan, design, construct, furnish, purchase and equip an adult education and wrap-around service facility in Albuquerque in Bernalillo county;

37. two million five hundred thousand dollars (\$2,500,000) to acquire land for and to plan, design and construct affordable housing and homeless facilities in Albuquerque in Bernalillo county;

38. forty-four thousand dollars (\$44,000) to plan, design, construct and equip improvements to the Alameda little league complex in Albuquerque in Bernalillo county;

39. ninety-five thousand dollars (\$95,000) to plan, design, construct and renovate Altura park, including irrigation, forestry, lighting and fencing, in Albuquerque in Bernalillo county;

~~[40. — five thousand dollars (\$5,000) to plan, design, construct and equip improvements to Anderson Highlands park in Albuquerque in Bernalillo county;]~~ ~~LINE-ITEM VETO~~

41. two hundred ninety-five thousand nine hundred sixty-four dollars (\$295,964) to plan, design, purchase, construct and furnish exhibitions, including youth playscape and balloon fiesta exhibitions, at the Anderson-Abruzzo Albuquerque international balloon museum in Albuquerque in Bernalillo county;

~~[42. — five thousand dollars (\$5,000) to purchase tools and equipment for a community bicycle recycling program in the Atrisco community and southwest area of Albuquerque in Bernalillo county;~~

~~43. — thirty-five thousand dollars (\$35,000) to plan, design, construct, improve and equip Balloon Fiesta park in Albuquerque in Bernalillo county;]~~ ~~LINE-ITEM VETO~~

44. eighty thousand dollars (\$80,000) for renovation, construction, purchase and installation of a Bill Mauldin memorial at New Mexico Veterans' memorial park in Albuquerque in Bernalillo county;

~~[45. thirty three thousand dollars (\$33,000) to renovate the boys and girls club facility at Villela park in Albuquerque in Bernalillo county;] LINE-ITEM VETO~~

46. one hundred twenty-three thousand five hundred dollars (\$123,500) to acquire property and to plan, design, construct, demolish, renovate, improve, equip, furnish and install equipment for a food business incubator and kitchen in the downtown area of Albuquerque in Bernalillo county;

47. two hundred seventy-five thousand dollars (\$275,000) to plan, design and construct improvements to the Candelaria nature preserve, including compliance with federal requirements for habitat restoration, wildlife and public recreation access, in Albuquerque in Bernalillo county;

48. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to Casa Grande linear park in Albuquerque in Bernalillo county;

~~[49. one hundred thirty five thousand dollars (\$135,000) for site preparation and to plan, design, construct, renovate, furnish and equip a center for the arts in Albuquerque in Bernalillo county;] LINE-ITEM VETO~~

50. fifteen thousand dollars (\$15,000) to plan, design, construct, purchase and install playground equipment for a child care program in Albuquerque in Bernalillo county;

~~[51. four hundred fifty thousand dollars (\$450,000) to acquire land and to plan, design and construct the Cibola loop community complex, including a library, pool and multigenerational center, in Albuquerque in Bernalillo county;] LINE-ITEM VETO~~

52. one hundred sixty thousand dollars (\$160,000) for phase 4 development of Daniel Webster inclusive park in Albuquerque in Bernalillo county;

53. six million dollars (\$6,000,000) to upgrade the computer-aided dispatch and records management system for the Albuquerque police department in Albuquerque in Bernalillo county;

54. three hundred eighty-two thousand eight hundred forty-one dollars (\$382,841) to plan, design and construct renovation of cottages for victims of domestic violence, including additional entries and bathrooms, in Albuquerque in Bernalillo county;

55. one hundred five thousand dollars (\$105,000) for improvements to the Elena Gallegos open space in Albuquerque in Bernalillo county;

56. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct and improve the Ernie Pyle memorial~~[-including quotations, photographs and~~

landscaping,] at the New Mexico veterans' memorial in Albuquerque in Bernalillo county; *LINE-ITEM VETO*

57. forty thousand dollars (\$40,000) to purchase, equip and install outdoor fitness equipment in Ernie Taylor park in Albuquerque in Bernalillo county;

58. eight hundred ninety-five thousand dollars (\$895,000) to plan, design, construct and equip phase 2 of the cradle through career science, technology, engineering and mathematics learning campus, including design, construction, purchase and installation of exhibits, furnishings, equipment, information technology and related infrastructure, at the Explora science center and children's museum in Albuquerque in Bernalillo county;

59. two million one hundred eighteen thousand dollars (\$2,118,000) to purchase and equip fire communications and dispatch equipment for Albuquerque fire rescue in Albuquerque in Bernalillo county;

60. one hundred thousand dollars (\$100,000) to purchase and equip a brush truck for the city of Albuquerque in Bernalillo county;

~~61. one hundred twenty thousand dollars (\$120,000) to purchase land and rights of way and to plan, design, construct and equip fire station 12 in Albuquerque in Bernalillo county;~~

~~62. sixty-five thousand dollars (\$65,000) to plan, design, construct, repair and replace the flag retirement facility, including landscaping, electrical and utilities improvements, in Albuquerque in Bernalillo county;~~

~~63. fifty thousand dollars (\$50,000) to plan, design and construct a social service portal of the emergency shelter for Albuquerque in Bernalillo county;] *LINE-ITEM VETO*~~

64. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct, purchase and install playground equipment at the High Desert playground in Albuquerque in Bernalillo county;

65. sixty-five thousand dollars (\$65,000) to plan, design, purchase, construct, equip and furnish improvements, including infrastructure, furniture and technology, for a health care facility for homeless people in Albuquerque in Bernalillo county;

66. one million five hundred thousand dollars (\$1,500,000) to plan, design, construct, renovate and make improvements to public housing units for the Albuquerque housing authority in Albuquerque in Bernalillo county;

~~67. twenty-five thousand dollars (\$25,000) to plan, design, equip and furnish the milk repository for the department of health in Albuquerque in Bernalillo county;~~

~~68. — five hundred five thousand dollars (\$505,000) to plan, design, develop, construct, equip, furnish, landscape and acquire resources and equipment for a public library in the international district in Albuquerque in Bernalillo county;] *LINE-ITEM VETO*~~

69. sixty thousand dollars (\$60,000) to plan, design, construct, furnish and equip improvements, including kitchen and dining room equipment and heating, ventilation and air conditioning systems, and to purchase and equip vehicles for a food kitchen in the international district of Albuquerque in Bernalillo county;

70. one hundred five thousand dollars (\$105,000) to plan, design and construct improvements at the Jerry Cline recreation and tennis center in Albuquerque in Bernalillo county;

~~[71. — one hundred twenty five thousand three hundred thirty three dollars (\$125,333) to plan, design, develop, construct, reconstruct, renovate, rehabilitate, preserve, upgrade, expand and equip the Joan Jones community center, including a gymnasium, in Albuquerque in Bernalillo county;] *LINE-ITEM VETO*~~

72. one hundred fifty thousand dollars (\$150,000) to acquire property and to plan, design, construct, equip and expand Juan Tabo hills park in Albuquerque in Bernalillo county;

73. seventy thousand dollars (\$70,000) to plan, design, construct and renovate the Juan Tabo library in Albuquerque in Bernalillo county;

~~[74. — one hundred thousand dollars (\$100,000) to plan, design and construct a concession stand and lightning shelter in Albuquerque in Bernalillo county;] *LINE-ITEM VETO*~~

75. two hundred ninety thousand dollars (\$290,000) to plan, design, construct and equip improvements, including a gymnasium, therapeutic recreation, security and information technology, at the Loma Linda community center in Albuquerque in Bernalillo county;

~~[76. — sixty five thousand dollars (\$65,000) to replace equipment and to plan, design and construct a parking lot and lighting for Los Altos golf course in Albuquerque in Bernalillo county;~~

~~77. — one million twenty thousand dollars (\$1,020,000) to plan, design, construct, renovate and equip Los Altos park in Albuquerque in Bernalillo county;] *LINE-ITEM VETO*~~

78. one hundred sixty-six thousand dollars (\$166,000) to plan, design, demolish, construct, equip, furnish and landscape Los Tomases park in Albuquerque in Bernalillo county;

79. one hundred thousand dollars (\$100,000) to plan, design, construct and renovate improvements to Lynnewood park in Albuquerque in Bernalillo county;

80. seventy-five thousand dollars (\$75,000) for improvements to Maloof air park in Albuquerque in Bernalillo county;

81. twenty-five thousand dollars (\$25,000) to purchase equipment and information technology for a youth education program in Albuquerque in Bernalillo county;

~~[82. three hundred eighty-five thousand dollars (\$385,000) for improvements to the Manzano mesa pickleball complex in Albuquerque in Bernalillo county;] LINE-ITEM VETO~~

83. two hundred fifty thousand dollars (\$250,000) for improvements to Martineztown park in Albuquerque in Bernalillo county;

84. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to the fields and facilities used by the Mile High little league at Dale Bellamah park in Albuquerque in Bernalillo county;

85. twenty-five thousand dollars (\$25,000) to renovate, refinish and repair floors, purchase and upgrade security cameras, fire alarms and lighting and renovate accessibility features and to renovate, refurbish, repair and design construction of the video room and to upgrade video room equipment at the museum of art and history in Albuquerque in Bernalillo county;

86. eight hundred two thousand dollars (\$802,000) to plan, design, construct and equip an aquatics facility at north Domingo Baca park in Albuquerque in Bernalillo county;

87. one hundred forty thousand dollars (\$140,000) to plan, design and construct a parking lot for the north Domingo Baca multigenerational center and park in Albuquerque in Bernalillo county;

~~[88. eighty-five thousand dollars (\$85,000) to plan, design, construct, furnish, purchase and equip the national institute of flamenco headquarters in Albuquerque in Bernalillo county;] LINE-ITEM VETO~~

89. thirty-five thousand dollars (\$35,000) to plan, design, construct and equip an outdoor New Mexico military history exhibit in Albuquerque in Bernalillo county;

90. two hundred twenty-five thousand dollars (\$225,000) to plan, design and construct and renovate a multipurpose cultural center, including accessibility compliance, in the North Valley of Albuquerque in Bernalillo county;

91. one hundred thirty-five thousand dollars (\$135,000) to plan, design, construct and equip improvements, including artificial turf, fencing, security lighting and accessibility improvements, for baseball fields used by the Lobo little league in Albuquerque in Bernalillo county;

92. twenty thousand dollars (\$20,000) to plan, design, construct and equip improvements, including playground shade structures, at Novella park in Albuquerque in Bernalillo county;

93. fifty thousand dollars (\$50,000) to plan, design, construct and equip improvements, including shade structures, to Barstow park, Desert Ridge Trails park and Ranchos de Palomas park in Albuquerque in Bernalillo county;

94. thirty thousand dollars (\$30,000) to plan, design, construct and equip improvements, including shade structures, to Heritage Hills park, Loma del Norte park and Rotary park in Albuquerque in Bernalillo county;

95. one hundred thousand dollars (\$100,000) to plan, design, construct, purchase and install shade structures, tables and irrigation, including accessibility, at Piedra Lisa park in Albuquerque in Bernalillo county;

96. seventy thousand dollars (\$70,000) to plan, design, construct, purchase and equip playground shade structures for Casa Grande linear park, Ross Enchanted park and Holiday park in Albuquerque in Bernalillo county;

97. three hundred twenty thousand dollars (\$320,000) to purchase and install computer-controlled camera systems, including automated license plate readers, for the police department in Albuquerque in Bernalillo county;

98. one hundred fifteen thousand dollars (\$115,000) to purchase and equip camera trailers for the Albuquerque police department foothills area command in Bernalillo county;

99. eight hundred ten thousand dollars (\$810,000) to purchase and install improved equipment and technology to investigate fingerprints for the police department in Albuquerque in Bernalillo county;

100. one million eight hundred twenty-three thousand dollars (\$1,823,000) to plan, design, equip, purchase and install upgrades, including a laboratory information management system, DNA equipment, firearms toolmark, latent fingerprint equipment and evidence warehouse improvements, for the Albuquerque police department laboratory and evidence facility in Albuquerque in Bernalillo county;

101. ninety thousand dollars (\$90,000) to purchase, equip and make improvements to the laboratory information management system for the police department in Albuquerque in Bernalillo county;

102. three hundred thousand dollars (\$300,000) to purchase and equip motorcycles for the police department in Albuquerque in Bernalillo county;

103. nine hundred twenty-three thousand dollars (\$923,000) to purchase and equip video management system information technology, including automated license plate readers, for the Albuquerque police department in Albuquerque in Bernalillo county;

104. fifty thousand dollars (\$50,000) to purchase and equip vehicles for the police department in Albuquerque in Bernalillo county;

105. ninety thousand dollars (\$90,000) to plan, design, purchase, equip, install and make improvements to the video management software for the police department in Albuquerque in Bernalillo county;

106. five hundred thousand dollars (\$500,000) to purchase and equip vehicles for the Albuquerque police department in Albuquerque in Bernalillo county;

107. four million five hundred sixty thousand dollars (\$4,560,000) to purchase the Poole property for preservation as an open space and outdoor recreation site in Albuquerque in Bernalillo county;

~~108. ninety thousand dollars (\$90,000) to plan, design, construct, renovate and improve public housing in Albuquerque in Bernalillo county;~~ *LINE-ITEM VETO*

109. one hundred fifty-five thousand dollars (\$155,000) to plan, design, construct, purchase and install improvements, including artificial turf and lighting, at the fields used by the Roadrunner little league in Albuquerque in Bernalillo county;

110. three hundred seventy-five thousand dollars (\$375,000) to acquire property and to plan, design, construct, demolish and improve a community and public safety complex at San Mateo boulevard SE and Kathryn avenue in Albuquerque in Bernalillo county;

111. thirty thousand dollars (\$30,000) to plan, design, construct, purchase and equip a community garden at Santa Barbara Martineztown in Albuquerque in Bernalillo county;

112. sixty thousand dollars (\$60,000) to plan, design, construct, purchase, renovate, equip and install improvements for the Singing Arrow-San Miguel de Carnuel archaeological site in Albuquerque in Bernalillo county;

113. forty-five thousand dollars (\$45,000) to plan, design, construct, improve, equip and furnish McKinley and Snow Park community centers in Albuquerque in Bernalillo county;

114. one hundred fifty-five thousand dollars (\$155,000) to plan, design, construct, renovate and expand South San Jose park in Albuquerque in Bernalillo county;

~~[115. seventy thousand dollars (\$70,000) to plan, design, construct, repair and replace the roofs, the heating, ventilation and air conditioning systems and the parking lot at the old main special collections library in Albuquerque in Bernalillo county;] LINE-ITEM VETO~~

116. four million ninety-four thousand five hundred dollars (\$4,094,500) to acquire land for and to plan, design and construct phase 1 of a sports and cultural center, including art exhibits, public outdoor spaces, retail and dining facilities and playing fields, in Albuquerque in Bernalillo county;

~~[117. twenty five thousand dollars (\$25,000) to plan, design, construct and equip improvements, including shade structures, to Sunrise Terrace park in Albuquerque in Bernalillo county;] LINE-ITEM VETO~~

118. one hundred thousand dollars (\$100,000) to plan, design, construct, renovate, expand and make improvements, including a community room, to the Taylor Ranch library in Albuquerque in Bernalillo county;

~~[119. fifty thousand dollars (\$50,000) to plan, design, construct, renovate, replace, purchase and equip improvements to the roof and the heating, ventilation and air conditioning systems at the Taylor Ranch library in Albuquerque in Bernalillo county;] LINE-ITEM VETO~~

120. two hundred seven thousand five hundred dollars (\$207,500) to purchase, restore and conserve land in the Tijeras biozone in Albuquerque in Bernalillo county;

121. one hundred twenty-five thousand dollars (\$125,000) to acquire land for and to plan, design, construct and equip a concession stand at the Tower park complex used by the Westgate little league in Albuquerque in Bernalillo county;

122. one hundred thousand dollars (\$100,000) to plan, design, construct, renovate, purchase, furnish and equip improvements, including the clubhouse and concessions, bathrooms, security and safety equipment and maintenance and grounds equipment, for the West Mesa little league facilities and grounds in Albuquerque in Bernalillo county;

123. three hundred seventy-five thousand dollars (\$375,000) to plan, design, construct, purchase, furnish and equip improvements, including information technology and related equipment, for the Westgate community center in Albuquerque in Bernalillo county;

124. one million seventy-two thousand dollars (\$1,072,000) to acquire land and to plan, design, construct, furnish and equip an indoor sports complex near the Jennifer Riordan spark kindness sports complex in Albuquerque in Bernalillo county;

~~[125. two hundred five thousand dollars (\$205,000) to plan, design, construct and make improvements, including for code compliance and rail track infrastructure, to the Wheels museum in Albuquerque in Bernalillo county;]~~ *LINE-ITEM VETO*

126. one hundred forty-five thousand five hundred dollars (\$145,500) to plan, design, construct, renovate, purchase and equip a facility to provide temporary housing for youth in Albuquerque in Bernalillo county;

127. two hundred fourteen thousand dollars (\$214,000) to plan, design, construct, replace, purchase, equip, furnish and install renovations, including fencing, turf, windscreen, seating, dugout roofing and accessibility, to the Altamont little league fields and facility in Albuquerque in Bernalillo county;

128. two hundred sixty-five thousand dollars (\$265,000) to plan, design, construct, repair, improve, equip and furnish the education space in the Albuquerque museum in Albuquerque in Bernalillo county;

129. eighty-five thousand dollars (\$85,000) to plan, design, construct, purchase, equip and install improvements to the Thunderbird little league baseball facility and fields, including accessible pathways, secure fencing, water infrastructure upgrades, shade structures and security systems, and to purchase and equip vehicles for field maintenance in Albuquerque in Bernalillo county;

130. one hundred fifty thousand dollars (\$150,000) to plan, design, renovate and construct a building for a live/work incubator for creative entrepreneurs in the Barelas metropolitan redevelopment area in Albuquerque in Bernalillo county;

131. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, equip and furnish a new splash park in Bernalillo county;

132. one hundred ninety-five thousand dollars (\$195,000) to plan, design, construct, purchase, equip and install a new heating, ventilation and air conditioning system, technology upgrades and a security system in the Albuquerque Indian center building on the tiny home village campus in Albuquerque in Bernalillo county;

133. one million eight hundred fourteen thousand eight hundred dollars (\$1,814,800) to plan, design, renovate, construct and equip improvements to a youth service center facility in Albuquerque in Bernalillo county;

134. fifty thousand dollars (\$50,000) to plan, design, construct, equip and furnish covered accessible bus stops, including site preparation, at Coors boulevard, southbound at Eagle Ranch road, Golf Course road, southbound at Ellison road,

Alameda road, westbound between Coors boulevard and Corrales road and Old Airport road, in Albuquerque in Bernalillo county;

~~[135. one hundred forty five thousand dollars (\$145,000) to develop a multipurpose trail on Copper avenue at Los Altos golf course in Albuquerque in Bernalillo county;] *LINE-ITEM VETO*~~

~~[136. fifty thousand dollars (\$50,000) to plan, design, construct and equip improvements and streetscape amenities, including an historic markers walking tour, shade structures and children's playground, to Dolores Huerta gateway park in Albuquerque in Bernalillo county;~~

~~137. three hundred eighty five thousand dollars (\$385,000) to plan, design, purchase, construct, equip and furnish a Holocaust and Intolerance museum in Albuquerque in Bernalillo county;] *LINE-ITEM VETO*~~

138. one hundred eighty-three thousand dollars (\$183,000) to plan, design, construct, purchase, equip and install a microgrid for the Manzano Mesa multigenerational center in Albuquerque in Bernalillo county;

~~[139. fifteen thousand dollars (\$15,000) to plan, design and construct a community development and open space project at the intersection of the Rio Grande and Central avenue NW for the middle Rio Grande conservancy district in Albuquerque in Bernalillo county;] *LINE-ITEM VETO*~~

140. five hundred twenty thousand dollars (\$520,000) to plan, design, construct, equip and furnish facility improvements for the facilities used by the Paradise Hills little league in Albuquerque in Bernalillo county;

141. one hundred thousand dollars (\$100,000) to plan, design, construct, furnish and equip improvements, including infrastructure, building and grounds, information technology and related equipment, wiring and paving, to the South Valley economic development center in Bernalillo county;

142. two hundred twelve thousand dollars (\$212,000) to plan, design, construct, improve and equip the Larry P. Abraham Agri-Nature center in Los Ranchos de Albuquerque in Bernalillo county;

143. one hundred fifty thousand dollars (\$150,000) to plan, design and construct a maintenance building in Tijeras in Bernalillo county;

144. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish improvements to the county courthouse in Reserve in Catron county;

145. eighty-eight thousand dollars (\$88,000) to plan, design, construct, equip and furnish a poultry barn steel shelter at the county fairgrounds in Reserve in Catron county;

146. thirty thousand dollars (\$30,000) to plan, design, construct, equip and furnish improvements to the Reserve road maintenance building in Reserve in Catron county;

147. fifty thousand dollars (\$50,000) to plan, design, construct, equip and furnish maintenance department improvements in Reserve in Catron county;

148. two hundred thousand dollars (\$200,000) to plan, design, construct and equip a walking trail around the Chaves county complex in Chaves county;

149. seventy-five thousand dollars (\$75,000) to plan, design, purchase and install improvements, including chiller cooling towers, for the cooling system at the county courthouse in Roswell in Chaves county;

150. five million dollars (\$5,000,000) to plan, design, construct, renovate, purchase, install and expand utilities and infrastructure, including water towers, power poles, utility lines, roads, sidewalks and pavement, at the Roswell industrial air center in Chaves county;

151. eighty thousand dollars (\$80,000) to plan, design, construct, repair, replace, purchase and install security system upgrades, including emergency backup generator and security fencing, for Chaves county government facilities in Chaves county;

152. one hundred thousand dollars (\$100,000) to purchase and equip a backhoe for Dexter in Chaves county;

153. forty thousand dollars (\$40,000) to purchase and equip a maintenance truck for Dexter in Chaves county;

154. ninety thousand dollars (\$90,000) to purchase and equip police vehicles for Dexter in Chaves county;

155. one hundred thousand dollars (\$100,000) to plan, design and construct renovations to a public works building in Hagerman in Chaves county;

156. one hundred twenty-five thousand dollars (\$125,000) to plan, design, purchase, repair and install improvements, including cooling towers and improvements to plumbing, electrical and water infrastructure, for the cooling system at the county administrative center in Roswell in Chaves county;

157. four hundred thousand dollars (\$400,000) to plan, design, repair, replace, purchase and install security system improvements, including an emergency backup generator, security fencing and infrastructure improvements, at the county courthouse in Roswell in Chaves county;

158. two hundred thirty-five thousand dollars (\$235,000) to purchase and equip vehicles for the county sheriff's department in Roswell in Chaves county;

159. eight hundred fifty thousand dollars (\$850,000) to plan, design, construct and furnish baseball fields at Cielo Grande sports complex in Roswell in Chaves county;

160. one million four hundred sixty-one thousand dollars (\$1,461,000) to plan, design, construct and furnish an all-inclusive park at the Cielo Grande sports complex in Roswell in Chaves county;

161. six hundred fifty thousand dollars (\$650,000) to plan, design, construct, renovate, relocate, furnish and equip a county public safety building, including landscaping, fencing and parking lot improvements, in Grants in Cibola county;

162. two million five hundred thousand dollars (\$2,500,000) to acquire property for and to plan, design, construct, furnish and equip a regional indoor multipurpose arena for Grants and Milan in Cibola county;

163. one hundred thousand dollars (\$100,000) to purchase and equip a skid steer and attachments for Grants in Cibola county;

164. one hundred seventy thousand dollars (\$170,000) to plan, design, construct, renovate, equip and make improvements to fire department facilities in Milan in Cibola county;

165. one hundred thousand dollars (\$100,000) to purchase and equip a jetter for Milan in Cibola county;

166. three hundred seventy-eight thousand dollars (\$378,000) to plan, design, construct, equip, purchase, furnish and install improvements to soccer fields in Milan in Cibola county;

167. four hundred seventeen thousand dollars (\$417,000) to plan, design and construct a roof and to replace heating, ventilation and air conditioning systems and make other improvements to a swimming pool and fun room building in Milan in Cibola county;

168. fifty-eight thousand dollars (\$58,000) to purchase a rock crusher, bulldozer, excavator with hammer and triple axle lowboy trailer for Colfax county;

169. one hundred eighteen thousand dollars (\$118,000) to plan, design, construct, furnish and equip a public restroom facility in Cimarron in Colfax county;

170. fifty thousand dollars (\$50,000) to plan, design, construct, equip and improve the Wood Park business development facility, including infrastructure development, accessibility features and street and driveway improvements, in Cimarron in Colfax county;

171. one hundred five thousand dollars (\$105,000) to plan, design and construct improvements to Enchanted Eagle park in Eagle Nest in Colfax county;

172. forty-eight thousand dollars (\$48,000) to acquire land for and to plan, design, construct and equip a veterans' park in Maxwell in Colfax county;

173. forty thousand dollars (\$40,000) to purchase and equip an inmate transport vehicle for the county detention center in Raton in Colfax county;

174. two hundred twenty-six thousand five hundred twenty-five dollars (\$226,525) to purchase and equip vehicles for the police department in Raton in Colfax county;

175. seven hundred thousand dollars (\$700,000) to plan, design and construct a pre-engineered steel building in Raton in Colfax county;

176. one hundred thousand dollars (\$100,000) to plan, design, construct, renovate, improve, furnish and equip the Colfax general long term care and laboratory facility for the south central Colfax county special hospital district in Springer in Colfax county;

177. two hundred seventy-five thousand dollars (\$275,000) to plan, design, construct, renovate, equip and improve the Colfax general long term care facility in the south central Colfax county special hospital district in Springer in Colfax county;

178. eighty-eight thousand dollars (\$88,000) to plan, design and construct a long-term care facility for the south central Colfax county special hospital district in Springer in Colfax county;

179. sixty-eight thousand dollars (\$68,000) to plan, design, construct, improve and furnish a building and to purchase tools and equipment for the fire department in Springer in Colfax county;

180. one hundred thousand dollars (\$100,000) to plan, design, construct, renovate, furnish, equip and make improvements, including roofing systems, to municipal buildings and a public works building in Springer in Colfax county;

181. one hundred thousand dollars (\$100,000) to plan, design, purchase, equip and install metal poles and light-emitting diode lighting, including electrical systems, to the baseball lighting systems at Beachum field in Clovis in Curry county;

182. one hundred thousand dollars (\$100,000) to plan, design, construct, replace, purchase, furnish and equip a heating, ventilation and air conditioning system for the food bank of eastern New Mexico in Clovis in Curry county;

183. two hundred fifty thousand dollars (\$250,000) to resurface and improve parking lots at municipal parks in Clovis in Curry county;

184. seventy-five thousand dollars (\$75,000) to plan, design, construct, improve and equip municipal parks in Clovis in Curry county;

185. two million dollars (\$2,000,000) to plan, design and construct improvements and renovations to the Curry county courthouse in Curry county;

186. six hundred thousand dollars (\$600,000) to plan, design, construct, furnish and equip a detention center in De Baca county;

187. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, purchase and equip improvements to the lake at Bosque Redondo park in Fort Sumner in De Baca county;

188. one hundred thirty-eight thousand dollars (\$138,000) [~~to conduct a feasibility study and~~] to plan, design and construct a sports complex at Delores Wright park, including the replacement of existing fields and the addition of basketball courts, a dirt bike track, a splash pad and permanent multi-use tables, in Chaparral in Dona Ana county; *LINE-ITEM VETO*

189. forty thousand dollars (\$40,000) to plan, design, construct, repair, purchase, equip, install and make improvements to Casas Lindas park in Dona Ana county;

190. seventy thousand dollars (\$70,000) to plan, design, construct, repair and install improvements, including to the water system, facilities, structures and grounds, at the Dona Ana county fairgrounds in Dona Ana county;

191. fifty thousand dollars (\$50,000) to purchase and equip safety and health equipment for firefighters and first responders in Dona Ana county;

192. two hundred ninety thousand dollars (\$290,000) to plan, design, construct, equip and install a multipurpose trail to connect Mesilla with the Las Cruces trail system in Las Cruces in Dona Ana county;

193. thirty thousand dollars (\$30,000) for improvements to Savannah park in Dona Ana county;

194. one hundred eighty thousand dollars (\$180,000) to purchase and equip hybrid electric buses for the south central regional transit district in Dona Ana county;

195. one million five hundred thirty-three thousand five hundred dollars (\$1,533,500) to acquire property, to conduct environmental and archaeological studies and to plan, design, construct, renovate, purchase, furnish and equip parks and recreational facilities for Anthony in Dona Ana county;

196. one hundred thirty-five thousand dollars (\$135,000) to purchase and equip police vehicles and equipment for Anthony in Dona Ana county;

197. one hundred twenty thousand dollars (\$120,000) to purchase and equip vehicles and equipment for the Anthony water and sanitation district in Anthony in Dona Ana county;

198. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, purchase and equip improvements for Chamberino baseball park for the Chamberino mutual domestic water consumer and sewer association in Dona Ana county;

199. eighty thousand dollars (\$80,000) to plan, design, construct, furnish and equip a community complex for the Chamberino mutual domestic water consumer and sewer association in Chamberino in Dona Ana county;

200. five hundred thousand dollars (\$500,000) ~~[to conduct a feasibility study and]~~ to plan, design and construct phase 1 of the library ~~[for a library and health and wealth multiplex]~~ in Chaparral in Dona Ana county; *LINE-ITEM VETO*

201. three hundred thousand dollars (\$300,000) to plan, design, construct, purchase, install and equip a walking trail with lighting, fencing and benches at La Mesa community center in La Mesa in Dona Ana county;

~~[202. ten thousand dollars (\$10,000) to plan, design, construct, purchase and install roof improvements at the Dona Ana county public health services center in Las Cruces in Dona Ana county;]~~ *LINE-ITEM VETO*

203. ten thousand dollars (\$10,000) to purchase and equip improvements to public safety radio equipment for county departments in Las Cruces in Dona Ana county;

204. seventy-five thousand dollars (\$75,000) to plan, design, construct, furnish and equip a multipurpose trail with the Tortugas trail development in Las Cruces in Dona Ana county;

205. two hundred twenty-five thousand dollars (\$225,000) to plan, design, construct, renovate, furnish, equip, purchase and install improvements to the Amador hotel in Las Cruces in Dona Ana county;

206. two hundred thousand dollars (\$200,000) to plan, design, construct, equip, purchase and install solar panels at the regional aquatic center in Las Cruces in Dona Ana county;

207. nine hundred fifty-six thousand dollars (\$956,000) to acquire rights of way and to plan, design, construct, improve, expand, purchase, equip and install way-finding and lighting systems, the restoration of two parks and a community garden, shade structures, bandstands and gateways in Klein park and the arts and cultural district in Las Cruces in Dona Ana county;

208. two hundred thousand dollars (\$200,000) to plan, design, construct, purchase and install a solar project for building one for the Mesilla Valley community of hope in Las Cruces in Dona Ana county;

209. one million four hundred three thousand dollars (\$1,403,000) to plan, design, construct, furnish and equip a facility for storage and distribution of food on the campus of Mesilla Valley community of hope in Las Cruces in Dona Ana county;

210. four hundred thirty thousand dollars (\$430,000) to plan, design, construct, renovate, furnish and equip a health facility for Mesilla Valley community of hope in Las Cruces in Dona Ana county;

211. two hundred forty thousand dollars (\$240,000) to plan, design, construct, equip, purchase and install improvements to fire stations in Las Cruces in Dona Ana county;

212. one hundred fifteen thousand dollars (\$115,000) to plan, design, construct, equip and furnish a new transit operations and maintenance facility in Las Cruces in Dona Ana county;

213. two hundred thousand dollars (\$200,000) to plan, design, construct, renovate, purchase, equip and install improvements at Pioneer Women's park in Las Cruces in Dona Ana county;

214. fifty thousand dollars (\$50,000) to plan, design, construct, furnish, equip and install renovations to the police department building in Las Cruces in Dona Ana county;

~~215. twenty five thousand dollars (\$25,000) to plan, design, construct, equip, renovate and install improvements to public facilities in Las Cruces in Dona Ana county;]~~ *LINE-ITEM VETO*

216. twenty-five thousand dollars (\$25,000) to plan, design, construct, purchase, equip and install improvements to public safety equipment, including emergency response tactical vehicles and the P-25 interconnectibility communication system, in Las Cruces in Dona Ana county;

217. one hundred thousand dollars (\$100,000) to purchase and install public safety technologies for Las Cruces in Dona Ana county;

218. one hundred thousand dollars (\$100,000) to acquire land, rights of way and easements and to plan, design, construct, equip, purchase and install a new skate park in Las Cruces in Dona Ana county;

219. eight hundred forty-five thousand dollars (\$845,000) to plan, design, construct, renovate and equip the skate park in Las Cruces in Dona Ana county;

220. eight hundred fifty-six thousand dollars (\$856,000) to plan, design, construct, purchase, equip and install renovations at the High Noon soccer complex in Las Cruces in Dona Ana county;

221. seventy-eight thousand dollars (\$78,000) to plan, design, construct, replace and renovate the wood floors at Meerscheidt recreation center in Las Cruces in Dona Ana county;

222. one hundred thousand dollars (\$100,000) to plan, design, construct, equip, purchase and install playground equipment for parks in Mesilla in Dona Ana county;

223. one hundred fifty thousand dollars (\$150,000) to plan, design, purchase, install and construct lighting and improvements at the Mesquite ballpark in Mesquite in Dona Ana county;

224. two hundred sixty-three thousand dollars (\$263,000) to plan, design, purchase, construct and install improvements at Radium Springs community park in Radium Springs in Dona Ana county;

225. two million seven hundred fifty thousand dollars (\$2,750,000) to acquire land and conduct environmental and archaeological studies for and to plan, design, construct, renovate, furnish and equip municipal complexes, including plazas, in Sunland Park in Dona Ana county;

226. one hundred thousand dollars (\$100,000) to acquire land for and to plan, design, construct, furnish and equip improvements to recreational facilities in Sunland Park in Dona Ana county;

227. fifty-two thousand dollars (\$52,000) to purchase and equip vehicles for police, fire, emergency medical services, public works and administrative offices in Sunland Park in Dona Ana county;

228. fifty-two thousand dollars (\$52,000) to purchase and equip accessible vans for Artesia in Eddy county;

229. one million one hundred fifty thousand dollars (\$1,150,000) to purchase and equip a ladder truck for Artesia in Eddy county;

230. two hundred thousand dollars (\$200,000) to purchase, install and equip vehicles for the police department in Carlsbad in Eddy county;

231. one million dollars (\$1,000,000) to purchase, install and equip a rescue truck for the fire department in Carlsbad in Eddy county;

232. one hundred thousand dollars (\$100,000) to purchase and equip vehicles for the Grant county road department in Grant county;

233. one hundred thousand dollars (\$100,000) to purchase, equip and install public safety information technology, including equipment and infrastructure, for Bayard in Grant county;

234. sixty-five thousand dollars (\$65,000) to purchase and equip vehicles for Hurley in Grant county;

235. three hundred fifty thousand dollars (\$350,000) to plan, design, construct, furnish and equip facilities and drainage at Bataan memorial park, including accessibility, in Santa Clara in Grant county;

236. fifty thousand dollars (\$50,000) to plan, design, construct, renovate, furnish and equip a community center for Santa Clara in Grant county;

237. three hundred ten thousand dollars (\$310,000) to purchase and equip bay station radios and computer-aided dispatch for Grant county dispatch in Grant county;

238. two hundred thousand dollars (\$200,000) to plan, design and construct a plan for countywide trails and outdoor recreation in Grant county;

239. forty-eight thousand dollars (\$48,000) to purchase and equip vehicles for El Grito early learning center in Silver City in Grant county;

240. two hundred fifty thousand dollars (\$250,000) to plan, design, repair and construct roof replacement for the Gila regional medical center in Silver City in Grant county;

241. four hundred fifty thousand dollars (\$450,000) to plan, design, construct, renovate, furnish and equip Gough park and the city hall annex and recreation facility in Silver City in Grant county;

242. four million dollars (\$4,000,000) to plan, design, construct, equip and furnish a community center in Silver City in Grant county;

243. two hundred thousand dollars (\$200,000) to purchase, equip, install and replace consoles and repeaters at the Santa Rosa dispatch in Santa Rosa in Guadalupe county;

244. one hundred fifty-eight thousand dollars (\$158,000) to plan, design, purchase, construct and install improvements, including bathrooms, equipment, landscaping and parking facilities, at parks in Santa Rosa in Guadalupe county;

245. sixty-eight thousand dollars (\$68,000) to plan, design, construct and improve parking lots in Harding county;

246. eighteen thousand dollars (\$18,000) to plan, design, construct, purchase and equip improvements to Chris B. Cordova memorial park, including to the memorial, park equipment and wrought iron fence, in Mosquero in Harding county;

247. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, improve, equip and furnish a special event center in Lordsburg in Hidalgo county;

248. eight hundred fifty thousand dollars (\$850,000) to plan, design, construct and furnish a covered rodeo arena, including a recreational vehicle park, landscaping, lighting, sidewalks, parking and fencing, in Eunice in Lea county;

249. one million five hundred thousand dollars (\$1,500,000) to purchase and equip a fire truck and an aerial platform apparatus for the fire department in Hobbs in Lea county;

250. six hundred fifty thousand dollars (\$650,000) to plan, design, remodel, construct, equip and furnish improvements to the Burke building, including landscaping, sidewalks and exterior paving, for a city hall, teen center and community center in Jal in Lea county;

251. nine hundred sixty-three thousand dollars (\$963,000) to plan, design, construct, purchase, equip and furnish renovations to the historic county courthouse in Lovington in Lea county;

252. one hundred fifty thousand dollars (\$150,000) to plan, design, purchase, construct and equip improvements to the historic Lea theatre in Lovington in Lea county;

253. two hundred thousand dollars (\$200,000) to plan, design, construct, purchase and equip a veterans' memorial and park in Lovington in Lea county;

254. nine hundred thousand dollars (\$900,000) to plan, design, construct, renovate, expand and furnish the emergency room to improve privacy and service to behavioral health patients in the Nor-Lea special hospital district in Lea county;

255. ninety-five thousand dollars (\$95,000) to purchase and equip vehicles for the police department in Tatum in Lea county;

256. ten thousand dollars (\$10,000) to plan, design, purchase and equip information technology and infrastructure improvements for the public library in Capitan in Lincoln county;

257. twenty thousand dollars (\$20,000) to plan, design, construct, purchase, repair and install improvements to a train depot, including painting interior and exterior areas, framing interior areas and installing electrical and plumbing systems, an interior lift and landscaping, in Capitan in Lincoln county;

258. two hundred forty-five thousand two hundred fifty dollars (\$245,250) to plan, design, purchase, construct and equip improvements to the county fairgrounds and arena in Capitan in Lincoln county;

259. ten thousand dollars (\$10,000) to plan, design, purchase and equip information technology and infrastructure improvements for the public library in Carrizozo in Lincoln county;

260. ninety thousand dollars (\$90,000) to plan, design, purchase and construct accessibility improvements for the county courthouse in Carrizozo in Lincoln county;

261. one hundred thousand dollars (\$100,000) to plan, design, purchase and construct improvements, including renovation, landscaping and drainage improvements, for the courtyard at the county courthouse in Carrizozo in Lincoln county;

262. ten thousand dollars (\$10,000) to plan, design, purchase and equip information technology and infrastructure improvements for the public library in Corona in Lincoln county;

263. ten thousand dollars (\$10,000) to plan, design, construct, renovate, purchase and equip improvements to the Corona village museum in Corona in Lincoln county;

264. four hundred sixty thousand three hundred forty dollars (\$460,340) to plan, design and construct the replacement of a hospital, including abatement, demolition and removal of existing buildings, in Ruidoso in Lincoln county;

265. ten thousand dollars (\$10,000) to plan, design, purchase and equip information technology and infrastructure improvements for the public library in Ruidoso in Lincoln county;

266. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, repair and renovate the Hubbard museum of the American west in Ruidoso Downs in Lincoln county;

267. ninety-nine thousand seven hundred six dollars (\$99,706) to purchase and equip a tandem vibratory roller for Ruidoso Downs in Lincoln county;

268. sixty-five thousand dollars (\$65,000) to purchase and equip a skid steer for Ruidoso Downs in Lincoln county;

269. three hundred fifty thousand dollars (\$350,000) to plan, design and construct a community recreation space in Los Alamos county;

270. four hundred fifty thousand dollars (\$450,000) to purchase and equip vehicles for Luna county;

271. six hundred fifty thousand dollars (\$650,000) to conduct archaeological and environmental studies, to acquire easements and rights of way and to plan, design and construct multi-use paths in Deming in Luna county;

272. seventy-five thousand dollars (\$75,000) to plan, design and construct improvements, including heating, ventilation and air conditioning systems and roofing and lighting, to municipal buildings in Deming in Luna county;

273. one hundred fifty thousand dollars (\$150,000) to plan, design and construct improvements, including accessibility compliance, to the children's museum in Deming in Luna county;

274. six hundred thousand dollars (\$600,000) to plan, design and construct a training facility for the Deming police department in Deming in Luna county;

275. seven hundred fifty thousand dollars (\$750,000) to plan, design, construct, renovate, equip and furnish the Luna county community health and well-being complex in Deming in Luna county;

276. seventy-five thousand dollars (\$75,000) to purchase and equip [~~public safety vehicles and~~] transport vans[~~, including all terrain vehicles and trailers, for the sheriff's office~~] in McKinley county; *LINE-ITEM VETO*

277. four hundred twenty thousand dollars (\$420,000) to plan, design and construct industrial development sites, including buildings and infrastructure, for McKinley county;

~~[278. five thousand dollars (\$5,000) to plan, design, construct, purchase, equip and furnish the big brothers big sisters office, including signage, in Gallup in McKinley county;] LINE-ITEM VETO~~

279. ninety thousand dollars (\$90,000) to plan, design, construct and replace improvements to the administration building at a domestic violence shelter, including mold abatement and roof replacement, in Gallup in McKinley county;

280. one hundred twenty thousand dollars (\$120,000) to purchase and equip vehicles for the police department in Gallup in McKinley county;

281. one million five hundred one thousand dollars (\$1,501,000) to plan, design, construct, furnish and equip a public safety building in Gallup in McKinley county;

282. two hundred sixty-one thousand dollars (\$261,000) to acquire property for and to plan, design, construct, furnish and equip a regional animal shelter in Gallup in McKinley county;

283. one hundred thousand dollars (\$100,000) to plan, design, construct, repair and improve facilities used by the Tony Dorsett touchdown football league at Washington park in Gallup in McKinley county;

284. one million eight hundred ninety-three thousand dollars (\$1,893,000) to plan, design and construct an adult detention center in Gallup in McKinley county;

~~[285. fifty thousand dollars (\$50,000) to purchase, equip and install security features for the McKinley county courthouse in Gallup in McKinley county;] LINE-ITEM VETO~~

286. one hundred twenty-six thousand dollars (\$126,000) to plan, design, construct, repair and make improvements to the northwest New Mexico council of governments building, including the roof, in Gallup in McKinley county;

287. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, renovate, furnish and equip improvements to the Thoreau fire and emergency medical services department building in McKinley county;

288. one hundred twenty-five thousand dollars (\$125,000) to purchase and equip heavy equipment for the Mora county road department, including a motor grader and roller, in Mora county;

289. eighty-eight thousand dollars (\$88,000) to purchase and equip emergency and patrol vehicles for the county sheriff's department in Mora county;

290. one hundred thirty-eight thousand dollars (\$138,000) to plan, design and construct a veterans' memorial in Mora county;
291. four hundred ten thousand dollars (\$410,000) to plan, design, construct, furnish and equip radio infrastructure for the north central regional transit district in Los Alamos, Rio Arriba, Santa Fe and Taos counties;
292. twenty-five thousand dollars (\$25,000) to purchase and equip vehicles for a mountain center program in Rio Arriba and Santa Fe counties;
293. seven hundred thousand dollars (\$700,000) to plan, design, construct, equip and expand a fire station in Espanola in Rio Arriba and Santa Fe counties;
294. fifty thousand dollars (\$50,000) to plan, design, purchase, construct, install and repair traffic control devices to prevent motor vehicle access for the middle Rio Grande conservancy district in multiple counties;
295. one hundred five thousand dollars (\$105,000) to purchase, equip and install equipment for the Chilili community center and park for the Chilili land grant-merced in Torrance and Bernalillo counties;
296. seven hundred fifty thousand dollars (\$750,000) to plan, design, construct, purchase, equip and furnish a fire station in Timberon in Otero county;
297. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, renovate, purchase, equip, install and improve the building that houses the children in need of services program, including exterior and interior finishes, roofing, plumbing, electrical and heating, ventilation and air conditioning systems, in Alamogordo in Otero county;
298. two hundred thousand dollars (\$200,000) to purchase and equip a brush truck for the Alamogordo fire department in Alamogordo in Otero county;
299. three hundred thousand dollars (\$300,000) to plan, design, construct, purchase and equip public restroom facilities at public parks, including accessibility, in Alamogordo in Otero county;
300. two hundred fifty thousand dollars (\$250,000) to purchase and equip vehicles for the police department in Alamogordo in Otero county;
301. four hundred sixty-five thousand dollars (\$465,000) to purchase and install equipment, including in-car computers and supporting equipment, modems, portable printers, docking stations and programming, for police and fire emergency service vehicles in Alamogordo in Otero county;

302. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and make improvements to the Sergeant Willie Estrada civic center, including flooring and accessibility, in Alamogordo in Otero county;

303. three hundred seventy-three thousand seven hundred four dollars (\$373,704) to purchase and equip vehicles for the county sheriff's office in Alamogordo in Otero county;

304. eight hundred twenty thousand dollars (\$820,000) to plan, design, construct and equip recreational improvements[, including alpine toboggan slides, zipline and mountain biking facilities, and to expand and install waterlines for existing snow-making equipment] for Cloudcroft in Otero county; *LINE-ITEM VETO*

305. two hundred twenty-five thousand dollars (\$225,000) to purchase and equip vehicles for the police department in Tularosa in Otero county;

306. one hundred thousand dollars (\$100,000) to purchase and equip canal maintenance equipment for the Arch Hurley conservancy district in Quay county;

307. two hundred thousand dollars (\$200,000) to purchase and equip heavy equipment, including a motor grader and a dump truck, for Logan in Quay county;

308. three hundred fifty thousand dollars (\$350,000) to plan, design, construct, improve and replace the roof of the county fairgrounds exhibit center in Tucumcari in Quay county;

309. fifty thousand dollars (\$50,000) to plan, design, construct, purchase, furnish and equip animal service boxes and a disaster trailer for the animal service department in Rio Arriba county;

310. sixty thousand dollars (\$60,000) to plan, design, construct, equip and furnish renovations to a treatment facility in Rio Arriba county;

~~311. thirty thousand dollars (\$30,000) to acquire land and buildings and to plan, design, construct, renovate, furnish and equip a multipurpose facility for the Merced de los pueblos de Tierra Amarilla in Rio Arriba county;~~

~~312. forty thousand dollars (\$40,000) to plan, design, construct, renovate, equip and make phase 4 improvements to the Rio Arriba county rural events center in Rio Arriba county;~~

~~313. ten thousand dollars (\$10,000) to plan, design, construct and renovate a cemetery in Alcalde in Rio Arriba county;] *LINE-ITEM VETO*~~

314. one hundred fifty thousand dollars (\$150,000) to purchase and equip public safety vehicles for Rio Arriba county;

315. one hundred thousand dollars (\$100,000) to plan, design, construct, furnish and equip a city hall complex for Chama in Rio Arriba county;

316. one hundred seventy thousand dollars (\$170,000) to purchase and equip heavy equipment, including a skid steer and grader, for Chama in Rio Arriba county;

317. two hundred ten thousand dollars (\$210,000) to purchase and equip a fire truck and personal protective equipment for the volunteer fire department in Chamita in Rio Arriba county;

318. twenty-eight thousand dollars (\$28,000) to plan, design, construct, purchase and install a greenhouse for the municipal court community outreach program in Espanola in Rio Arriba county;

319. seventy-five thousand dollars (\$75,000) to purchase and equip transport vehicles for the Espanola municipal court in Rio Arriba county;

320. thirty thousand dollars (\$30,000) to purchase and equip tractors for the city community outreach program in Espanola in Rio Arriba county;

321. three hundred thousand dollars (\$300,000) to plan, design, construct and renovate Valdez park and to replace playground equipment in Espanola in Rio Arriba county;

322. two hundred thousand dollars (\$200,000) to plan, design, construct, purchase, equip and install improvements to the information technology systems at the county facility in Espanola in Rio Arriba county;

323. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct, renovate and equip a building for a low rider museum in Rio Arriba county;

324. three hundred fifty thousand dollars (\$350,000) to purchase and equip vehicles for Rio Arriba county;

325. one hundred sixty thousand dollars (\$160,000) to plan, design, renovate, repair, construct, purchase, equip and furnish a health facility in Espanola in Rio Arriba county;

~~326. fifty thousand dollars (\$50,000) to purchase and equip vehicles and to plan, design, construct and improve the fire station in Ojo Sarco in Rio Arriba county;~~
LINE-ITEM VETO

327. thirty thousand dollars (\$30,000) to plan, design, construct, renovate, furnish and equip the San Joaquin del rio de Chama land grant-merced community center in Rio Arriba county;

328. one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct and upgrade a roof for La Casa clinic building in Portales in Roosevelt county;

329. sixty thousand dollars (\$60,000) to plan, design, purchase, construct and install heating, ventilation and air conditioning systems in buildings, including the county enterprise center and the county courthouse, in Portales in Roosevelt county;

330. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, furnish and equip a road maintenance facility, including heating, ventilation and air conditioning units, insulation and facade improvements, in Portales in Roosevelt county;

331. two hundred fifty thousand dollars (\$250,000) to purchase, replace and upgrade operating room, clinic and acute medical care and surgical equipment for the Roosevelt county special hospital district in Roosevelt county;

332. five hundred thousand dollars (\$500,000) to plan, design, construct, acquire, equip, expand and improve film studio facilities in San Juan county;

333. one million one hundred thousand dollars (\$1,100,000) to replace and upgrade radio infrastructure and equipment for San Juan county;

334. five hundred thousand dollars (\$500,000) to acquire property and to plan, design, construct, furnish and equip an outdoor recreation, manufacturing and retail facility in Aztec in San Juan county;

335. five hundred thousand dollars (\$500,000) to plan, design, construct, equip and furnish a building and garage, including parking, landscaping and an outdoor classroom, for the San Juan soil and water conservation district in Aztec in San Juan county;

336. six hundred eighty-seven thousand dollars (\$687,000) to plan, design, construct, furnish and equip improvements to the boys and girls club in Farmington in San Juan county;

337. three hundred two thousand dollars (\$302,000) to plan, design, construct, purchase and install a security camera system in the downtown, park/trail system and river walk areas in Farmington in San Juan county;

338. one million five hundred thousand dollars (\$1,500,000) to purchase and equip ladder trucks for the fire department in Farmington in San Juan county;

~~339. ten thousand dollars (\$10,000) to plan, design, construct, renovate, equip and furnish Ricketts park in Farmington in San Juan county;~~ *LINE-ITEM VETO*

340. two million two hundred fifteen thousand dollars (\$2,215,000) to plan, design, construct, renovate and remodel an existing hospital unit to house a

rehabilitation facility in the San Juan regional rehabilitation hospital in Farmington in San Juan county;

~~[341. one hundred thousand dollars (\$100,000) to plan, design, construct and replace water lines at Riverview golf course in Kirtland in San Juan county;] LINE-ITEM VETO~~

342. fifty thousand dollars (\$50,000) to purchase equipment for volunteer fire departments in San Miguel county;

343. five hundred thousand dollars (\$500,000) to plan, design, purchase and install public safety communications equipment, including repeaters and new antennas, in San Miguel county;

344. sixty thousand dollars (\$60,000) to plan, design, construct, renovate, furnish, purchase and equip improvements to the San Miguel del Bado land grant-merced center in San Miguel county;

345. ten thousand dollars (\$10,000) to plan, design, purchase and equip information technology and infrastructure improvements for a library in Bernal in San Miguel county;

346. ten thousand dollars (\$10,000) to plan, design, purchase and equip information technology and infrastructure improvements for the Carnegie library in Las Vegas in San Miguel county;

347. thirty-eight thousand dollars (\$38,000) to plan, design, construct, purchase and equip improvements, including fencing, playgrounds and picnic equipment, for El Creston Circle park in Las Vegas in San Miguel county;

348. two hundred thirty-eight thousand dollars (\$238,000) to plan, design, construct and equip improvements to the Gallinas riverwalk from Prince street to Mills avenue in Las Vegas in San Miguel county;

349. twenty-eight thousand dollars (\$28,000) to plan, design, construct and equip outside lighting and security systems for Hanna park and the city hall in Las Vegas in San Miguel county;

350. one hundred thousand dollars (\$100,000) to plan, design, construct, repair, renovate and improve the old city hall facility, including an elevator and accessibility features, in Las Vegas in San Miguel county;

351. eighteen thousand dollars (\$18,000) to plan, design and construct electrical upgrades at Plaza park in Las Vegas in San Miguel county;

352. forty-eight thousand dollars (\$48,000) to plan, design, construct and renovate the West Side farmers' market building in Las Vegas in San Miguel county;

353. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, renovate and make improvements to eliminate architectural barriers for county buildings and grounds in Las Vegas in San Miguel county;

354. one hundred thousand dollars (\$100,000) to plan, design and construct improvements and renovations to the San Miguel county detention center in San Miguel county;

355. one million one hundred twenty-five thousand dollars (\$1,125,000) to plan, design, construct, purchase, replace, furnish, equip, install and make other improvements to the Sandoval county detention center in Sandoval county;

356. two hundred fifty thousand dollars (\$250,000) to purchase, equip and replace ambulances for the county fire department in Sandoval county;

357. two million six hundred ninety-three thousand dollars (\$2,693,000) to plan, design, construct, purchase, equip and install improvements to the public safety communication system in Sandoval county;

358. one hundred thousand dollars (\$100,000) to purchase equipment, information technology and body cameras for the sheriff's department in Sandoval county;

359. one hundred thousand dollars (\$100,000) to design, construct, purchase, equip and improve Coronado fields in Bernalillo in Sandoval county;

360. four hundred thousand dollars (\$400,000) to plan, design, construct, renovate and equip improvements to a museum in Bernalillo in Sandoval county;

~~361. five thousand dollars (\$5,000) to plan, design, construct, renovate and equip the Molino building in Bernalillo in Sandoval county;~~ *LINE-ITEM VETO*

362. one hundred eighty thousand dollars (\$180,000) to plan, design, construct, remove, purchase and equip a gymnasium floor for the community recreation center in Bernalillo in Sandoval county;

363. fifty thousand dollars (\$50,000) to purchase and equip safety enforcement vehicles and equipment for the sheriff's department for Sandoval county;

364. fifty-five thousand dollars (\$55,000) to plan, design, construct and repair the ceilings in the fire station and administrative offices, including asbestos abatement, in Cochiti Lake in Sandoval county;

365. forty thousand dollars (\$40,000) to purchase and equip vehicles for Corrales animal services in Corrales in Sandoval county;

366. two hundred twenty-five thousand dollars (\$225,000) to purchase and equip a water tender vehicle for wildland firefighting in Corrales in Sandoval county;

~~[367. fifty thousand dollars (\$50,000) to plan, design, renovate, repair, furnish and equip municipal facilities in Corrales in Sandoval county;] LINE-ITEM VETO~~

368. one hundred thousand dollars (\$100,000) to plan, design, construct and make improvements to the municipal complex building in Cuba in Sandoval county;

369. one hundred thousand dollars (\$100,000) to plan, design, construct, furnish and equip a river walk, including accessibility compliance improvements, for Jemez Springs in Sandoval county;

370. one hundred thousand dollars (\$100,000) to plan, design, construct, renovate, furnish and equip administrative facilities in Jemez Springs in Sandoval county;

371. eighty thousand dollars (\$80,000) to purchase and equip public safety vehicles and equipment for Jemez Springs in Sandoval county;

~~[372. fifty thousand dollars (\$50,000) to plan, design, construct, purchase, equip and install improvements to the public safety radio system and technology for Rio Rancho in Sandoval county;] LINE-ITEM VETO~~

373. eight hundred fifty thousand dollars (\$850,000) to plan, design, construct, purchase, equip and install improvements, including a concession and restroom building, site grading and drainage, utility installation, landscaping and accessibility, to the Sports Complex North in Rio Rancho in Sandoval county;

~~[374. fifty thousand dollars (\$50,000) to purchase and equip vehicles and heavy equipment for Rio Rancho in Sandoval county;] LINE-ITEM VETO~~

375. five hundred seventy thousand three hundred eighty-six dollars (\$570,386) to plan, design, construct, furnish, equip, repair and renovate a community center in San Ysidro in Sandoval county;

376. twenty-five thousand dollars (\$25,000) to plan, design and construct a perimeter wall for the Agua Fria community water system association in Santa Fe county;

377. sixty thousand dollars (\$60,000) to plan, design and construct improvements to electrical lines in the Santa Cruz irrigation district in Rio Arriba and Santa Fe counties;

~~[378. ten thousand dollars (\$10,000) to plan, design, construct, purchase, furnish and equip improvements to the Santa Fe county housing authority sites in Santa Fe county;] LINE-ITEM VETO~~

379. three hundred twenty-five thousand dollars (\$325,000) to plan, design, construct, purchase, equip and install photovoltaic units and electric vehicle charging stations for public safety and community facilities in Santa Fe county;

~~[380. one hundred thousand dollars (\$100,000) to acquire land from the United States bureau of land management and to plan, design and construct improvements to that land for Edgewood in Santa Fe county;] LINE-ITEM VETO~~

381. fifteen thousand dollars (\$15,000) to plan, design, purchase and equip information technology and infrastructure improvements for a library in La Cienega in Santa Fe county;

382. ninety thousand dollars (\$90,000) to plan, design, construct, equip and improve the fire suppression system in Madrid in Santa Fe county;

383. fifty thousand dollars (\$50,000) to purchase, equip and install information technology for the north central New Mexico economic development district in Santa Fe in Santa Fe county;

384. one hundred fifty thousand dollars (\$150,000) to plan, design and construct a center for women, including obstetrics and gynecology, breast surgery and reconstruction, dermatology, early childhood development, behavioral health and support groups, at Christus St. Vincent regional medical center in Santa Fe in Santa Fe county;

385. two million ninety thousand six hundred dollars (\$2,090,600) to plan, design and construct an expansion to a facility for a recovery program in Santa Fe county;

386. ninety thousand dollars (\$90,000) to plan, design, construct and replace the roof at a shelter in Santa Fe in Santa Fe county;

387. fifty thousand dollars (\$50,000) to plan, design and construct improvements to the air conditioning and heating systems at a city-owned facility occupied by the Comunidad de los Ninos in Santa Fe in Santa Fe county;

388. one hundred six thousand dollars (\$106,000) to purchase and equip vehicles for girls' development programs in Santa Fe in Santa Fe county;

389. one hundred thousand dollars (\$100,000) to purchase and install diaper changing stations in public restrooms city-wide in Santa Fe in Santa Fe county;

390. one hundred twenty-six thousand nine hundred fifty dollars (\$126,950) to plan, design, construct, furnish, equip and install improvements, including roofing, lighting and heating, ventilation and air conditioning systems, to El Museo Cultural de Santa Fe in Santa Fe in Santa Fe county;

391. seven hundred fifty thousand dollars (\$750,000) to purchase and equip electric vehicles and to plan, design, construct and improve charging infrastructure in Santa Fe in Santa Fe county;

392. eighty-two thousand six hundred dollars (\$82,600) to purchase and equip a positive pressure ventilation fan for the fire department to protect firefighters and civilians from immediately dangerous to life or health environments in Santa Fe in Santa Fe county;

393. one hundred twenty-five thousand dollars (\$125,000) to purchase, equip and replace thermal imaging cameras on fire trucks and ambulances for the fire department in Santa Fe in Santa Fe county;

394. one hundred thousand dollars (\$100,000) to plan, design, construct, renovate, purchase, furnish, equip and install improvements, including information technology and related equipment, furniture and infrastructure, for a meals program serving homebound and special needs individuals in Santa Fe in Santa Fe county;

~~[395. fifty thousand dollars (\$50,000) to plan, design and construct infrastructure improvements to the midtown area of Santa Fe in Santa Fe county;] LINE-ITEM VETO~~

396. three hundred sixty-three thousand seven hundred dollars (\$363,700) to plan, design, construct, furnish and equip renovations, including air conditioning and roof repairs, to the municipal court in Santa Fe in Santa Fe county;

~~[397. fifty thousand dollars (\$50,000) to plan, design, construct, purchase, equip and install irrigation improvements at the municipal recreation complex in Santa Fe in Santa Fe county;~~

~~398. fifty thousand dollars (\$50,000) to plan, design and construct an expansion of the terminal facility and infrastructure, including road construction and improvements, at the Santa Fe regional airport in Santa Fe county;~~

~~399. fifty thousand dollars (\$50,000) to plan, design and construct improvements to the soccer valley complex in Santa Fe in Santa Fe county;] LINE-ITEM VETO~~

400. three million nine hundred ten thousand dollars (\$3,910,000) to plan, design, construct, purchase, furnish and equip a new southside teen and resource center in Santa Fe in Santa Fe county;

401. eight hundred fifty-three thousand dollars (\$853,000) to plan, design, construct and renovate a facility for homeless and below-market renters, including housing and services, in Santa Fe in Santa Fe county;

402. two hundred fifty-five thousand dollars (\$255,000) to purchase equipment for the county road department in Sierra county;

403. two hundred thousand dollars (\$200,000) to plan, design, construct, renovate, purchase and equip a baseball field, including a park area and a soccer area, in Arrey in Sierra county;

~~[404. fifty thousand dollars (\$50,000) to conduct environmental and archaeological studies and plan, design, construct, furnish and equip improvements to parks, including chip seal, fencing, parking lots, park benches, landscaping and shade structures, in Williamsburg in Sierra county;]~~ *LINE-ITEM VETO*

405. thirty thousand dollars (\$30,000) to plan, design and construct improvements to bosque lands, riverine parks and trails along the Rio Grande between San Acacia and San Antonio in Socorro county;

406. seven hundred fifty thousand dollars (\$750,000) to purchase, equip and install replacement 911 emergency radio equipment for Socorro in Socorro county;

407. one hundred thirty-five thousand dollars (\$135,000) to plan, design, construct, purchase and install solar panels at the county detention center in Socorro in Socorro county;

408. one hundred seventy-five thousand dollars (\$175,000) to purchase and equip vehicles for the sheriff's department in Socorro county;

409. three hundred fifty thousand dollars (\$350,000) to plan, design, construct, furnish and equip a community center in Socorro in Socorro county;

~~[410. one hundred ninety-nine thousand five hundred dollars (\$199,500) for replacement of the Smokey Bear hot air balloon and cold air display balloons and to purchase and equip a fifth-wheel equipment trailer for wildfire education statewide;]~~ *LINE-ITEM VETO*

411. three million seven hundred thirteen thousand one hundred fourteen dollars (\$3,713,114) to provide emergency funding for infrastructure needs statewide;

412. one hundred thousand dollars (\$100,000) to acquire land for and to plan, design, construct and equip a building for the Don Fernando de Taos land grant-merced in Taos county;

413. forty-five thousand dollars (\$45,000) to acquire property and to plan, design, construct, renovate, furnish and equip a community center for the merced de Santa Barbara land grant in Taos county;

414. thirty-five thousand dollars (\$35,000) to acquire land and to plan, design, construct and equip an administrative building for the Don Fernando de Taos land grant-merced in Taos county;

415. ten thousand dollars (\$10,000) to plan, design and construct improvements to El Prado community center for the El Prado water and sanitation district in Taos county;

416. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, renovate, furnish and equip the El Prado water and sanitation district office in Taos county;

417. seventy-five thousand dollars (\$75,000) to plan, design, construct, renovate, furnish and equip improvements to the public library and parking area in Questa in Taos county;

~~418. five thousand dollars (\$5,000) to plan, design and construct a bronze statue to honor the late New Mexico state senator Carlos R. Cisneros in Questa in Taos county;] LINE-ITEM VETO~~

419. three hundred thousand dollars (\$300,000) to plan, design, construct and equip a veterans' cemetery in Ranchos de Taos in Taos county;

~~420. one hundred thousand dollars (\$100,000) to plan, design, construct, replace, equip and furnish an operations and maintenance facility for the north central regional transit district in Taos in Taos county;] LINE-ITEM VETO~~

421. seventy-five thousand dollars (\$75,000) to plan, design, construct, renovate, equip and furnish improvements to the historic county courthouse in Taos in Taos county;

~~422. seventy five thousand dollars (\$75,000) to purchase and equip vehicles for the county sheriff's department in Taos in Taos county;~~

~~423. twenty thousand dollars (\$20,000) to plan, design, construct, repair and equip a frisbee disc golf course in Taos in Taos county;] LINE-ITEM VETO~~

424. five million four hundred thousand dollars (\$5,400,000) to plan, design, construct, renovate and equip improvements to the Taos regional airport in Taos in Taos county;

~~[425. forty three thousand dollars (\$43,000) to plan, design, construct, repair, renovate, purchase and equip the Taos youth and family center in Taos in Taos county;]~~
LINE-ITEM VETO

426. fifty-five thousand dollars (\$55,000) to plan, design and construct the Estancia Valley heritage center for La Merced del Manzano land grant-merced in Torrance county;

427. fifty thousand dollars (\$50,000) to purchase and equip a double steel roller and other equipment for the road department in Torrance county;

428. ninety-five thousand dollars (\$95,000) to purchase and equip vehicles for the sheriff's office in Torrance county;

429. ten thousand dollars (\$10,000) to plan, design, purchase and equip information technology and infrastructure improvements for the public library in Estancia in Torrance county;

430. seventy-five thousand dollars (\$75,000) to plan, design, construct and equip county administrative offices in Estancia in Torrance county;

431. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and equip improvements to the county fairgrounds in Estancia in Torrance county;

432. five hundred fifty thousand dollars (\$550,000) to plan, design, construct and equip a shop and yard for the Torrance county road department in Estancia in Torrance county;

433. one hundred thousand dollars (\$100,000) to plan, design, construct, renovate, furnish and equip a city hall facility, including accessibility, for Moriarty in Torrance county;

434. five hundred thousand dollars (\$500,000) to plan, design, construct, purchase, furnish and equip a fire station in Moriarty in Torrance county;

435. thirty thousand dollars (\$30,000) to plan, design, construct and renovate the public works building in Mountainair in Torrance county;

436. one hundred thousand dollars (\$100,000) to acquire land for and to plan, design, construct and improve community parking and open space for Tajique in Torrance county;

437. one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct, renovate and equip a community center, including bathroom improvements for accessibility compliance, heating, ventilation and air conditioning, renovation of a

commercial kitchen and exterior stucco, for the Torreon mutual domestic water consumers association in Torreon in Torrance county;

438. fifty thousand dollars (\$50,000) to plan, design, construct, replace and equip improvements to the county fair barn in Clayton in Union county;

439. three hundred thirty-seven thousand five hundred dollars (\$337,500) to plan, design, construct, purchase, equip, renovate and make improvements, including accessibility and heating, ventilation and air conditioning systems, to the Union county administration building in Clayton in Union county;

440. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, equip and furnish a building for the Folsom emergency medical services in Union county;

441. one hundred thousand dollars (\$100,000) to acquire, plan, design, construct, renovate, furnish and equip historic property within the town of Tome land grant-merced traditional common land boundaries in Valencia county;

442. twenty thousand dollars (\$20,000) [~~for a feasibility study and~~] to plan, design and construct a hospital for Valencia county; *LINE-ITEM VETO*

443. one hundred sixty-five thousand dollars (\$165,000) for renovation of the Harvey house in Belen in Valencia county;

444. ninety-five thousand dollars (\$95,000) to renovate the old city hall in Belen in Valencia county;

445. three hundred fifty thousand dollars (\$350,000) to plan, design and construct phases 3 and 4 of the veterans memorial in Belen in Valencia county;

446. two hundred twenty-five thousand dollars (\$225,000) to purchase, equip and replace emergency medical services equipment for Bosque Farms in Valencia county;

447. six hundred thousand dollars (\$600,000) to plan, design and construct improvements to Daniel Fernandez park in Los Lunas in Valencia county;

448. two hundred twenty-five thousand dollars (\$225,000) to design and construct improvements at River park for Los Lunas in Valencia county;

449. five hundred thousand dollars (\$500,000) for abatement of abandoned ~~private~~ properties in Valencia county;

450. five hundred thousand dollars (\$500,000) to plan, design and construct office facilities for the county administration and district attorney in Los Lunas in Valencia county;

451. two hundred thousand dollars (\$200,000) to purchase and install interoperable communication equipment for public safety departments in Valencia county;

452. one hundred fifteen thousand dollars (\$115,000) to plan, design, construct and equip improvements to Bosque Farms little league fields and parking lots in Bosque Farms in Valencia county;

453. three hundred fifty thousand dollars (\$350,000) to plan, design, construct, furnish and equip a recreation park in Peralta in Valencia county;

454. three hundred twenty-five thousand dollars (\$325,000) to plan, design, construct, replace, renovate, furnish and equip the city hall multipurpose complex in Rio Communities in Valencia county;

455. ten thousand dollars (\$10,000) to plan, design, purchase and equip information technology and infrastructure improvements for a library in Rio Communities in Valencia county;

456. two hundred twenty thousand dollars (\$220,000) to plan, design, construct, purchase and install public safety equipment for Rio Communities in Valencia county;

457. one hundred ten thousand dollars (\$110,000) to acquire easements and rights of way and to plan, design and construct watershed improvements and removal of trees for fire mitigation in Ruidoso in Lincoln county;

458. forty thousand dollars (\$40,000) to plan, design, construct and equip the former common land irrigation project for the San Joaquin del Rio de Chama land grant--merced in Rio Arriba county;

459. four hundred fifty thousand dollars (\$450,000) to purchase and equip a vacuum truck for Artesia in Eddy county; and

460. one hundred fifty thousand dollars (\$150,000) to purchase and equip a vacuum trailer combination unit for Tularosa in Otero county.

Chapter 81 Section 36 Laws 2020

SECTION 36. DEPARTMENT OF MILITARY AFFAIRS PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the department of military affairs that the need exists for the issuance of

the bonds, the following amounts are appropriated to the department of military affairs for the following purposes:

1. seven hundred seventy-five thousand dollars (\$775,000) to acquire land to serve as a buffer zone for the Rio Rancho military training site in Rio Rancho in Sandoval county; and
2. one million four hundred thousand dollars (\$1,400,000) to plan, design, construct, renovate, equip and upgrade infrastructure at armories statewide.

Chapter 81 Section 37 Laws 2020

SECTION 37. SPACEPORT AUTHORITY PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the spaceport authority that the need exists for the issuance of the bonds, ten million dollars (\$10,000,000) is appropriated to the spaceport authority to plan, design, construct and equip a payload processing center, an information technology building and a visitor access control facility at spaceport America in Sierra county.

Chapter 81 Section 38 Laws 2020

SECTION 38. DEPARTMENT OF TRANSPORTATION PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the department of transportation that the need exists for the issuance of the bonds, the following amounts are appropriated to the department of transportation for the following purposes:

1. three hundred forty-eight thousand dollars (\$348,000) to acquire rights of way for and to plan, design, construct, extend and improve Atrisco Vista boulevard, including bike lanes, in Bernalillo county;
2. one hundred twenty-seven thousand two hundred dollars (\$127,200) to plan, design, construct, purchase and install streetlights in the southwestern portion of county commission district 2 in Bernalillo county;
3. one hundred thousand dollars (\$100,000) to plan, design, construct, purchase, equip and install traffic signals for county roads in Bernalillo county;
4. one hundred thousand dollars (\$100,000) to acquire rights of way and to plan, design and construct road and drainage improvements on Gatewood avenue SW from Bridge boulevard to Five Points road in the Atrisco community in Bernalillo county;
5. two hundred thirty-two thousand dollars (\$232,000) to acquire rights of way and to plan, design and construct road and storm drainage improvements on Greenwich road SW from the cul-de-sac at the end of the road north to the sharp bend

west of La Vega drive in the Atrisco community and for other road projects in house district 14 in Bernalillo county;

6. one million fifty thousand dollars (\$1,050,000) to acquire rights of way for and to plan, design, construct and improve Isleta boulevard SW to the south of Rio Bravo boulevard SW in Bernalillo county;

7. two hundred fifty thousand seven hundred fifty dollars (\$250,750) to acquire rights of way and to plan, design and construct road and storm drainage improvements on Quiet lane SW from Goff boulevard to the end of the road in the Atrisco community and for other road projects in house district 14 in Bernalillo county;

8. five hundred twenty-eight thousand five hundred dollars (\$528,500) to acquire rights of way and to plan, design and construct road and drainage improvements on Wildwood lane SW from Goff boulevard to the end of the lane in the Atrisco community and for other road projects in house district 14 in Bernalillo county;

9. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, purchase and install irrigation and landscaping of medians in city council district 5 in Albuquerque in Bernalillo county;

10. four hundred seventy thousand dollars (\$470,000) to plan, design, construct, equip and install street lights at the intersection of Dennis Chavez boulevard and Condershire drive SW in Albuquerque in Bernalillo county;

11. three hundred thousand dollars (\$300,000) to acquire rights of way and to plan, design and construct road, signal and safety improvements to McMahon boulevard from Rockcliff drive to Anasazi Ridge avenue and Kayenta street in Albuquerque in Bernalillo county;

12. one million nine hundred eighteen thousand dollars (\$1,918,000) to acquire rights of way on paseo del Norte NW between Rainbow boulevard to calle Nortena and to plan, design and construct improvements on paseo del Norte NW from Kimmick drive to Unser boulevard in Albuquerque in Bernalillo county;

13. one hundred thirty-eight thousand dollars (\$138,000) to plan, design, construct, expand and improve crosswalks for schools in the Albuquerque public school district in Bernalillo county;

14. seven hundred twenty thousand dollars (\$720,000) to acquire rights of way and to plan, design and construct roads, including curb and gutter, utilities and flood control, on the east side of Las Cruces in Dona Ana county;

15. five hundred thousand dollars (\$500,000) to plan, design and construct improvements to Radio boulevard, including curb and gutter, in Carlsbad in Eddy county;

16. five hundred seventy-eight thousand five hundred dollars (\$578,500) to plan, design and construct a low water crossing, including surveying, mapping rights of way, technical geological investigation, drainage analysis, environmental planning and permitting, preliminary and final design and preconstruction activities, in Otero county;

17. five hundred thousand dollars (\$500,000) to plan, design, purchase, construct and install light-emitting diode lighting citywide in Espanola in Rio Arriba county;

18. seven hundred thousand dollars (\$700,000) to acquire easements and conduct archaeological and environmental studies and to plan, design and construct improvements, including improvements to drainage and infrastructure, to Kilgore avenue in Portales in Roosevelt county;

~~[19. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to Navajo route 367 in the Upper Fruitland chapter of the Navajo Nation in San Juan county;~~

~~20. four hundred fifty thousand dollars (\$450,000) to acquire rights of way and to plan, design and construct improvements to Paseo del Volcan from Unser boulevard to the Sandoval county line in Sandoval county;] *LINE-ITEM VETO*~~

21. one million two hundred thousand dollars (\$1,200,000) to plan, design and construct a railroad quiet zone on Los Lentos road and Luscombe lane in Los Lunas in Valencia county;

22. three hundred thousand dollars (\$300,000) to plan, design, construct and renovate taxi lanes at the Las Cruces international airport in Las Cruces in Dona Ana county; and

23. four hundred fifty thousand dollars (\$450,000) to plan, design and construct an extension to runway 12/30 at the Las Cruces international airport in Las Cruces in Dona Ana county.

Chapter 81 Section 39 Laws 2020

SECTION 39. HIGHER EDUCATION DEPARTMENT PROJECTS-- SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the higher education department that the need exists for the issuance of the bonds, the following amounts are appropriated to the higher education department for the following purposes:

~~[1. fifty thousand dollars (\$50,000) to plan, design, construct, furnish and equip new facilities and renovations at all campuses of central New Mexico community college in Albuquerque and Rio Rancho in Bernalillo and Sandoval counties;] *LINE-ITEM VETO*~~

2. three hundred twenty-five thousand dollars (\$325,000) to plan, design and construct a block chain center at central New Mexico community college in Albuquerque in Bernalillo county;

~~[3. one hundred thousand dollars (\$100,000) to plan, design, construct and renovate support services space at the westside campus of central New Mexico community college in Albuquerque in Bernalillo county;]~~ *LINE-ITEM VETO*

4. two hundred sixty-five thousand dollars (\$265,000) to plan, design, renovate, furnish and equip science laboratories for the nursing program at Clovis community college in Clovis in Curry county;

5. seven hundred fifty thousand dollars (\$750,000) to replace the air handlers and for infrastructure improvements in Heidel hall, Watson hall and Mary Hagelstein hall at New Mexico junior college in Lea county;

6. one hundred fifty thousand dollars (\$150,000) to plan, design and construct a vocational training building for New Mexico junior college in Lea county;

7. one hundred thousand dollars (\$100,000) to plan, design, construct and renovate a floor for Mesalands community college in Tucumcari in Quay county;

8. seventy-five thousand dollars (\$75,000) to plan, design and construct renovations for the nurses' aide and phlebotomy program facilities at Mesalands community college in Tucumcari in Quay county;

9. thirty-five thousand dollars (\$35,000) to purchase and install equipment for computer programming and robotics at Mesalands community college in Tucumcari in Quay county;

10. one million dollars (\$1,000,000) to plan, design, purchase, construct, equip and install phase 3 improvements to an electronic facilities access and public safety surveillance system, including electronic door locks, sensors and cameras, at San Juan college in Farmington in San Juan county;

11. twenty-five thousand dollars (\$25,000) to purchase three-dimensional printers for use in the science, technology, engineering and mathematics curriculum and the advanced technical education programs at Luna community college in Las Vegas in San Miguel county;

12. one hundred eighteen thousand dollars (\$118,000) to purchase an activity bus for Luna community college in Las Vegas in San Miguel county;

13. twelve thousand dollars (\$12,000) to purchase auto collision repair equipment for the national automotive technician education foundation accreditation program at Luna community college in Las Vegas in San Miguel county;

14. forty thousand dollars (\$40,000) to purchase a computer numerical control system for plasma welding for the welding program at Luna community college in Las Vegas in San Miguel county;

15. twenty-six thousand dollars (\$26,000) to purchase a computer numerical control milling machine for Luna community college in Las Vegas in San Miguel county;

~~[16. ten thousand dollars (\$10,000) to purchase long-arm sit-down and frame quilting machines for the quilting program at Luna community college in Las Vegas in San Miguel county;]~~ *LINE-ITEM VETO*

17. thirty-four thousand dollars (\$34,000) to purchase a laser woodworking computer numerical control system for the woodworking program at Luna community college in Las Vegas in San Miguel county; and

18. three hundred twenty-five thousand dollars (\$325,000) to plan, design, construct, equip, configure, purchase and install emergency system equipment, panels, alarms and fire detection and suppression system upgrades campuswide at Santa Fe community college in Santa Fe county.

Chapter 81 Section 40 Laws 2020

SECTION 40. EASTERN NEW MEXICO UNIVERSITY PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the board of regents of eastern New Mexico university that the need exists for the issuance of the bonds, the following amounts are appropriated to the board of regents of eastern New Mexico university for the following purposes:

1. forty thousand dollars (\$40,000) to purchase, equip and install instructional equipment, including ambulance simulators and mannequins, for health education programs at the Roswell branch campus of eastern New Mexico university in Chaves county;

2. one hundred twenty-five thousand dollars (\$125,000) to purchase and equip instructional equipment for the aviation maintenance technical program at the Roswell branch campus of eastern New Mexico university in Chaves county;

3. three hundred six thousand dollars (\$306,000) to purchase, equip and install electrical system improvements, including to electrical panels, at the Roswell branch campus of eastern New Mexico university in Chaves county;

4. five hundred thousand dollars (\$500,000) to plan, design, construct and equip video surveillance systems and lighting at eastern New Mexico university in Roswell in Chaves county;

5. one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct, repair and improve storm drainage systems and retaining walls at the Ruidoso branch campus of eastern New Mexico university in Lincoln county;

6. three hundred fifty thousand dollars (\$350,000) to plan, design and construct a covered storage facility for equipment at eastern New Mexico university in Portales in Roosevelt county;

7. one hundred seventy-two thousand dollars (\$172,000) to purchase, equip and install four-thousand-pixel horizontal display resolution cameras for KENW-TV at eastern New Mexico university in Portales in Roosevelt county; and

8. six hundred thousand dollars (\$600,000) to plan, design, construct, renovate, furnish and equip Roosevelt science hall at eastern New Mexico university in Portales in Roosevelt county.

Chapter 81 Section 41 Laws 2020

SECTION 41. NEW MEXICO HIGHLANDS UNIVERSITY PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the board of regents of New Mexico highlands university that the need exists for the issuance of the bonds, the following amounts are appropriated to the board of regents of New Mexico highlands university for the following purposes:

1. one hundred ninety thousand dollars (\$190,000) to plan, design, construct, purchase, equip, repair and renovate and make improvements to athletic facilities at New Mexico highlands university in Las Vegas in San Miguel county;

2. fifty-five thousand dollars (\$55,000) to plan, design, purchase and equip campus equipment for the legislative leadership fellowship program at New Mexico highlands university in Las Vegas in San Miguel county; and

3. one hundred ninety thousand dollars (\$190,000) to purchase and equip vehicles, vans and buses at New Mexico highlands university in Las Vegas in San Miguel county.

Chapter 81 Section 42 Laws 2020

SECTION 42. NEW MEXICO INSTITUTE OF MINING AND TECHNOLOGY PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the board of regents of the New Mexico institute of mining and technology that the need exists for the issuance of the bonds, the following amounts are appropriated to the board of regents of the New Mexico institute of mining and technology for the following purposes:

1. one hundred thousand dollars (\$100,000) to purchase and equip vehicles and research equipment for the New Mexico institute of mining and technology in Socorro county;
2. three hundred thousand dollars (\$300,000) to plan, design, construct and equip an electronic door lock system campuswide on the New Mexico institute of mining and technology campus in Socorro in Socorro county; and
3. twenty-five thousand dollars (\$25,000) to plan, design, construct, remodel and equip a fabrication laboratory at the New Mexico institute of mining and technology in Socorro in Socorro county.

Chapter 81 Section 43 Laws 2020

SECTION 43. NEW MEXICO STATE UNIVERSITY PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the board of regents of New Mexico state university that the need exists for the issuance of the bonds, the following amounts are appropriated to the board of regents of New Mexico state university for the following purposes:

1. three hundred fifty thousand dollars (\$350,000) to plan, design, equip, purchase and install infrastructure equipment for the New Mexico public television station KRWG at New Mexico state university in Las Cruces in Dona Ana county;
2. one million dollars (\$1,000,000) to purchase and install a video display and scoreboard at the Pan American center at New Mexico state university in Dona Ana county;
3. two million dollars (\$2,000,000) to plan, design, construct, repair, renovate, furnish and equip facilities, including demolition and site improvements, at the New Mexico department of agriculture building in Las Cruces in Dona Ana county;
4. four hundred thousand dollars (\$400,000) to plan and design a new facility for the college of arts and sciences creative media institute at New Mexico state university in Las Cruces in Dona Ana county;
5. five hundred ninety-five thousand dollars (\$595,000) for development and implementation of a crime prevention through environmental design program campuswide, including the planning, design, construction, equipping, renovation and installation of bike storage shelters, accessibility improvements, parking, landscaping, sidewalks and site lighting, at New Mexico state university in Las Cruces in Dona Ana county;
6. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct, purchase, furnish, equip and install equipment for the 911 emergency dispatch center, including video cameras, police vehicles, electric bicycles and console

desks, for the police department at New Mexico state university in Las Cruces in Dona Ana county;

7. five hundred seventy-five thousand dollars (\$575,000) to plan, design, construct, renovate, purchase and equip improvements to the soccer stadium, including lighting for the women's soccer field, at New Mexico state university in Las Cruces in Dona Ana county;

8. one hundred thirty thousand dollars (\$130,000) to plan, design, construct, renovate, furnish and equip veteran housing, including appliances and xeriscape landscaping, at New Mexico state university in Las Cruces in Dona Ana county;

9. fifty thousand dollars (\$50,000) to plan, design, construct, furnish, equip and install equipment for the young women in computing program, including related information technology and furniture, for the department of computer science at New Mexico state university in Las Cruces in Dona Ana county;

10. seventy-five thousand dollars (\$75,000) to purchase and equip farming equipment for the McKinley soil and water conservation district in McKinley county;

11. twenty thousand dollars (\$20,000) to plan, design, construct and equip building improvements for the western Mora soil and water conservation district in Mora county;

12. four hundred thousand dollars (\$400,000) to plan, design, construct, renovate, equip and replace the elevator to comply with the requirements of the federal Americans with Disabilities Act of 1990 at the library on the Alamogordo campus of New Mexico state university in Otero county;

13. one hundred thousand dollars (\$100,000) to plan, design, construct, renovate and equip the solar observatory of the New Mexico state university astronomy department in Sunspot in Otero county;

14. fifteen thousand dollars (\$15,000) to purchase farm equipment for the east Rio Arriba soil and water conservation district farm equipment rental program in Rio Arriba county;

15. seventy thousand dollars (\$70,000) to plan, design, purchase, construct, equip and install a prefabricated storage facility for equipment and to purchase equipment for the upper Chama soil and water conservation district in Rio Arriba county;

16. fifteen thousand dollars (\$15,000) to purchase, replace and equip a vehicle for the Edgewood soil and water conservation district in Torrance county;

17. sixty thousand dollars (\$60,000) to purchase and equip four-wheel-drive vehicles for the Claunch-Pinto soil and water conservation district in Mountainair in Torrance county; and

18. seventy-five thousand dollars (\$75,000) to plan, design, construct, furnish and equip phase 2 of the Whitfield visitor and education center for the Valencia soil and water conservation district in Valencia county.

Chapter 81 Section 44 Laws 2020

SECTION 44. NORTHERN NEW MEXICO STATE SCHOOL PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the board of regents of northern New Mexico state school that the need exists for the issuance of the bonds, the following amounts are appropriated to the board of regents of northern New Mexico state school for the following purposes:

1. one hundred thousand dollars (\$100,000) to plan, design, construct, purchase, equip and install fire alarm systems at the El Rito campus of the northern New Mexico state school in El Rito in Rio Arriba county; and

2. thirty-five thousand dollars (\$35,000) to purchase and install equipment for teaching computer programming through robotics at the Espanola campus of the northern New Mexico state school in Rio Arriba county.

Chapter 81 Section 45 Laws 2020

SECTION 45. UNIVERSITY OF NEW MEXICO PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the board of regents of the university of New Mexico that the need exists for the issuance of the bonds, the following amounts are appropriated to the board of regents of the university of New Mexico for the following purposes:

1. two hundred ninety-seven thousand dollars (\$297,000) to plan, design, equip, renovate and make improvements to the engineering facilities at the university of New Mexico in Albuquerque in Bernalillo county;

2. one hundred thousand dollars (\$100,000) to plan, design, purchase, install, equip and make classroom and office improvements to the Africana studies program at the university of New Mexico in Albuquerque in Bernalillo county;

3. one hundred seven thousand dollars (\$107,000) to plan, design, purchase, equip and renovate a portion of Farris engineering center for an autonomous vehicle research laboratory at the university of New Mexico in Albuquerque in Bernalillo county;

4. three hundred thousand dollars (\$300,000) to plan, design, purchase, equip and construct improvements to the baseball facilities at the university of New Mexico in Albuquerque in Bernalillo county;

5. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, renovate, purchase and equip improvements to the basketball facilities at the university of New Mexico in Albuquerque in Bernalillo county;

~~6. twenty thousand dollars (\$20,000) to plan, design, construct, renovate and make improvements to the biology research laboratories at the university of New Mexico in Albuquerque in Bernalillo county;~~ *LINE-ITEM VETO*

7. seventy thousand dollars (\$70,000) to plan, design, purchase, install and equip safety and security infrastructure improvements at the university of New Mexico in Albuquerque in Bernalillo county;

8. twenty-five thousand dollars (\$25,000) to plan, design, purchase, install, equip and make improvements to multiple classrooms at the university of New Mexico in Albuquerque in Bernalillo county;

9. three hundred thirty-eight thousand dollars (\$338,000) to plan and design the college of fine arts interdisciplinary facility at the university of New Mexico in Albuquerque in Bernalillo county;

10. one hundred thousand dollars (\$100,000) to plan, design, renovate, purchase, furnish, equip and install improvements, including building infrastructure, audiovisual equipment and information technology and related equipment, for the department of speech and hearing sciences at the university of New Mexico in Albuquerque in Bernalillo county;

11. one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct, renovate and make improvements to the earth and planetary sciences research laboratories at the university of New Mexico in Albuquerque in Bernalillo county;

12. seventy-five thousand dollars (\$75,000) to plan, design, purchase, install and equip improvements, including student learning commons, to the economics department at the university of New Mexico in Albuquerque in Bernalillo county;

13. one million six hundred thousand dollars (\$1,600,000) to plan, design, construct, purchase, equip and renovate improvements to football facilities at the university of New Mexico in Albuquerque in Bernalillo county;

14. twenty thousand dollars (\$20,000) to plan, design, construct, purchase, equip and install improvements to the men's and women's golf team facilities at the university of New Mexico in Albuquerque in Bernalillo county;

15. fifty thousand dollars (\$50,000) to plan, design, construct, renovate, expand, purchase, furnish and equip improvements, including information technology, for the graduate commons at the university of New Mexico in Albuquerque in Bernalillo county;

16. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, purchase, furnish and install office furniture and equipment and information technology for the indigenous design and planning institute at the university of New Mexico in Albuquerque in Bernalillo county;

~~[17. —ten thousand dollars (\$10,000) to plan, design, construct, improve and equip an irrigation system, including reservoirs, water intake systems and pumping stations, at the university of New Mexico in Albuquerque in Bernalillo county;] LINE-ITEM VETO~~

18. one hundred thousand dollars (\$100,000) to plan, design, purchase, equip, renovate and construct improvements to the men's and women's basketball facilities at the university of New Mexico in Albuquerque in Bernalillo county;

19. two hundred five thousand dollars (\$205,000) to plan, design, construct, purchase, equip, install and make improvements to the natural history science center at the university of New Mexico in Albuquerque in Bernalillo county;

20. seven hundred fifty thousand dollars (\$750,000) to construct, purchase, install and equip an olympic sports training facility at the university of New Mexico in Albuquerque in Bernalillo county;

21. eight hundred thousand dollars (\$800,000) to plan, design, construct, replace, purchase and equip improvements to facilities at Popejoy hall at the university of New Mexico in Albuquerque in Bernalillo county;

22. sixty-five thousand dollars (\$65,000) to plan, design, construct, purchase, furnish and equip a wellness center at Bratton hall at the university of New Mexico school of law in Albuquerque in Bernalillo county;

~~[23. —eighteen thousand dollars (\$18,000) to plan, design, construct, purchase and equip, including the restoration of a mural, the southwest Hispanic research institute at the university of New Mexico in Albuquerque in Bernalillo county;] LINE-ITEM VETO~~

24. one hundred thousand dollars (\$100,000) to plan, design, construct, purchase, equip and make improvements to the speech and hearing science laboratories at the university of New Mexico in Albuquerque in Bernalillo county;

25. eighty-five thousand dollars (\$85,000) to plan, design, purchase, equip and construct improvements to the swimming and diving facilities at the university of New Mexico in Albuquerque in Bernalillo county;

26. one hundred fifty thousand dollars (\$150,000) to plan, design, purchase, equip and construct improvements to the men's and women's tennis facilities at the university of New Mexico in Albuquerque in Bernalillo county;

27. one hundred forty thousand dollars (\$140,000) to plan, design, purchase, equip and construct improvements to the men's and women's track and cross country facilities at the university of New Mexico in Albuquerque in Bernalillo county;

28. seventy-five thousand dollars (\$75,000) to plan, design, construct, purchase, equip and install improvements to the women's soccer facilities at the university of New Mexico in Albuquerque in Bernalillo county;

29. two hundred ninety thousand dollars (\$290,000) to plan, design, construct, purchase, equip and install improvements to the women's softball facilities at the university of New Mexico in Albuquerque in Bernalillo county;

30. one hundred thousand dollars (\$100,000) to plan, design, purchase, equip and construct improvements to the women's volleyball facilities at the university of New Mexico in Albuquerque in Bernalillo county;

31. three hundred thousand dollars (\$300,000) to plan, design, purchase, install, equip, renovate and construct improvements to the graduate student learning commons in Zimmerman library at the university of New Mexico in Albuquerque in Bernalillo county;

32. two hundred fifty thousand dollars (\$250,000) to plan, design, construct and replace existing alarm and camera security systems and to purchase and install a new keyless access control system campuswide at the Los Alamos branch of the university of New Mexico in Los Alamos county;

33. eighty-five thousand dollars (\$85,000) to plan, design, construct, equip, purchase and install improvements, including an accessible elevator, at the Harwood museum of art in Taos in Taos county; and

34. seventy-five thousand dollars (\$75,000) to plan, design, construct and renovate the grounds and parking lots, including the purchase and installation of equipment and drainage and lighting improvements, at the Harwood museum of art in Taos county.

Chapter 81 Section 46 Laws 2020

SECTION 46. WESTERN NEW MEXICO UNIVERSITY PROJECTS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the board of regents of western New Mexico university that the need exists for the issuance of the bonds, the following amounts are appropriated to the board of regents of western New Mexico university for the following purposes:

1. fifty thousand dollars (\$50,000) to plan, design, construct and renovate the Felipe de Ortego y Gasca cultural center at western New Mexico university in Silver City in Grant county;
2. three hundred ninety thousand dollars (\$390,000) to plan, design, construct, demolish, purchase and equip improvements to pathways campuswide at western New Mexico university in Silver City in Grant county;
3. seventy thousand dollars (\$70,000) to plan, design, construct, renovate, equip, demolish, landscape and improve the campus police building for a veterans' center at western New Mexico university in Silver City in Grant county; and
4. two million five hundred thousand dollars (\$2,500,000) to plan, design, construct, equip and furnish a learning center at the Deming campus of western New Mexico university in Luna county.

Chapter 81 Section 47 Laws 2020

SECTION 47. VETERANS' SERVICES DEPARTMENT PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the veterans' services department that the need exists for the issuance of the bonds, two million dollars (\$2,000,000) is appropriated to the veterans' services department to plan, design, construct, repair, furnish, equip and make site improvements, including a memorial wall, at the Vietnam veterans memorial in Angel Fire in Colfax county.

Chapter 81 Section 48 Laws 2020

SECTION 48. NEW MEXICO SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED PROJECT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the board of regents of the New Mexico school for the blind and visually impaired that the need exists for the issuance of the bonds, nine hundred thousand dollars (\$900,000) is appropriated to the board of regents of the New Mexico school for the blind and visually impaired to plan, design, construct, renovate, furnish and equip the Garrett dormitory, including remediation and demolition of the existing dormitory, at the New Mexico school for the blind and visually impaired in Alamogordo in Otero county.

Chapter 81 Section 49 Laws 2020

~~[SECTION 49. ADMINISTRATIVE OFFICE OF THE COURTS PROJECT--GENERAL FUND.--Two million two hundred thousand dollars (\$2,200,000) is appropriated from the general fund to the administrative office of the courts for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, to plan and design a new magistrate court building in Santa Fe in Santa Fe county.] LINE-ITEM VETO~~

Chapter 81 Section 50 Laws 2020

~~[SECTION 50. ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS PROJECT--GENERAL FUND.--Three hundred thousand dollars (\$300,000) is appropriated from the general fund to the administrative office of the district attorneys for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, to purchase and install information technology and system upgrades, including related equipment, furniture, infrastructure, storage, security appliances and security monitoring devices, for district attorney offices statewide.] LINE-ITEM VETO~~

Chapter 81 Section 51 Laws 2020

~~[SECTION 51. AGING AND LONG-TERM SERVICES DEPARTMENT PROJECTS--GENERAL FUND.--The following amounts are appropriated from the general fund to the aging and long-term services department for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, for the following purposes:~~

~~1.——one hundred sixty thousand dollars (\$160,000) to plan, design, construct, equip and install a shade and weather shield outdoor patio and integrated room partitions at Whispering Pines senior meal site in Bernalillo county;~~

~~2.——two hundred seventy-five thousand dollars (\$275,000) to plan, design and construct improvements to a respite home and offices, including an accessible outdoor area, and to purchase and install equipment for a family services intervention program in Albuquerque in Bernalillo county;~~

~~3.——forty thousand dollars (\$40,000) to acquire land and to plan, design, construct, purchase, equip and install upgrades at the Barelás senior center in Albuquerque in Bernalillo county;~~

~~4.——ninety-five thousand dollars (\$95,000) to plan, design, construct, purchase, equip and renovate the Bear Canyon senior center, including heating, ventilation and air conditioning systems, in Albuquerque in Bernalillo county;~~

~~5.——one hundred thousand dollars (\$100,000) for renovations to the North Valley senior center in Albuquerque in Bernalillo county;~~

~~6. — seventy five thousand dollars (\$75,000) to purchase and install furniture and equipment in the South Valley adult daycare and respite center in Albuquerque in Bernalillo county;~~

~~7. — thirty two thousand dollars (\$32,000) to plan, design, construct, repair, replace and upgrade the kitchen, including heating, ventilation and air conditioning, for a senior meals program in Clovis in Curry county;~~

~~8. — fifty thousand dollars (\$50,000) to purchase and equip wheelchair-accessible vans for the Fort Sumner senior center in Fort Sumner in De Baca county;~~

~~9. — fifty thousand dollars (\$50,000) to plan, design, construct, purchase, install and make improvements to the Placitas community senior center in Dona Ana county;~~

~~10. — fifty-five thousand dollars (\$55,000) to purchase and equip a meal delivery truck for La Loma senior center in Anton Chico in Guadalupe county;~~

~~11. — fifty-eight thousand dollars (\$58,000) to purchase and equip a meal delivery truck for the Puerto de Luna senior center in Santa Rosa in Guadalupe county;~~

~~12. — forty thousand dollars (\$40,000) to plan, design, purchase, construct and install a portable garage, including a storage area, for a senior center at the Chichiltah chapter of the Navajo Nation in McKinley county;~~

~~13. — one hundred thousand dollars (\$100,000) to plan, design, construct, furnish and equip a regional senior center in Gallup in McKinley county;~~

~~14. — eighty thousand dollars (\$80,000) to demolish a building and to plan, design and construct a multipurpose building for seniors and veterans for the Manuelito chapter of the Navajo Nation in McKinley county;~~

~~15. — forty-eight thousand dollars (\$48,000) to purchase and equip a vehicle to transport seniors in Mora county;~~

~~16. — one hundred twenty-eight thousand dollars (\$128,000) to plan, design, construct, furnish and equip a senior center in Wagon Mound in Mora county;~~

~~17. — fifty thousand dollars (\$50,000) to plan, design, construct, equip and furnish the senior center facility improvements for the Rock Springs chapter of the Navajo Nation in McKinley county;~~

~~18. — one hundred thousand dollars (\$100,000) to acquire rights of way and easements for and to plan, design, construct, furnish and equip a senior center in the Gadii'ahi/To'koi chapter of the Navajo Nation in San Juan county;~~

~~19.— two hundred thousand dollars (\$200,000) to plan, design, construct, purchase, equip and furnish a new senior center for the Huerfano chapter of the Navajo Nation in San Juan county;~~

~~20.— two hundred five thousand dollars (\$205,000) to plan, design, construct and equip a senior center, including demolition of an existing facility, in the Nageezi chapter of the Navajo Nation in San Juan county;~~

~~21. thirty thousand dollars (\$30,000) to plan, design, construct and renovate improvements to the Shiprock senior center in the Shiprock chapter of the Navajo Nation in San Juan county;~~

~~22.— seventy-one thousand thirty-six dollars (\$71,036) to purchase, equip and install lighting improvements, including light-emitting diode fixtures, at Meadowlark senior center in Rio Rancho in Sandoval county;~~

~~23.— sixty thousand dollars (\$60,000) to purchase and equip vehicles for elder transport in the Pueblo of Santo Domingo in Sandoval county;~~

~~24.— one hundred thousand dollars (\$100,000) to plan, design, construct, purchase, equip and furnish a senior and wellness center in Edgewood in Santa Fe county;~~

~~25.— fifty thousand dollars (\$50,000) to plan, design, construct, equip, renovate and repair the Ken James senior center in Truth or Consequences in Sierra county;~~

~~26.— one hundred thousand dollars (\$100,000) to plan, design, construct, furnish, equip, purchase, install and renovate the kitchen and bathrooms at the Socorro senior center in Socorro in Socorro county;~~

~~27.— one hundred ten thousand dollars (\$110,000) to plan, design, construct and renovate the Estancia senior center in Estancia in Torrance county;~~

~~28.— thirty-five thousand dollars (\$35,000) to purchase, equip and replace kitchen equipment in the Estancia senior center in Estancia in Torrance county;~~

~~29.— ten thousand dollars (\$10,000) to purchase and replace kitchen equipment in the Moriarty senior center in Moriarty in Torrance county;~~

~~30.— thirty thousand dollars (\$30,000) to purchase, install and replace kitchen equipment in the Mountainair senior center in Mountainair in Torrance county;~~

~~31.— seventy thousand dollars (\$70,000) to plan, design, construct, renovate, purchase and install an accessible sidewalk and awning at the main entrance of the Mountainair senior center and to renovate and make improvements to an existing building in Mountainair in Torrance county; and~~

32.—five hundred thousand dollars (\$500,000) to plan, design and construct improvements to the Belen senior center and parking lot in Belen in Valencia county.] *LINE-ITEM VETO*

Chapter 81 Section 52 Laws 2020

~~[SECTION 52. BERNALILLO COUNTY METROPOLITAN COURT PROJECT--GENERAL FUND.--Two hundred seventy-five thousand dollars (\$275,000) is appropriated from the general fund to the Bernalillo county metropolitan court for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, to plan, design, equip and upgrade the operating system for the metro park facility, including computer hardware and software, entry, exit, point of sale terminals and pay stations, electronic parking validation equipment and gates, for the Bernalillo county metropolitan court in Albuquerque in Bernalillo county.] *LINE-ITEM VETO*~~

Chapter 81 Section 53 Laws 2020

~~[SECTION 53. COMMISSION FOR THE BLIND PROJECT--GENERAL FUND.--Sixty-two thousand five hundred dollars (\$62,500) is appropriated from the general fund to the commission for the blind for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, to plan, design, construct, furnish, equip and renovate current facilities for the commission for the blind statewide.] *LINE-ITEM VETO*~~

Chapter 81 Section 54 Laws 2020

~~[SECTION 54. BORDER AUTHORITY PROJECT--GENERAL FUND.--Two hundred seventy-four thousand five hundred dollars (\$274,500) is appropriated from the general fund to the border authority for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, to plan, design and construct flood control infrastructure, including a flood diversion berm, ponding, detention areas and a bridge, and to purchase and install a hazardous materials containment facility and for parking lot repairs at the ports of entry at Columbus and Santa Teresa in Luna and Dona Ana counties.] *LINE-ITEM VETO*~~

Chapter 81 Section 55 Laws 2020

~~[SECTION 55. CAPITAL PROGRAM FUND PROJECT--GENERAL FUND.--Two hundred fifty thousand dollars (\$250,000) is appropriated from the general fund to the capital program fund for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, to plan and design a forensic facility at the New Mexico behavioral health institute at Las Vegas in San Miguel county.] *LINE-ITEM VETO*~~

Chapter 81 Section 56 Laws 2020

~~[SECTION 56. CHILDREN, YOUTH AND FAMILIES DEPARTMENT PROJECT--GENERAL FUND.--Six hundred fifty thousand dollars (\$650,000) is appropriated from the general fund to the children, youth and families department for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, to plan, design, construct and replace the fire alarm system at the youth development and diagnostic center in Albuquerque in Bernalillo county.] LINE-ITEM VETO~~

Chapter 81 Section 57 Laws 2020

~~[SECTION 57. CULTURAL AFFAIRS DEPARTMENT PROJECTS--GENERAL FUND.--The following amounts are appropriated from the general fund to the cultural affairs department for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, for the following purposes:~~

~~1. five hundred eighty thousand dollars (\$580,000) to plan, design, construct, create, renovate, repair, equip, furnish and make other improvements to the site, facilities, theaters, exhibits and existing and new buildings at the national Hispanic cultural center in Albuquerque in Bernalillo county;~~

~~2. eighty thousand dollars (\$80,000) to plan, design, construct, renovate, repair, equip, purchase, install and make improvements to the indoor and outdoor exhibits, including plumbing, courtyard walls, farm operation and collections storage equipment, for the New Mexico farm and ranch heritage museum in Las Cruces in Dona Ana county;~~

~~3. fifty thousand dollars (\$50,000) to plan, design, construct, repair, renovate, purchase, equip and make improvements to facilities and exhibits at the Taylor-Mesilla historic property site in Mesilla in Dona Ana county;~~

~~4. one hundred ten thousand dollars (\$110,000) to plan, design, construct, purchase, install and repair facility and exhibit improvements at the Fort Selden historic site in Radium Springs in Dona Ana county;~~

~~5. sixty-five thousand dollars (\$65,000) to plan, design, construct, improve, purchase, install and repair facilities and exhibits at the Fort Stanton historic site in Lincoln county;~~

~~6. twenty thousand dollars (\$20,000) to plan, design, construct, purchase, repair, improve and install facilities and exhibits at Lincoln historic site in Lincoln in Lincoln county;~~

~~7. seven hundred fifty thousand dollars (\$750,000) to plan, design, construct, repair and improve exhibits and facilities at the New Mexico museum of space history in Alamogordo in Otero county;~~

~~8. — one hundred ten thousand dollars (\$110,000) to plan, design, construct, repair, purchase, equip and install facility and exhibit improvements, including critical fire mitigation along the bosque adjacent to the Rio Grande, at Los Luceros historic site in Rio Arriba county;~~

~~9. — twenty thousand dollars (\$20,000) to develop an infrastructure plan and to plan, design and construct repairs to El Valle community center in Villanueva in San Miguel county;~~

~~10. — one hundred forty five thousand five hundred dollars (\$145,500) to plan, design, construct, purchase, install and repair facility and exhibit upgrades at the Coronado historic site in Sandoval county;~~

~~11. — seventy thousand dollars (\$70,000) to plan, design, construct, renovate, purchase, equip and install improvements to facilities and exhibits at the Jemez historic site in Sandoval county;~~

~~12. — two hundred twenty thousand dollars (\$220,000) to plan, design and construct renovations to the Girard wing and exhibits at the museum of international folk art in Santa Fe in Santa Fe county;~~

~~13. — fifty thousand dollars (\$50,000) to plan, design, renovate, construct, purchase, furnish, equip and improve the New Mexico museum of art-Vladem contemporary, including photovoltaic systems, in Santa Fe in Santa Fe county;~~

~~14. — fifty thousand dollars (\$50,000) to plan, design, construct, purchase and install renovations and improvements, including furniture, fixtures and equipment, to the New Mexico history museum palace of the governors in Santa Fe in Santa Fe county;~~

~~15. — three hundred thousand dollars (\$300,000) to plan, design and construct accessibility improvements for a children's museum in Santa Fe in Santa Fe county;~~

~~16. — one hundred ten thousand dollars (\$110,000) to plan, design, construct, purchase, equip, install, expand, repair and renovate, including preservation improvements, hearing loop systems in theaters, parking lot lighting, heating, ventilation and air conditioning systems, replacing a projector and adding a community gathering space, to the center for contemporary arts in Santa Fe in Santa Fe county;~~

~~17. — five hundred thousand dollars (\$500,000) for information technology, including related equipment, furniture and library materials, for rural libraries statewide; and~~

~~18. — two hundred thousand dollars (\$200,000) to purchase and equip tents for use at the international folk art market in Santa Fe in Santa Fe county and at other events statewide.] *LINE-ITEM VETO*~~

Chapter 81 Section 58 Laws 2020

~~[SECTION 58. DISTRICT ATTORNEY OF THE THIRD JUDICIAL DISTRICT PROJECT--GENERAL FUND.--Thirty-six thousand dollars (\$36,000) is appropriated from the general fund to the district attorney of the third judicial district for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, to purchase and install a server upgrade for the third judicial district attorney's office in Las Cruces in Dona Ana county.] LINE-ITEM VETO~~

Chapter 81 Section 59 Laws 2020

~~[SECTION 59. DISTRICT ATTORNEY OF THE THIRTEENTH JUDICIAL DISTRICT PROJECT--GENERAL FUND.--Seventy-five thousand dollars (\$75,000) is appropriated from the general fund to the district attorney of the thirteenth judicial district for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, to purchase and equip information technology for the thirteenth judicial district attorney's office in Cibola county.] LINE-ITEM VETO~~

Chapter 81 Section 60 Laws 2020

~~[SECTION 60. FIRST JUDICIAL DISTRICT COURT PROJECTS--GENERAL FUND.--The following amounts are appropriated from the general fund to the first judicial district court for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, for the following purposes:~~

~~1.——forty-four thousand two hundred dollars (\$44,200) to purchase, equip and install security equipment for the Rio Arriba county magistrate court in Espanola in Santa Fe county;~~

~~2.——thirty thousand dollars (\$30,000) to purchase and equip a vehicle for use by judges and employees in the first judicial district court in Santa Fe in Santa Fe county;~~

~~3.——twenty thousand dollars (\$20,000) to purchase, equip and install a speaker system for the jury assembly room in the Steve Herrera judicial complex in Santa Fe in Santa Fe county;~~

~~4.——thirty-one thousand six hundred dollars (\$31,600) to purchase and equip computer monitors for the first judicial district court in Santa Fe in Santa Fe county;~~

~~5.——fifty thousand dollars (\$50,000) to purchase, equip and install network switches in the first judicial district court complex in Santa Fe in Santa Fe county;~~

~~6.——two hundred twelve thousand dollars (\$212,000) to plan, design, construct and renovate a file room as a conference room, including the demolition of a door and wall, at the Steve Herrera judicial complex in Santa Fe county; and~~

~~7. forty thousand one hundred dollars (\$40,100) to purchase, equip and install security equipment in the Santa Fe county magistrate courthouse in Santa Fe county.]
LINE-ITEM VETO~~

Chapter 81 Section 61 Laws 2020

~~[SECTION 61. ELEVENTH JUDICIAL DISTRICT COURT PROJECTS--GENERAL FUND.--The following amounts are appropriated from the general fund to the eleventh judicial district court for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, for the following purposes:~~

~~1. — one hundred twenty thousand dollars (\$120,000) to plan, design, construct, replace and purchase x-ray machines and magnetometers in district courts in Aztec and Gallup and in magistrate courts in Aztec, Farmington and Gallup for the eleventh judicial district court in San Juan and McKinley counties;~~

~~2. — two hundred ten thousand dollars (\$210,000) to plan, design, construct and replace an electronic access control system at the courthouse for the eleventh judicial district court in Aztec in San Juan county; and~~

~~3. — ninety-five thousand dollars (\$95,000) to plan, design, construct and renovate a warehouse storage area into offices for pretrial services for the eleventh judicial district court in Aztec in San Juan county.] LINE-ITEM VETO~~

Chapter 81 Section 62 Laws 2020

~~[SECTION 62. ECONOMIC DEVELOPMENT DEPARTMENT PROJECT--GENERAL FUND.--Fifty thousand dollars (\$50,000) is appropriated from the general fund to the economic development department for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, to plan, design, construct, purchase, equip and install improvements, including structures and facilities renovations, information technology and communication systems, energy efficiency systems and accessibility, for the Santa Fe business incubator in Santa Fe in Santa Fe county.] LINE-ITEM VETO~~

Chapter 81 Section 63 Laws 2020

~~SECTION 63. PUBLIC EDUCATION DEPARTMENT PROJECTS--GENERAL FUND.--The following amounts are appropriated from the general fund to the public education department for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, for the following purposes:~~

~~[1. — thirty-five thousand dollars (\$35,000) to plan, design, construct, renovate, furnish and equip buildings and grounds, including the purchase of security systems and installation of related equipment, fencing, education and information technology, wiring and infrastructure, for the Altura Preparatory charter school in Bernalillo county;~~

~~2. — thirty five thousand dollars (\$35,000) to plan, design, construct, install, purchase and equip school flashers in Bernalillo county;~~

~~3. — two hundred thousand dollars (\$200,000) to plan, design, construct, renovate, furnish and equip buildings and grounds and for installation of related equipment, fencing, education and information technology, wiring and infrastructure for the Cottonwood Classical Preparatory charter school in Bernalillo county;~~

~~4. — fifty thousand dollars (\$50,000) to plan, design, construct and renovate the grounds and parking lots, including the purchase and installation of related equipment, fencing, resurfacing, striping, drainage improvements, traffic signs and landscaping, at Montessori of the Rio Grande charter school in Bernalillo county;~~

~~5. — forty three thousand dollars (\$43,000) to plan, design, construct, renovate, purchase, furnish, equip and install buildings and grounds, including playground, basketball court and recreation equipment, fencing, wiring and information technology and related infrastructure, furniture and equipment, for the Solare Collegiate charter school in Bernalillo county;] *LINE-ITEM VETO*~~

6. eighty thousand dollars (\$80,000) to [plan, design, purchase land, construct, renovate, furnish and equip buildings and grounds, including the] purchase [of] security systems and [installation of] related equipment, fencing, [education and information technology, wiring and] infrastructure, for the Technology Leadership charter high school in Bernalillo county; *LINE-ITEM VETO*

7. ninety thousand dollars (\$90,000) to [plan, design, construct, renovate, furnish and equip buildings and grounds, including the] purchase [of lighting and a] security system [and installation of related equipment, wiring and infrastructure,] for the ACE Leadership high school in Albuquerque in Bernalillo county; *LINE-ITEM VETO*

~~[8. — two hundred twenty five thousand dollars (\$225,000) to plan, design, construct and replace roofs and heating, ventilation and air conditioning systems at the ABQ charter academy in Albuquerque in Bernalillo county;] *LINE-ITEM VETO*~~

9. thirty-eight thousand dollars (\$38,000) to [plan, design, construct, renovate, purchase, furnish,] equip and install [buildings and grounds, including] a security system, [playground improvements, fencing, wiring and information technology] and related infrastructure[, furniture] and equipment[;] for the Albuquerque Collegiate charter school in Albuquerque in Bernalillo county; *LINE-ITEM VETO*

~~[10. — one hundred forty one thousand dollars (\$141,000) to plan, design, construct, renovate, furnish and equip buildings and grounds, including the purchase of educational and information technology and installation of related equipment, fencing, wiring and infrastructure, for the Montessori elementary and middle charter school in Albuquerque in Bernalillo county;~~

~~11. — one hundred thirty five thousand dollars (\$135,000) to acquire land for the Albuquerque sign language academy in Albuquerque in Bernalillo county;~~

~~12. — two hundred thirty five thousand dollars (\$235,000) to plan, design, purchase, construct, renovate, furnish and equip buildings and grounds, including the purchase of makers space equipment and furniture and installation of related equipment, fencing, information technology, wiring and infrastructure, at the Albuquerque School of Excellence charter school in Bernalillo county;~~

~~13. — fifty eight thousand dollars (\$58,000) to plan, design, construct, renovate, furnish and equip buildings and grounds and for installation of fencing and information technology, including related equipment, furniture and infrastructure, at the Cesar Chavez community school in Albuquerque in Bernalillo county;] *LINE-ITEM VETO*~~

14. forty-five thousand dollars (\$45,000) to [plan, design, construct, renovate, furnish and equip buildings and grounds, including the] purchase [and installation of a heating, ventilation and air conditioning system,] security fencing, [wiring and information technology,] including related equipment, [furniture and infrastructure,] for Cien Aguas international school in Albuquerque in Bernalillo county; *LINE-ITEM VETO*

15. sixty thousand dollars (\$60,000) to [plan, design, construct, renovate, furnish and equip buildings and grounds, including the] purchase [and installation of a heating, ventilation and air conditioning system,] security fencing, [wiring and information technology,] including related equipment, [furniture and infrastructure,] for El Camino Real academy charter school in Albuquerque in Bernalillo county; *LINE-ITEM VETO*

~~[16. — one hundred eighty five thousand dollars (\$185,000) to plan, design, construct, renovate, furnish and equip buildings and grounds and for fencing and information technology, including related equipment, furniture and infrastructure, at Gilbert L. Sena charter high school in Albuquerque in Bernalillo county;] *LINE-ITEM VETO*~~

17. seventy-five thousand dollars (\$75,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Madison middle school in the Albuquerque public school district in Bernalillo county;

~~[18. — one hundred twenty five thousand dollars (\$125,000) to purchase and equip playground and physical education equipment for Mission Achievement and Success charter school in Albuquerque in Bernalillo county;] *LINE-ITEM VETO*~~

19. seventy-five thousand dollars (\$75,000) to purchase, equip, install and improve security equipment and cameras for Mission Achievement and Success charter school in Albuquerque in Bernalillo county;

20. one hundred five thousand dollars (\$105,000) to ~~[plan, design, construct, renovate, furnish and equip buildings and grounds, including the] purchase [and installation of a heating, ventilation and air conditioning system,] security fencing, [wiring and information technology,] including related equipment, [furniture and infrastructure,] for the Media Arts collaborative charter school in Albuquerque in Bernalillo county;~~
LINE-ITEM VETO

~~[21. one hundred thirty five thousand dollars (\$135,000) to plan, design, construct, purchase and install improvements, including heating, ventilation and air conditioning, playground surfaces, parking lots and classroom equipment, at Salam academy in Albuquerque in Bernalillo county;~~

~~22. one hundred twenty five thousand dollars (\$125,000) to purchase and install solar panels for Salam academy in Albuquerque in Bernalillo county;~~

~~23. one hundred twenty five thousand dollars (\$125,000) to plan, design, construct, renovate, furnish and equip buildings and grounds and for fencing and information technology, including related equipment, furniture and infrastructure, at SAMS academy charter school in Albuquerque in Bernalillo county;] *LINE-ITEM VETO*~~

24. seventy-five thousand dollars (\$75,000) to ~~[plan, design, construct, renovate, furnish and equip buildings and grounds, including the] purchase [and installation of a heating, ventilation and air conditioning system,] security fencing, [wiring and information technology,] including related equipment, [furniture and infrastructure,] for South Valley academy charter school in Albuquerque in Bernalillo county; *LINE-ITEM VETO*~~

~~[25. one hundred forty three thousand dollars (\$143,000) to plan, design, construct, renovate, purchase, furnish and equip buildings and grounds, including the installation of a science, technology, engineering, art and mathematics laboratory and related equipment, infrastructure, fencing, wiring and information technology and related equipment, for the Southwest Secondary learning center in Albuquerque in Bernalillo county;~~

~~26. two hundred twenty three thousand dollars (\$223,000) to plan, design, construct, equip, furnish and purchase technology for Tierra Adentro charter school in Albuquerque in Bernalillo county;] *LINE-ITEM VETO*~~

27. three hundred thousand dollars (\$300,000) to acquire ~~[land for and to plan, design, construct, renovate, furnish and equip buildings and grounds, including] security systems, [communications systems,] fencing and [information technology and] related equipment, [furniture, wiring and infrastructure,] for the Twenty-First Century~~

public academy charter school in the Albuquerque public school district in Bernalillo county; *LINE-ITEM VETO*

28. five thousand dollars (\$5,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Adobe Acres elementary school in the Albuquerque public school district in Bernalillo county;

29. twenty-five thousand dollars (\$25,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Alameda elementary school in the Albuquerque public school district in Bernalillo county;

~~[30. fifty thousand dollars (\$50,000) to plan, design, construct, improve and renovate the grounds, including the purchase and installation of a marquee, related equipment, exterior lighting and electrical systems, at Alamosa elementary school in the Albuquerque public school district in Bernalillo county;~~

~~31. fifty thousand dollars (\$50,000) to acquire, plan, design, build, purchase, equip, furnish and install fixtures, furniture, flooring, carpet, window coverings and information technology, including related equipment, furniture and infrastructure, for shared student community spaces at Albuquerque high school in the Albuquerque public school district in Bernalillo county;~~

~~32. three hundred sixteen thousand dollars (\$316,000) to plan, design and construct infrastructure and site improvements and to purchase and install equipment, fixtures, furniture and information technology, including related equipment, furniture and infrastructure, for culinary arts, automotive repair, computer-aided drawing, building technology, business management and finance, family and consumer science, technology, education and other college and career readiness and career technical programs, throughout the Albuquerque public school district in Bernalillo county;] *LINE-ITEM VETO*~~

33. ninety thousand dollars (\$90,000) to purchase and install information technology, including related equipment, furniture, wiring and infrastructure, for the district police department in the Albuquerque public school district in Bernalillo county;

34. three hundred eighty thousand dollars (\$380,000) to purchase and equip vehicles for the district police department in the Albuquerque public school district in Bernalillo county;

~~[35. — fifty thousand dollars (\$50,000) to plan, design, construct, renovate, furnish, equip and improve facilities, buildings and grounds and to purchase and install information technology, including related equipment, furniture and infrastructure, for Alice King community school in the Albuquerque public school district in Bernalillo county;~~

~~36. — seventy five thousand dollars (\$75,000) to purchase, acquire and install resources for information technology, including related equipment, furniture, wiring and infrastructure, at Alvarado elementary school in the Albuquerque public school district in Bernalillo county;] *LINE-ITEM VETO*~~

37. one hundred thirty thousand dollars (\$130,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Apache elementary school in the Albuquerque public school district in Bernalillo county;

38. one hundred fifty thousand dollars (\$150,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Arroyo del Oso elementary school in the Albuquerque public school district in Bernalillo county;

39. eighty-five thousand dollars (\$85,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security, the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Atrisco Heritage academy high school in the Albuquerque public school district in Bernalillo county;

~~[40. — ninety thousand dollars (\$90,000) to plan, design, construct, purchase, install and renovate the soccer grounds and fields, including related equipment, fencing, bleachers and benches, asphalt paving, drainage improvements, turf and grass playing surfaces, scoreboard and scoreboard repairs, soccer goals and landscaping, at Atrisco Heritage academy high school in the Albuquerque public school district in Bernalillo county;] *LINE-ITEM VETO*~~

41. sixty-five thousand dollars (\$65,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Bandelier elementary school in the Albuquerque public school district in Bernalillo county;

42. five thousand dollars (\$5,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Barcelona elementary school in the Albuquerque public school district in Bernalillo county;

43. thirty thousand dollars (\$30,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Bel-Air elementary school in the Albuquerque public school district in Bernalillo county;

~~[44. sixty thousand dollars (\$60,000) to purchase, acquire, furnish, improve and install library equipment, furniture, fixtures, book shelves, books, infrastructure and information technology, including related equipment, furniture and infrastructure, for libraries and bookrooms at Bellehaven elementary school in the Albuquerque public school district in Bernalillo county;~~

~~45. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at the Career Enrichment and Early College academy in the Albuquerque public school district in Bernalillo county;] *LINE-ITEM VETO*~~

46. five thousand dollars (\$5,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Carlos Rey elementary school in the Albuquerque public school district in Bernalillo county;

47. twenty-five thousand dollars (\$25,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Chamiza elementary school in the Albuquerque public school district in Bernalillo county;

48. seventy thousand dollars (\$70,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Chelwood elementary school in the Albuquerque public school district in Bernalillo county;

~~[49. — one hundred fifty thousand dollars (\$150,000) to plan, design, construct and renovate the grounds, fields, track areas, gym floors and tennis courts, including the purchase and installation of related equipment, weight room equipment, fencing, bleachers, track resurfacing, asphalt paving, drainage improvements, turf and landscaping, at Cibola high school in the Albuquerque public school district in Bernalillo county;] *LINE-ITEM VETO*~~

50. ninety-five thousand dollars (\$95,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Cleveland middle school in the Albuquerque public school district in Bernalillo county;

~~[51. — forty-seven thousand dollars (\$47,000) to purchase, acquire and install resources for information technology, including related equipment, furniture, wiring and infrastructure, at Cochiti elementary school in the Albuquerque public school district in Bernalillo county;] *LINE-ITEM VETO*~~

52. one hundred thirty thousand dollars (\$130,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Collet Park elementary school in the Albuquerque public school district in Bernalillo county;

53. eighty thousand dollars (\$80,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Comanche elementary school in the Albuquerque public school district in Bernalillo county;

54. thirty thousand dollars (\$30,000) to plan, design, construct, renovate, furnish and equip buildings and grounds, including the purchase of security systems, fencing, education and information technology and installation of related equipment, wiring and infrastructure, for the Coral community charter school in the Albuquerque public school district in Bernalillo county;

55. forty-five thousand dollars (\$45,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at the Coyote Willow family school in the Albuquerque public school district in Bernalillo county;

~~[56. — one hundred seventy thousand dollars (\$170,000) to plan, design, construct, renovate, furnish and equip buildings and grounds and to install related equipment, fencing, education and information technology, wiring, paving and infrastructure for the International school for tenant Digital Arts and Technology academy charter school in the Albuquerque public school district in Bernalillo county;]~~
LINE-ITEM VETO

57. one hundred thirty thousand one hundred dollars (\$130,100) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Del Norte high school in the Albuquerque public school district in Bernalillo county;

58. one hundred fifty thousand dollars (\$150,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Dennis Chavez elementary school in the Albuquerque public school district in Bernalillo county;

59. fifty-five thousand dollars (\$55,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Desert Ridge middle school in the Albuquerque public school district in Bernalillo county;

60. fifteen thousand dollars (\$15,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Desert Willow family school in the Albuquerque public school district in Bernalillo county;

61. fifty-five thousand dollars (\$55,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Double Eagle elementary school in the Albuquerque public school district in Bernalillo county;

62. eighty thousand dollars (\$80,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing,

telecommunications alarm upgrades and information technology, at MacArthur elementary school in the Albuquerque public school district in Bernalillo county;

~~[63. — one hundred thousand dollars (\$100,000) to acquire, plan, design, build, purchase, equip, furnish and install fixtures, furniture, flooring, carpet, window coverings and information technology, including related equipment, furniture and infrastructure for shared student community spaces, at Duranes elementary school in the Albuquerque public school district in Bernalillo county;~~

~~64. — one hundred fifty thousand dollars (\$150,000) to plan, design, construct and renovate the bathroom facilities at East Mountain high school in the Albuquerque public school district in Bernalillo county;~~

~~65. — one hundred thousand dollars (\$100,000) to purchase, equip and install technology improvements, including student and faculty computers and a special education portal for student information systems, at East Mountain high school in the Albuquerque public school district in Bernalillo county;~~

~~66. — two hundred thousand dollars (\$200,000) to purchase, replace, equip and install heating, ventilation and air conditioning systems at East Mountain high school in the Albuquerque public school district in Bernalillo county;] *LINE-ITEM VETO*~~

67. seventy thousand dollars (\$70,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security, secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications, alarm upgrades and information technology, at Ecademy virtual high school in the Albuquerque public school district in Bernalillo county;

68. seventy-five thousand dollars (\$75,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Edmund G. Ross elementary school in the Albuquerque public school district in Bernalillo county;

~~[69. — thirty-five thousand dollars (\$35,000) to purchase, acquire, furnish, improve and install library equipment, furniture, fixtures, book shelves, books, infrastructure and information technology, including related equipment, furniture and infrastructure, for libraries and bookrooms at Edward Gonzales elementary school in the Albuquerque public school district in Bernalillo county;] *LINE-ITEM VETO*~~

70. seventy-five thousand dollars (\$75,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing,

telecommunications alarm upgrades and information technology, at Eisenhower middle school in the Albuquerque public school district in Bernalillo county;

~~[71.— one hundred thirty five thousand dollars (\$135,000) to plan, design, construct and renovate the grounds, fields, track areas, gym floors and tennis courts, including the purchase and installation of related equipment, weight room equipment, fencing, bleachers, track resurfacing, asphalt paving, drainage improvements, turf and landscaping, at Eldorado high school in the Albuquerque public school district in Bernalillo county;~~

~~72.— one hundred forty five thousand dollars (\$145,000) to plan, design, construct and renovate the grounds, fields, track areas, gym floors and tennis courts, including the purchase and installation of related equipment, weight room equipment, fencing, bleachers, track resurfacing, asphalt paving, drainage improvements, turf and landscaping, at Emerson elementary school in the Albuquerque public school district in Bernalillo county;] *LINE-ITEM VETO*~~

73. eighty thousand dollars (\$80,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Freedom high school in the Albuquerque public school district in Bernalillo county;

~~[74.— seventy two thousand dollars (\$72,000) to purchase, acquire and install resources for information technology, including related equipment, furniture, wiring and infrastructure, at Garfield middle school in the Albuquerque public school district in Bernalillo county;~~

~~75.— five thousand dollars (\$5,000) to plan, design, construct, purchase, install, repair and renovate the grounds, sidewalks, bus drop offs and pick ups and parking lots, including related equipment, fencing, resurfacing, striping, drainage improvements, traffic signs and landscaping, and to purchase and equip utility vehicles and golf carts at George I. Sanchez collaborative community school in the Albuquerque public school district in Bernalillo county;] *LINE-ITEM VETO*~~

76. twenty-five thousand dollars (\$25,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at George I. Sanchez collaborative community school in the Albuquerque public school district in Bernalillo county;

77. fifty-five thousand dollars (\$55,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology,

grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Georgia O'Keeffe elementary school in the Albuquerque public school district in Bernalillo county;

~~[78. — thirty thousand dollars (\$30,000) to purchase and install alternative energy improvements, including solar panels and an electric vehicle charging station, at Gordon Bernell charter school in the Albuquerque public school district in Bernalillo county;~~

~~79. — twenty-five thousand dollars (\$25,000) to plan, design and construct an outdoor educational and community space at Gordon Bernell charter school in the Albuquerque public school district in Bernalillo county;] *LINE-ITEM VETO*~~

80. seventy-four thousand dollars (\$74,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Governor Bent elementary school in the Albuquerque public school district in Bernalillo county;

81. eighty thousand dollars (\$80,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Griegos elementary school in the Albuquerque public school district in Bernalillo county;

~~[82. — twenty-five thousand dollars (\$25,000) to plan, design, construct and renovate the grounds, fields, track areas, gym floors and tennis courts, including the purchase and installation of related equipment, weight room equipment, fencing, bleachers, track resurfacing, asphalt paving, drainage improvements, turf and landscaping, at Harrison middle school in the Albuquerque public school district in Bernalillo county;~~

~~83. — thirty thousand dollars (\$30,000) to purchase library books, including print, non-print and electronic resources, for the libraries and bookrooms at Hawthorne elementary school in the Albuquerque public school district in Bernalillo county;] *LINE-ITEM VETO*~~

84. forty-five thousand dollars (\$45,000) to acquire ~~[and for and to plan, design, construct, improve, renovate, furnish],~~ equip and install ~~[buildings and grounds, including]~~ security equipment, fencing, ~~[paving, information technology]~~ and related infrastructure, ~~[furnishings and]~~ equipment, for the Health Leadership high school charter school in the Albuquerque public school district in Bernalillo county; *LINE-ITEM VETO*

85. ten thousand dollars (\$10,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Helen Cordero elementary school in the Albuquerque public school district in Bernalillo county;

86. sixty thousand dollars (\$60,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Highland high school in the Albuquerque public school district in Bernalillo county;

87. forty thousand dollars (\$40,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Hodgkin elementary school in the Albuquerque public school district in Bernalillo county;

88. ninety-five thousand dollars (\$95,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Hoover middle school in the Albuquerque public school district in Bernalillo county;

89. forty thousand dollars (\$40,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Inez elementary school in the Albuquerque public school district in Bernalillo county;

~~[90. —one hundred seventy five thousand dollars (\$175,000) to plan, design, construct, renovate, furnish and equip buildings and grounds and install related equipment, fencing, education and information technology, wiring, paving and infrastructure for the International school at Mesa del Sol charter school in the Albuquerque public school district in Bernalillo county;] LINE-ITEM VETO~~

91. sixty-five thousand dollars (\$65,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing,

telecommunications alarm upgrades and information technology, at James Monroe middle school in the Albuquerque public school district in Bernalillo county;

92. fifty thousand dollars (\$50,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Janet Kahn school of integrated arts in the Albuquerque public school district in Bernalillo county;

~~[93. eighty-eight thousand three hundred dollars (\$88,300) to acquire, plan, design, build, purchase, equip, furnish and install fixtures, furniture, flooring, carpet, window coverings and information technology, including related equipment, furniture and infrastructure, for shared student community spaces at Jimmy Carter middle school in the Albuquerque public school district in Bernalillo county;] LINE-ITEM VETO~~

94. ninety-five thousand dollars (\$95,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at John Baker elementary school in the Albuquerque public school district in Bernalillo county;

95. one hundred fifty-five thousand dollars (\$155,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Kennedy middle school in the Albuquerque public school district in Bernalillo county;

96. fifty thousand dollars (\$50,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Kirtland elementary school in the Albuquerque public school district in Bernalillo county;

97. fifty-five thousand dollars (\$55,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at La Cueva high school in the Albuquerque public school district in Bernalillo county;

98. eighty thousand dollars (\$80,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology,

grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at La Luz elementary school in the Albuquerque public school district in Bernalillo county;

99. one hundred forty thousand dollars (\$140,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at La Mesa elementary school in the Albuquerque public school district in Bernalillo county;

100. twenty-five thousand dollars (\$25,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Los Padillas elementary school in the Albuquerque public school district in Bernalillo county;

~~[101. one hundred forty five thousand dollars (\$145,000) to plan, design, construct, renovate, furnish and equip buildings and grounds, including the purchase and installation of a heating, ventilation and air conditioning system, activity transportation, fencing, paving and information technology and related equipment, wiring and infrastructure, for Los Puentes charter school in the Albuquerque public school district in Bernalillo county;] LINE-ITEM VETO~~

102. fifty-three thousand dollars (\$53,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Los Ranchos elementary school in the Albuquerque public school district in Bernalillo county;

~~[103. twenty five thousand dollars (\$25,000) to plan, design, construct and renovate the grounds and playgrounds, including the purchase and installation of related equipment, fencing, shade structures, turf, bleachers, drainage improvements and landscaping, at Lowell elementary school in the Albuquerque public school district in Bernalillo county;~~

~~104. ninety three thousand five hundred dollars (\$93,500) to plan, design, construct and renovate the grounds, fields, track areas, gym floors and tennis courts, including the purchase and installation of related equipment, weight room equipment, fencing, bleachers, track resurfacing, asphalt paving, drainage improvements, turf and landscaping, at Lyndon B. Johnson middle school in the Albuquerque public school district in Bernalillo county;~~

~~105. seventy five thousand dollars (\$75,000) to plan, design, construct, renovate, repair, purchase, equip, furnish and install fixtures, furniture, flooring, carpet, classroom door locks, renovations and related equipment related to teacher workspaces and bathrooms, at Manzano high school in the Albuquerque public school district in Bernalillo county;] LINE-ITEM VETO~~

106. forty-five thousand dollars (\$45,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Marie M. Hughes elementary school in the Albuquerque public school district in Bernalillo county;

~~[107. seventy thousand five hundred dollars (\$70,500) to purchase, acquire and install resources for information technology, including related equipment, furniture, wiring and infrastructure, at Marie M. Hughes elementary school in the Albuquerque public school district in Bernalillo county;~~

~~108. one hundred thirteen thousand dollars (\$113,000) to plan, design, construct, renovate, purchase, furnish, equip and install buildings and grounds, including classroom portable buildings, fencing, wiring and information technology and related infrastructure, furniture and equipment, for the Mark Armijo Academy charter school in the Albuquerque public school district in Bernalillo county;] LINE-ITEM VETO~~

109. ninety thousand dollars (\$90,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Mark Twain elementary school in the Albuquerque public school district in Bernalillo county;

110. eighty thousand dollars (\$80,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Matheson Park elementary school in the Albuquerque public school district in Bernalillo county;

111. one hundred thirty thousand dollars (\$130,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at McCollum elementary school in the Albuquerque public school district in Bernalillo county;

~~[112. ninety thousand dollars (\$90,000) to purchase, acquire and install resources for information technology, including related equipment, furniture, wiring and infrastructure, at McKinley middle school in the Albuquerque public school district in Bernalillo county;~~

~~113. ninety-nine thousand dollars (\$99,000) to acquire, plan, design, build, purchase, equip, furnish and install fixtures, furniture, flooring, carpet, window coverings and information technology, including related equipment, furniture and infrastructure, for shared student community spaces at Mission Avenue elementary school in the Albuquerque public school district in Bernalillo county;~~

~~114. seventy thousand dollars (\$70,000) to purchase, acquire and install resources for information technology, including related equipment, furniture, wiring and infrastructure, at Mitchell elementary school in the Albuquerque public school district in Bernalillo county;] *LINE-ITEM VETO*~~

115. seventy-five thousand dollars (\$75,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Montezuma elementary school in the Albuquerque public school district in Bernalillo county;

~~[116. five thousand dollars (\$5,000) to plan, design, purchase, construct, renovate and improve energy efficiency and water conservation at the school site and buildings, including lighting, turf, solar panels, window coverings and landscaping, at Mountain View elementary school in the Albuquerque public school district in Bernalillo county;] *LINE-ITEM VETO*~~

117. five thousand dollars (\$5,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Mountain View elementary school in the Albuquerque public school district in Bernalillo county;

118. ten thousand dollars (\$10,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Navajo elementary school in the Albuquerque public school district in Bernalillo county;

~~[119. eighty thousand dollars (\$80,000) to plan, design, construct and renovate the grounds and playgrounds, including the purchase and installation of related equipment, fencing, shade structures, turf, bleachers, drainage improvements and~~

landscaping, at New Futures high school in the Albuquerque public school district in Bernalillo county;] *LINE-ITEM VETO*

120. eighty thousand dollars (\$80,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at New Futures high school in the Albuquerque public school district in Bernalillo county;

~~[121. one hundred thousand dollars (\$100,000) to renovate a parking lot and accompanying landscaping, including resurfacing and restriping the lot, improving landscape and designing and constructing new vehicular access, for New Mexico international school charter school in the Albuquerque public school district in Bernalillo county;~~

~~122. three hundred eighty thousand dollars (\$380,000) to renovate the roof, including removing existing materials and replacing roof and skylights and other roof penetrations, for New Mexico international school charter school in the Albuquerque public school district in Bernalillo county;~~

~~123. twenty thousand dollars (\$20,000) to plan, design, construct, purchase, install, repair and renovate the grounds, sidewalks, bus drop-offs and pick-ups and parking lots, including related equipment, fencing, resurfacing, striping, drainage improvements, traffic signs and landscaping, and to purchase and equip utility vehicles and golf carts, at Nex+Gen Academy high school in the Albuquerque public school district in Bernalillo county;] *LINE-ITEM VETO*~~

124. fifty-five thousand dollars (\$55,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at North Star elementary school in the Albuquerque public school district in Bernalillo county;

125. seventy thousand dollars (\$70,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Onate elementary school in the Albuquerque public school district in Bernalillo county;

126. one hundred four thousand dollars (\$104,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing,

telecommunications alarm upgrades and information technology, at Osuna elementary school in the Albuquerque public school district in Bernalillo county;

127. five thousand dollars (\$5,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Pajarito elementary school in the Albuquerque public school district in Bernalillo county;

128. one hundred thirty-eight thousand two hundred fifty dollars (\$138,250) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Petroglyph elementary school in the Albuquerque public school district in Bernalillo county;

129. twenty-five thousand dollars (\$25,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Polk middle school in the Albuquerque public school district in Bernalillo county;

~~[130. ten thousand dollars (\$10,000) to plan, design, construct and renovate the grounds, fields, track areas, gym floors and tennis courts, including the purchase and installation of related equipment, weight room equipment, fencing, bleachers, track resurfacing, asphalt paving, drainage improvements, turf and landscaping, at Polk middle school in the Albuquerque public school district in Bernalillo county;] *LINE-ITEM VETO*~~

131. twenty thousand dollars (\$20,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure, secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at the Public academy for performing arts in the Albuquerque public school district in Bernalillo county;

132. forty thousand dollars (\$40,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Reginald Chavez elementary school in the Albuquerque public school district in Bernalillo county;

133. ten thousand dollars (\$10,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications, alarm upgrades and information technology, a gymnasium, parking lot improvements and lighting, at Rio Grande high school in the Albuquerque public school district in Bernalillo county;

~~[134. two hundred forty five thousand dollars (\$245,000) to plan, design, construct, renovate, furnish and equip buildings and grounds and to install related equipment, fencing, education and information technology, wiring, paving and infrastructure for the Robert F. Kennedy charter school in the Albuquerque public school district in Bernalillo county;] *LINE-ITEM VETO*~~

135. ten thousand dollars (\$10,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Rudolfo Anaya elementary school in the Albuquerque public school district in Bernalillo county;

136. sixty-five thousand dollars (\$65,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at S.Y. Jackson elementary school in the Albuquerque public school district in Bernalillo county;

137. one hundred twenty thousand dollars (\$120,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Sandia high school in the Albuquerque public school district in Bernalillo county;

~~[138. fifty thousand dollars (\$50,000) to plan, design, construct, purchase, install, repair and renovate the grounds, sidewalks, bus drop-offs and pick-ups and parking lots, including related equipment, fencing, resurfacing, striping, drainage improvements, traffic signs and landscaping, and to purchase and equip utility vehicles and golf carts at Sandia Mountain natural history center in the Albuquerque public school district in Bernalillo county;] *LINE-ITEM VETO*~~

139. one hundred thirty-six thousand three hundred dollars (\$136,300) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card

security systems, fencing, telecommunications alarm upgrades and information technology, at Seven Bar elementary school in the Albuquerque public school district in Bernalillo county;

~~[140. fifty thousand dollars (\$50,000) to purchase and equip furniture and equipment for Siembra Leadership high school in the Albuquerque public school district in Bernalillo county;] LINE-ITEM VETO~~

141. forty-five thousand dollars (\$45,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Sierra Vista elementary school in the Albuquerque public school district in Bernalillo county;

142. one hundred four thousand dollars (\$104,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Sombra del Monte elementary school in the Albuquerque public school district in Bernalillo county;

~~[143. fifteen thousand dollars (\$15,000) to plan, design, purchase, construct, renovate and improve energy efficiency and water conservation at the school site and buildings, including lighting, turf, solar panels, window coverings and landscaping, at South Valley academy charter school in the Albuquerque public school district in Bernalillo county;] LINE-ITEM VETO~~

144. forty-five thousand dollars (\$45,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Sunset View elementary school in the Albuquerque public school district in Bernalillo county;

145. fifty thousand dollars (\$50,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Taft middle school in the Albuquerque public school district in Bernalillo county;

146. seventy-five thousand dollars (\$75,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing,

telecommunications alarm upgrades and information technology, at Taylor middle school in the Albuquerque public school district in Bernalillo county;

147. forty-five thousand dollars (\$45,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Tierra Antigua elementary school in the Albuquerque public school district in Bernalillo county;

148. fifty-five thousand dollars (\$55,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Tony Hillerman middle school in the Albuquerque public school district in Bernalillo county;

149. forty-five thousand dollars (\$45,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Tres Volcanes community collaborative school in the Albuquerque public school district in Bernalillo county;

150. thirty-five thousand dollars (\$35,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Truman middle school in the Albuquerque public school district in Bernalillo county;

~~151. eighty thousand dollars (\$80,000) to plan, design, construct and renovate the grounds, fields, softball fields and track areas, including the purchase and installation of related equipment, fencing, bleachers, track resurfacing, asphalt paving, drainage improvements, grass, turf and landscaping, at Valley high school in the Albuquerque public school district in Bernalillo county;~~

~~152. one hundred five thousand dollars (\$105,000) to acquire, plan, design, build, purchase, equip, furnish and install fixtures, furniture, flooring, carpet, window coverings and information technology, including related equipment, furniture and infrastructure, for shared student community spaces at Valley high school in the Albuquerque public school district in Bernalillo county;~~

~~153. one hundred thirty thousand dollars (\$130,000) to plan, design, construct and renovate the grounds and playgrounds, including the purchase and installation of~~

~~related equipment, fencing, shade structures, turf, bleachers, drainage improvements and landscaping, at Van Buren middle school in the Albuquerque public school district in Bernalillo county;] *LINE-ITEM VETO*~~

154. one hundred eighty thousand dollars (\$180,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Van Buren middle school in the Albuquerque public school district in Bernalillo county;

155. fifty-five thousand dollars (\$55,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Ventana Ranch elementary school in the Albuquerque public school district in Bernalillo county;

156. seventy-five thousand dollars (\$75,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Volcano Vista high school in the Albuquerque public school district in Bernalillo county;

~~[157. forty thousand dollars (\$40,000) to plan, design, purchase, construct, renovate and improve energy efficiency and water conservation at the school site and buildings, including lighting, turf, solar panels, window coverings and landscaping, at Washington middle school in the Albuquerque public school district in Bernalillo county;] *LINE-ITEM VETO*~~

158. fifty thousand dollars (\$50,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Wherry elementary school in the Albuquerque public school district in Bernalillo county;

159. one hundred sixty-five thousand dollars (\$165,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Wilson middle school in the Albuquerque public school district in Bernalillo county;

~~[160. sixty five thousand dollars (\$65,000) to plan, design, construct and renovate the grounds and playgrounds, including the purchase and installation of related equipment, fencing, shade structures, turf, bleachers, drainage improvements and landscaping, at Zia elementary school in the Albuquerque public school district in Bernalillo county;] *LINE-ITEM VETO*~~

161. fifty thousand dollars (\$50,000) to acquire, plan, design, construct, renovate, purchase and improve security systems, including upgrades to technology, grounds, infrastructure and facilities related to security and the installation of secure vestibule entryways, locks, cameras, access card security systems, fencing, telecommunications alarm upgrades and information technology, at Zuni elementary school in the Albuquerque public school district in Bernalillo county;

~~[162. one hundred thousand dollars (\$100,000) to purchase and equip activity vehicles for the Lake Arthur municipal school district in Chaves county;~~

~~163. forty five thousand dollars (\$45,000) to plan, design and construct a parking lot for the Melrose municipal school district in Curry county;] *LINE-ITEM VETO*~~

164. fifty thousand dollars (\$50,000) for renovation and special needs equipment at health and wellness centers in middle schools in the Gadsden independent school district in Dona Ana county;

~~[165. fifty thousand dollars (\$50,000) to plan, design, construct, purchase, renovate, furnish and equip improvements to the New America school Las Cruces buildings and grounds, including information technology and related equipment, wiring and infrastructure, in Las Cruces in Dona Ana county;~~

~~166. two hundred seventy thousand dollars (\$270,000) to purchase student furniture for classrooms serving autistic students in the Las Cruces public school district in Dona Ana county;~~

~~167. one hundred thousand dollars (\$100,000) to purchase, install, replace and improve media equipment, including for internal school broadcasting, at schools in the Las Cruces public school district in Dona Ana county;~~

~~168. one hundred thousand dollars (\$100,000) to equip, purchase and install information technology, including related equipment, furnishings and infrastructure, for the Cobre consolidated school district in Grant county;~~

~~169. one hundred forty thousand dollars (\$140,000) to plan, design, construct, furnish and equip improvements to the Ben Altamirano sports complex at the Silver consolidated school district in Grant county;] *LINE-ITEM VETO*~~

170. one hundred thousand dollars (\$100,000) to purchase and equip security entry systems for the Cobre consolidated school district in Bayard in Grant county;

~~[171. two hundred thousand dollars (\$200,000) to plan, design, construct, purchase, equip and furnish improvements to the Tom Powers softball field for the Cobre consolidated school district in Bayard in Grant county;~~

~~172. forty thousand dollars (\$40,000) to plan, design, construct, furnish and equip facility improvements to the Aldo Leopold charter school in Silver City in Grant county;~~

~~173. twenty-five thousand dollars (\$25,000) to purchase and equip vehicles for the Aldo Leopold charter school in Silver City in Grant county;~~

~~174. twenty-five thousand dollars (\$25,000) to plan, design, construct, furnish and equip facility improvements to the Guadalupe Montessori school in Silver City in Grant county;~~

~~175. fifty-seven thousand nine hundred seventy-five dollars (\$57,975) to purchase and equip vehicles for the Roy municipal school district in Harding county;~~

~~176. one hundred twenty-eight thousand dollars (\$128,000) to purchase and install information technology, including related equipment, furniture and infrastructure, for the Animas public school district in Hidalgo county;] *LINE-ITEM VETO*~~

177. seventy-five thousand dollars (\$75,000) to purchase, equip and install security improvements, including card readers, to exterior entrance doors in the Lovington municipal school district in Lea county;

~~[178. sixty-five thousand dollars (\$65,000) to purchase and equip an activity vehicle for the Tatum municipal school district in Lea county;~~

~~179. fifty-five thousand dollars (\$55,000) to purchase and equip an activity vehicle for the Tatum municipal school district in Lea county;~~

~~180. seventy-five thousand dollars (\$75,000) to plan, design, construct, purchase and install a lighting system for the baseball and softball complex in the Capitan municipal school district in Lincoln county;~~

~~181. forty-five thousand dollars (\$45,000) to purchase and equip an activity vehicle for the Corona public school district in Lincoln county;~~

~~182. thirty thousand dollars (\$30,000) to purchase and equip a maintenance vehicle for the Corona public school district in Lincoln county;~~

~~183. one hundred twenty-eight thousand dollars (\$128,000) to purchase and equip activity buses for the Mora independent school district in Mora county;~~

~~184.— forty seven thousand dollars (\$47,000) to purchase, equip and install a marquee for the Mora independent school district in Mora county;~~

~~185.— one hundred twenty eight thousand dollars (\$128,000) to purchase and equip activity buses for the Wagon Mound public school district in Mora county;~~

~~186.— thirty two thousand dollars (\$32,000) to plan, design, construct, purchase and equip improvements to the Moriarty high school junior reserve officers training corps in the Moriarty-Edgewood school district in Torrance county;~~

~~187.— seventy five thousand dollars (\$75,000) to plan, design, construct, equip, purchase and install outdoor furniture, benches and playground equipment and to purchase and install vape detectors in bathrooms at McCurdy charter school in Espanola in Rio Arriba county;~~

~~188.— one hundred ten thousand dollars (\$110,000) for new band uniforms and instruments for the Espanola public school district in Rio Arriba county;~~

~~189.— fifty thousand dollars (\$50,000) to purchase and install a radio communications system in the Espanola public school district in Rio Arriba county;~~

~~190.— fifty thousand dollars (\$50,000) to purchase stringed instruments to expand music programs, including mariachi and orchestra, for the Espanola public school district in Rio Arriba county;~~

~~191.— fifty thousand dollars (\$50,000) to purchase and install vape detectors for student restrooms in the Espanola public school district in Rio Arriba county;~~

~~192.— one hundred fifty thousand dollars (\$150,000) to plan, design, construct, equip, purchase and install safety improvements, including fencing, and to renovate playgrounds at elementary schools in the Mesa Vista consolidated school district in Rio Arriba county;~~

~~193.— seventy five thousand dollars (\$75,000) to plan, design, construct, purchase, equip and furnish portable bleachers and shade structures for the Dora consolidated school district in Dora in Roosevelt county;~~

~~194.— one hundred thousand dollars (\$100,000) to plan, design, construct, purchase, equip and install an intercom system for the Floyd municipal school district in Roosevelt county;] *LINE-ITEM VETO*~~

195. forty-three thousand dollars (\$43,000) to purchase and install a security system and technology upgrades, including security cameras, intercom and viewboards, for the Rio Gallinas school of ecology and the arts charter school in Las Vegas in San Miguel county;

~~196.— fifty thousand dollars (\$50,000) to plan, design, construct, equip, furnish and improve a life skills room, including a restroom, washer and dryer, shower stall and tub and kitchenette, at Memorial middle school in the Las Vegas city public school district in San Miguel county;~~

~~197.— seventy-five thousand dollars (\$75,000) to decommission and demolish Paul D. Henry elementary school in the Las Vegas city public school district in San Miguel county;~~

~~198.— ten thousand dollars (\$10,000) to purchase band instruments for middle schools and high schools in the Pecos independent school district in San Miguel county;~~

~~199.— sixty-four thousand dollars (\$64,000) to plan, design, construct, purchase, equip and install improvements to the heating, ventilation and air conditioning systems for the Pecos independent school district in San Miguel county;~~

~~200.— one hundred ninety-three thousand dollars (\$193,000) to plan, design and construct an auto body and welding facility for the career technical education program in the West Las Vegas public school district in San Miguel county;~~

~~201.— twenty thousand dollars (\$20,000) to purchase and install artificial turf for tracks and fields in the West Las Vegas public school district in San Miguel county;~~

~~202.— seventy-five thousand dollars (\$75,000) to purchase and equip collaborative learning equipment for Corrales elementary school in the Albuquerque public school district in Sandoval county;~~

~~203.— seventy-seven thousand eight hundred dollars (\$77,800) to purchase, acquire and install resources for information technology, including related equipment, furniture, wiring and infrastructure, at Corrales elementary school in the Albuquerque public school district in Sandoval county;~~

~~204.— two hundred ninety-six thousand dollars (\$296,000) to plan, design, purchase, construct, renovate, furnish, equip and install improvements to buildings and grounds, including purchase and installation of science laboratory equipment and furniture, fencing, information technology, wiring and infrastructure, at the ASK academy charter school in Rio Rancho in Sandoval county;~~

~~205.— five thousand dollars (\$5,000) to plan, design, construct, purchase, furnish, equip and install improvements to the greenhouse, including heating and cooling for year-round growing and educational use, at V. Sue Cleveland high school in the Rio Rancho public school district in Sandoval county;~~

~~206.— two hundred fifty thousand dollars (\$250,000) to plan, design and construct additional parking at Cielo Azul elementary school in the Rio Rancho public school district in Sandoval county;~~

~~207.— sixty five thousand dollars (\$65,000) to plan, design, construct, renovate and expand the nurse's office at Colinas del Norte elementary school in the Rio Rancho public school district in Sandoval county;~~

~~208.— seven thousand five hundred dollars (\$7,500) to plan, design, construct, purchase, equip and install landscaping for erosion mitigation at Eagle Ridge middle school in the Rio Rancho public school district in Sandoval county;~~

~~209.— twenty-two thousand five hundred dollars (\$22,500) to plan, design, construct, renovate and expand the nurse's office at Eagle Ridge middle school in the Rio Rancho public school district in Sandoval county;~~

~~210.— thirty thousand dollars (\$30,000) to plan, design, construct, renovate and expand the nurse's office at Mountain View middle school in the Rio Rancho public school district in Sandoval county;~~

~~211.— one hundred thousand dollars (\$100,000) to plan, design, construct, purchase, equip and install landscaping for erosion mitigation at Rio Rancho high school in the Rio Rancho public school district in Sandoval county;] LINE-ITEM VETO~~

212. four hundred forty-one thousand dollars (\$441,000) to plan, design, construct, purchase, equip and install improvements to the cybersecurity system districtwide in the Rio Rancho public school district in Sandoval county;

213. twenty-five thousand dollars (\$25,000) to plan, design, construct, replace, purchase, equip and install upgrades to the fire alarm system to include voice evacuation and mass notification at elementary schools in the Rio Rancho public school district in Sandoval county;

~~[214.— one hundred thousand dollars (\$100,000) to purchase, improve and install equipment and furnishings, including information technology, for a robotics program to assist youth in science, technology, engineering and mathematics in the Rio Rancho public school district in Sandoval county;~~

~~215.— one hundred sixty-two thousand dollars (\$162,000) to plan, design, construct, renovate, purchase, equip and install stucco at the Vista Grande elementary school in the Rio Rancho public school district in Sandoval county;~~

~~216.— eighteen thousand five hundred dollars (\$18,500) to plan, design and construct improvements, including plumbing, to the Nambe head start center in the Pojoaque Valley public school district in Santa Fe county;~~

~~217.— one million four hundred sixty five thousand dollars (\$1,465,000) to plan, design and construct a dormitory and cafeteria/multipurpose space for the New Mexico school for the arts in Santa Fe in Santa Fe county;~~

~~218. fifty thousand dollars (\$50,000) to purchase and install information technology improvements, including related equipment, furniture and infrastructure, in the Santa Fe public school district in Santa Fe county;~~

~~219. ten thousand dollars (\$10,000) to plan, design, purchase, construct, equip and furnish a building for the Tierra Encantada charter high school in Santa Fe in Santa Fe county;] *LINE-ITEM VETO*~~

220. ten thousand dollars (\$10,000) to plan, design, construct, renovate, purchase, furnish and equip [improvements, including] security systems, [education and information technology, buildings and grounds infrastructure, fencing, wiring and paving,] to the Turquoise Trail charter school in Santa Fe county; *LINE-ITEM VETO*

221. seventy-five thousand dollars (\$75,000) to plan, design, construct, replace, purchase, furnish and equip security improvements, including cameras, bullet resistant coating on doors, central locking hardware to exterior doors, blackout shades for exterior windows and replacement of exterior stairs, at the Academy for Technology and the Classics in the Santa Fe public school district in Santa Fe county;

~~[222. forty thousand dollars (\$40,000) for mats, clocks, furniture and other equipment for the junior wrestling program in Santa Fe in Santa Fe county;] *LINE-ITEM VETO*~~

223. two hundred eighty thousand dollars (\$280,000) to plan, design, equip, purchase and install security system upgrades for the Santa Fe public school district in Santa Fe county;

~~[224. twenty thousand dollars (\$20,000) to plan, design, construct and renovate the basketball court and assembly area for the Cottonwood Valley charter school in Socorro in Socorro county;~~

~~225. ten thousand dollars (\$10,000) to plan, design, construct, purchase, equip and make improvements to landscaping and fencing for the Cottonwood Valley charter school in Socorro in Socorro county;] *LINE-ITEM VETO*~~

226. two hundred fifty-two thousand four hundred dollars (\$252,400) to purchase, install and equip district-owned school buses with cameras statewide;

~~[227. ten thousand dollars (\$10,000) to acquire land and buildings as educational facilities for the Roots and Wings community school in Lama in Taos county;~~

~~228. fifty thousand dollars (\$50,000) to purchase and improve equipment for school cafeterias for the Taos municipal school district in Taos county;] *LINE-ITEM VETO*~~

229. two hundred thousand dollars (\$200,000) to plan, design, construct, equip, purchase and install security systems and cameras for the Taos municipal school district in Taos county;

~~[230. seventy seven thousand dollars (\$77,000) to purchase and equip pickup trucks for the agricultural education/future farmers of America program in the Moriarty-Edgewood school district in Torrance county; and~~

~~231. one hundred thousand dollars (\$100,000) to purchase and equip vehicles for the Des Moines municipal school district in Des Moines in Union county.] *LINE-ITEM VETO*~~

Chapter 81 Section 64 Laws 2020

SECTION 64. ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT PROJECT--GENERAL FUND.--One million dollars (\$1,000,000) is appropriated from the general fund to the energy, minerals and natural resources department for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, for the remediation of the Carlsbad brine well in Eddy county.

Chapter 81 Section 65 Laws 2020

~~[SECTION 65. OFFICE OF THE STATE ENGINEER PROJECT--GENERAL FUND.--Sixty thousand dollars (\$60,000) is appropriated from the general fund to the office of the state engineer for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, to acquire land and to plan, design and construct a retention pond for La Union watershed district in Dona Ana county.] *LINE-ITEM VETO*~~

Chapter 81 Section 66 Laws 2020

SECTION 66. DEPARTMENT OF ENVIRONMENT PROJECTS--GENERAL FUND.--The following amounts are appropriated from the general fund to the department of environment for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, for the following purposes:

1. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and equip improvements to the water system in Lake Arthur in Chaves county;

~~[2. two hundred thousand dollars (\$200,000) to plan, design, construct and renovate water wells, including replacing drop pipes, motors, pumps and cables, for the school board of the Ramah chapter of the Navajo Nation in Cibola county;~~

~~3. — eighty eight thousand dollars (\$88,000) to plan, design, construct, purchase, furnish, equip and install an emergency generator, including a concrete pad, at a well house in Eagle Nest in Colfax county;~~

~~4. — one hundred thousand dollars (\$100,000) to plan, design, construct, renovate, furnish and equip an office facility for the Alto de Las Flores mutual domestic water consumers association in Dona Ana county;] *LINE-ITEM VETO*~~

5. two hundred thousand dollars (\$200,000) to plan, design, purchase, construct and equip improvements to water storage tanks in Jal in Lea county;

~~[6. — one hundred twenty-eight thousand dollars (\$128,000) to plan, design, construct and expand wastewater system improvements, including to lagoons, for the Coyote Canyon chapter of the Navajo Nation in McKinley county;~~

~~7. — one hundred forty thousand dollars (\$140,000) to purchase and equip heavy equipment for the Pueblo Pintado chapter of the Navajo Nation in McKinley county;] *LINE-ITEM VETO*~~

8. three hundred twelve thousand five hundred dollars (\$312,500) for removal of wastewater lagoons for Pecos in San Miguel county;

9. nine hundred fifteen thousand dollars (\$915,000) to plan, design, construct, purchase, equip and install improvements to the wastewater treatment plant in Edgewood in Santa Fe county;

~~[10. — one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct, purchase, equip and install a supervisory control and data acquisition system, including removal of an existing system, for the municipal water supply in Clayton in Union county;] *LINE-ITEM VETO*~~

11. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, improve and replace water lines in Clayton in Union county;

12. seven hundred seventy-nine thousand dollars (\$779,000) to acquire easements and rights of way and to plan, design and construct water system improvements, including surveying and archaeological and environmental studies, for the regional San Juan lateral water project for the Mexican Springs chapter of the Navajo Nation in McKinley county;

13. five hundred thousand dollars (\$500,000) for archaeological and environmental studies and to purchase easements and rights of way and to plan, design and construct the Yellow Point Rock water line in the Lake Valley chapter of the Navajo Nation in San Juan county; and

14. two hundred seventy-five thousand dollars (\$275,000) to plan, design and construct meters and water line system extensions to provide service for Romero park, La Familia, the Nancy Rodriguez community center and the Agua Fria fire station in Santa Fe county.

Chapter 81 Section 67 Laws 2020

~~[SECTION 67. GENERAL SERVICES DEPARTMENT PROJECT--GENERAL FUND.--Two million dollars (\$2,000,000) is appropriated from the general fund to the general services department for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, for master planning for state-owned facilities under the jurisdiction of the facilities management division of the general services department statewide.]~~ *LINE-ITEM VETO*

Chapter 81 Section 68 Laws 2020

~~[SECTION 68. DEPARTMENT OF HEALTH PROJECT--GENERAL FUND.--One hundred fifty-five thousand dollars (\$155,000) is appropriated from the general fund to the department of health for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, to construct, renovate, repair, restore and make improvements, including resurfacing damaged areas and plumbing and electrical, to the turtle fountain at the New Mexico state veterans' home in Truth or Consequences in Sierra county.]~~ *LINE-ITEM VETO*

Chapter 81 Section 69 Laws 2020

~~[SECTION 69. HUMAN SERVICES DEPARTMENT PROJECT--GENERAL FUND.--The following amounts are appropriated from the general fund to the human services department for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, for the following purposes:~~

~~1. twenty thousand dollars (\$20,000) to purchase and equip furniture, fixtures and equipment for the commission on the status of women in Albuquerque in Bernalillo county; and~~

~~2. one million two hundred eighty-four thousand four hundred seventy-three dollars (\$1,284,473) to plan, design, construct, renovate, equip, purchase and install infrastructure improvements to address safety hazards at the Harriet Sammons building in Farmington in San Juan county.]~~ *LINE-ITEM VETO*

Chapter 81 Section 70 Laws 2020

~~SECTION 70. INDIAN AFFAIRS DEPARTMENT PROJECTS--GENERAL FUND.--The following amounts are appropriated from the general fund to the Indian~~

affairs department for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, for the following purposes:

~~[1. — six hundred fifteen thousand dollars (\$615,000) to plan, design and construct a social services complex for the Pueblo of Isleta in Bernalillo county;] *LINE-ITEM VETO*~~

2. three hundred five thousand dollars (\$305,000) to plan, design, construct, furnish and equip a radio tower, including removal of an existing tower, for the Pueblo of Isleta in Bernalillo county;

~~[3. — two million five hundred ten thousand dollars (\$2,510,000) to acquire property for and to plan, design, construct, renovate, equip and furnish a makerspace at the Indian pueblo cultural center in Albuquerque in Bernalillo county;] *LINE-ITEM VETO*~~

4. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and extend a power line at Platero's community in the To'hajiilee chapter of the Navajo Nation in Bernalillo county;

~~[5. — fifty thousand dollars (\$50,000) to plan, design, construct, furnish and equip business entrepreneur facilities for the Pueblo of Acoma in Cibola county;~~

~~6. — twenty thousand dollars (\$20,000) to plan, design and construct the outdoor track infield at the Pueblo of Acoma in Cibola county;~~

~~7. — one hundred thirty thousand dollars (\$130,000) to plan, design and construct parking lots at the Pueblo of Acoma in Cibola county;~~

~~8. — one million eight hundred twenty-eight thousand dollars (\$1,828,000) to plan, design and construct a planned community for housing, parks and recreation facilities for the Pueblo of Acoma in Cibola county;~~

~~9. — two million three hundred seventy-five thousand dollars (\$2,375,000) to plan, design, construct, furnish and equip a fire station for the Pueblo of Laguna in Cibola county;] *LINE-ITEM VETO*~~

10. fifty-five thousand dollars (\$55,000) to plan, design, construct, furnish and equip an emergency medical services substation for the Ramah chapter of the Navajo Nation in Cibola county;

~~[11. — one hundred thousand dollars (\$100,000) to purchase and equip road equipment, including a road grader, for the transportation department of the Ramah chapter of the Navajo Nation in Cibola county;] *LINE-ITEM VETO*~~

12. one hundred thousand dollars (\$100,000) to plan, design, construct and equip improvements to the sewage lagoon for the Baahaali chapter of the Navajo Nation in McKinley county;

13. one hundred thousand dollars (\$100,000) to acquire rights of way, to perform archaeological and environmental studies and to plan, design and construct a power line extension for the Baca/Prewitt chapter of the Navajo Nation in McKinley county;

~~14. seventy five thousand dollars (\$75,000) for archaeological and environmental studies and to purchase easements and rights of way and to plan, design and construct a community cemetery for the Casamero Lake and Little Water chapters of the Navajo Nation in McKinley county;~~

~~15. one hundred fifty thousand dollars (\$150,000) to purchase and equip equipment, including a backhoe, for the Baca/Prewitt chapter of the Navajo Nation in McKinley county;~~

~~16. two hundred thousand dollars (\$200,000) to purchase and equip equipment, including a backhoe tractor with front-end loader, truck and trailer, for the Becenti chapter of the Navajo Nation in McKinley county;~~

~~17. twenty five thousand dollars (\$25,000) to plan, design and construct fencing for the chapter house in the Chichiltah chapter of the Navajo Nation in McKinley county;~~

~~18. fifty thousand dollars (\$50,000) to purchase and equip heavy equipment for the Chichiltah chapter of the Navajo Nation in McKinley county;~~

~~19. one hundred thousand dollars (\$100,000) to plan, design and construct a warehouse for the Chichiltah chapter of the Navajo Nation in McKinley county;~~

~~20. two hundred thirty thousand dollars (\$230,000) to purchase and equip heavy equipment, including a road grader, for the Church Rock chapter of the Navajo Nation in McKinley county;~~

~~21. three hundred four thousand dollars (\$304,000) to plan, design, construct, equip and furnish a warehouse for heavy equipment at the Church Rock chapter of the Navajo Nation in McKinley county;~~

~~22. thirty five thousand dollars (\$35,000) to plan, design, construct, purchase, equip and install bathroom additions in the Coyote Canyon chapter of the Navajo Nation in McKinley county;] *LINE-ITEM VETO*~~

23. three hundred thousand dollars (\$300,000) to acquire easements and rights of way and to plan, design and construct water system improvements, including

surveying and archaeological and environmental studies, for the regional Beacon-Bisti-N9 lateral water project for the Coyote Canyon chapter of the Navajo Nation in McKinley county;

~~[24.—two hundred thirty five thousand dollars (\$235,000) to plan, design and construct a cultural curriculum center at Navajo technical university in Crownpoint in McKinley county;~~

~~25.—six hundred thousand dollars (\$600,000) to plan, design and construct an eastern Navajo agency administration complex in the Crownpoint chapter of the Navajo Nation in McKinley county;~~

~~26.—one hundred fifty thousand dollars (\$150,000) to purchase and equip heavy equipment, including a backhoe with front-end loader attachment, a motor grader, a flatbed and a dually diesel truck, for the Crownpoint chapter of the Navajo Nation in McKinley county;~~

~~27.—five thousand dollars (\$5,000) to purchase and equip equipment for the chapter veterans' building in the Crownpoint chapter of the Navajo Nation in McKinley county;~~

~~28.—eighty thousand dollars (\$80,000) to purchase and equip a motor grader for the Manuelito chapter of the Navajo Nation in McKinley county;] LINE-ITEM VETO~~

29. one hundred thousand dollars (\$100,000) to conduct archaeological and environmental studies and to plan, design and construct power lines and house wiring in the Manuelito chapter of the Navajo Nation in McKinley county;

~~[30.—eight hundred fifty thousand dollars (\$850,000) to plan, design, demolish, remove, construct, furnish and equip a multipurpose building, including all required studies, at the Mariano Lake chapter of the Navajo Nation in McKinley county;~~

~~31.—one hundred fifty thousand dollars (\$150,000) to acquire rights of way, to conduct archaeological studies and to plan, design, construct and equip scattered power line/solar systems in the Mexican Springs chapter of the Navajo Nation in McKinley county;~~

~~32.—eighty five thousand dollars (\$85,000) to plan, design and construct a fence for the chapter compound of the Nahodishgish chapter of the Navajo Nation in McKinley county;~~

~~33.—sixty thousand dollars (\$60,000) to purchase and install improvements, including a heating, ventilation and air conditioning system and kitchen equipment, for the chapter house at the Nahodishgish chapter of the Navajo Nation in McKinley county;~~

~~34.— sixty thousand dollars (\$60,000) to purchase and equip heavy equipment for the Ojo Encino chapter of the Navajo Nation in McKinley and Sandoval counties;~~

~~35.— forty four thousand dollars (\$44,000) to plan, design, construct, renovate, furnish and equip the Ojo Encino chapter house in the Ojo Encino chapter of the Navajo Nation in McKinley county;~~

~~36.— seventy five thousand dollars (\$75,000) to purchase and equip a garbage truck for the Pinedale chapter of the Navajo Nation in McKinley county;~~

~~37.— one hundred thousand dollars (\$100,000) to plan, design, construct and renovate the chapter house of the Tse' Lichii chapter, also known as the Red Rock chapter, of the Navajo Nation in McKinley county;~~

~~38.— eighty thousand dollars (\$80,000) to plan, design and construct a road maintenance patrol facility in the Shiprock chapter of the Navajo Nation in McKinley county;~~

~~39.— one hundred fifty thousand dollars (\$150,000) to plan, design and construct the chapter complex parking lots in the Smith Lake chapter of the Navajo Nation in McKinley county;~~

~~40.— one hundred fifty thousand dollars (\$150,000) to purchase a tractor and trailer for the Red Willow farm in the Tohatchi chapter of the Navajo Nation in McKinley county;~~

~~41.— two hundred fifty thousand dollars (\$250,000) to acquire easements and rights of way, to perform archaeological and environmental studies and to plan, design, construct, including abatement of hazardous materials, demolition and removal, and equip a public safety complex for the Tohatchi chapter of the Navajo Nation in McKinley county;] *LINE-ITEM VETO*~~

42. five hundred sixty-seven thousand dollars (\$567,000) to acquire land for and to purchase easements and rights of way and to plan, design and construct a power line extension and a house wiring project in the Tse'ii'ahi' chapter of the Navajo Nation in McKinley county;

~~[43.— one hundred one thousand dollars (\$101,000) to perform archaeological and environmental studies and to plan, design and construct a community cemetery for the Bahast'lah chapter of the Navajo Nation in McKinley county;] *LINE-ITEM VETO*~~

44. one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct, extend and repair a water line for the Bahast'lah chapter of the Navajo Nation in McKinley county;

~~[45.—one hundred fifty four thousand five hundred dollars (\$154,500) to plan, design, construct and equip bathroom additions in the Whitehorse Lake chapter of the Navajo Nation in McKinley county;~~

~~46.—one million five hundred fifty thousand dollars (\$1,550,000) to plan, design, construct, furnish and equip a fair building in the Pueblo of Zuni in McKinley county;~~

~~47.—two hundred fifty thousand dollars (\$250,000) to plan, design, purchase, construct, furnish and equip a visitors' center for the Zuni veterans' memorial park in the Pueblo of Zuni in McKinley county;] LINE-ITEM VETO~~

48. one hundred forty-one thousand eight hundred dollars (\$141,800) for archaeological and environmental studies and to purchase easements and rights of way and to plan, design and construct the Eagle Spring power line for the Ojo Encino chapter of the Navajo Nation in McKinley and Sandoval counties;

~~[49.—two hundred twenty three thousand dollars (\$223,000) to purchase and equip road equipment for the Mescalero Apache Tribe in Otero county;~~

~~50.—one hundred ninety thousand dollars (\$190,000) to purchase and equip vehicles and equipment for the conservation office for the Mescalero Apache Tribe in Mescalero in Otero county;~~

~~51.—three hundred fifty thousand dollars (\$350,000) to plan, design, construct, furnish and equip a data center and server room for the Mescalero Apache Tribe in Mescalero in Otero county;~~

~~52.—five hundred fifty thousand dollars (\$550,000) to purchase and equip flatbed vehicles for the tribal maintenance department for the Mescalero Apache Tribe in Mescalero in Otero county;~~

~~53.—one hundred ninety thousand dollars (\$190,000) to purchase and equip vehicles for the Mescalero parks and recreation department for the Mescalero Apache Tribe in Mescalero in Otero county;~~

~~54.—fifteen thousand dollars (\$15,000) to plan, design, construct, purchase, install and equip automated metering for the Jicarilla Apache Nation in Rio Arriba county;] LINE-ITEM VETO~~

55. one million four hundred seventy thousand dollars (\$1,470,000) to plan, design, construct, purchase, install and equip infrastructure for the Cutter lateral regional water project for the Jicarilla Apache Nation in Rio Arriba county;

~~56. — one hundred thousand dollars (\$100,000) to plan, design, construct, purchase, install and equip a workforce development training center for the Jicarilla Apache Nation in Rio Arriba county;~~

~~57. — one million ten thousand dollars (\$1,010,000) to plan, design and construct an outdoor recreation facility for Ohkay Owingeh in Rio Arriba county;~~

~~58. — one hundred forty five thousand dollars (\$145,000) to plan, design, construct, expand and improve a child/youth development center at Ohkay Owingeh in Rio Arriba county;] LINE-ITEM VETO~~

59. three hundred seventy thousand dollars (\$370,000) to plan, design, construct, improve and replace a power line and poles along New Mexico highway 30 to the Puye cliffs for the Pueblo of Santa Clara in Rio Arriba county;

~~[60. — five hundred thousand dollars (\$500,000) to plan, design and construct a tribal administrative complex for the Pueblo of Santa Clara in Rio Arriba county;~~

~~61. — one hundred twenty seven thousand four hundred seventy three dollars (\$127,473) to plan, design, construct and equip bathroom additions for the Crystal chapter of the Navajo Nation in San Juan county;~~

~~62. — two hundred eighty thousand dollars (\$280,000) to plan, design, purchase, install and equip information technology and a sound system at the Navajo preparatory school in Farmington in San Juan county;~~

~~63. — one hundred thousand dollars (\$100,000) to plan, design, construct and equip renovations to the language center at the Navajo preparatory school in Farmington in San Juan county;~~

~~64. — eight hundred thousand dollars (\$800,000) to plan, design, construct, furnish and equip an administrative complex in the Gadii'ahi/To'koi chapter of the Navajo Nation in San Juan county;] LINE-ITEM VETO~~

65. fifty thousand dollars (\$50,000) to acquire rights of way and easements, to conduct archaeological and environmental studies and to plan, design, construct and equip bathroom additions and the Carson north water line for the Huerfano chapter of the Navajo Nation in San Juan county;

66. twenty-five thousand dollars (\$25,000) for archaeological and environmental studies and to purchase easements and rights of way and to plan, design and construct the Yellow Point Rock power line in the Lake Valley chapter of the Navajo Nation in San Juan county;

67. three hundred thousand dollars (\$300,000) to plan, design and construct power line extensions in the Naschitti chapter of the Navajo Nation in San Juan county;

~~[68.— fifty thousand dollars (\$50,000) to plan, design, construct and renovate the multipurpose building in the Nenahnezad chapter of the Navajo Nation in San Juan county;] *LINE-ITEM VETO*~~

69. sixty-nine thousand dollars (\$69,000) to plan, design and construct underground irrigation pipelines for the Nenahnezad chapter of the Navajo Nation in San Juan county;

~~[70.— four hundred seventy-seven thousand dollars (\$477,000) to purchase and equip heavy equipment, including a backhoe, farm tractor and flatbed trailer, for the San Juan chapter of the Navajo Nation in San Juan county;~~

~~71.— one hundred thousand dollars (\$100,000) to plan, design, construct, purchase and equip a building for the veterans' organization in the Tse Alnaozt'ii chapter, also known as the Sanostee chapter, of the Navajo Nation in San Juan county;~~

~~72.— eighty-five thousand dollars (\$85,000) to plan, design and construct bathroom additions for the Sheepsprings chapter of the Navajo Nation in San Juan county;~~

~~73.— one hundred fifty thousand dollars (\$150,000) to plan, design and construct a helipad in the Beclabito chapter of the Navajo Nation in San Juan county;~~

~~74.— one hundred twenty-eight thousand dollars (\$128,000) to plan, design and construct a multipurpose veterans' center for the Navajo Nation in Shiprock in San Juan county;] *LINE-ITEM VETO*~~

75. three million dollars (\$3,000,000) to plan, design, construct and equip an emergency response command center on the south side of the San Juan river in the Shiprock chapter of the Navajo Nation in San Juan county;

~~[76.— fifty thousand dollars (\$50,000) to plan, design, construct, purchase, equip and install bathroom additions in the Tiis Tsoh Sikaad chapter of the Navajo Nation in San Juan county;~~

~~77.— fifty thousand dollars (\$50,000) to acquire rights of way and perform archaeological and environmental assessment studies for and to plan, design and construct a power line extension south of the Tiis Tsoh Sikaad chapter of the Navajo Nation in San Juan county;~~

~~78.— one hundred thousand dollars (\$100,000) to purchase and equip agricultural equipment for the Tse'Daa'Kaan chapter of the Navajo Nation in San Juan county;~~

~~79.—one hundred thousand dollars (\$100,000) to plan, design and construct a heavy equipment storage facility for the Toadlena/Two Grey Hills chapter of the Navajo Nation in San Juan county;~~

~~80.—one hundred forty-eight thousand dollars (\$148,000) to plan, design, construct, furnish, equip and expand the Walter Collins center in the Upper Fruitland chapter of the Navajo Nation in San Juan county;~~

~~81.—one hundred fifty thousand dollars (\$150,000) to purchase and equip heavy equipment for the White Rock chapter of the Navajo Nation in San Juan county;]~~
LINE-ITEM VETO

82. one hundred thousand dollars (\$100,000) to plan, design, construct, furnish and equip an emergency medical services and fire facility for the Pueblo of Sandia in Sandoval county;

~~[83.—one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct, renovate, furnish and equip a multi-use facility at the Pueblo of Cochiti in Sandoval county;]~~ *LINE-ITEM VETO*

84. fifty thousand dollars (\$50,000) to plan, design, construct, furnish, equip and improve water infrastructure for the Pueblo of Cochiti in Sandoval county;

~~[85.—fifty thousand dollars (\$50,000) to plan, design, replace and construct a roof for the library for the Pueblo of Jemez in Sandoval county;~~

~~86.—two million dollars (\$2,000,000) to plan, design and construct a head start center for the Pueblo of Jemez in Sandoval county;]~~ *LINE-ITEM VETO*

87. one hundred seventy-five thousand dollars (\$175,000) to purchase a wildfire brush truck for the Pueblo of Jemez in Sandoval county;

~~[88.—one million dollars (\$1,000,000) to plan, design, construct, furnish and equip a judicial complex in the Pueblo of San Felipe in Sandoval county;~~

~~89.—one million five hundred seventy-five thousand dollars (\$1,575,000) to plan, design, construct, expand and equip a child development center for the Pueblo of Sandia in Sandoval county;~~

~~90.—one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct, furnish and equip an education complex, including a library, for the Pueblo of Santa Ana in Sandoval county;~~

~~91.—one million dollars (\$1,000,000) to plan, design, construct, furnish and equip a public safety, judicial and social services government complex for the Pueblo of Santa Ana in Sandoval county;~~

~~92.— fifty thousand dollars (\$50,000) to plan, design and construct a tribal administration complex at the Pueblo of Santa Ana in Sandoval county;] LINE-ITEM VETO~~

93. one hundred seventy-five thousand dollars (\$175,000) to purchase and equip an ambulance for the Pueblo of Santo Domingo in Sandoval county;

94. two million dollars (\$2,000,000) to plan, design and construct housing improvements for the Pueblo of Santo Domingo in Sandoval county;

~~[95.— fifty thousand dollars (\$50,000) to purchase and equip a power street washer for the Pueblo of Santo Domingo in Sandoval county;~~

~~96.— two hundred thousand dollars (\$200,000) to plan, design, construct, furnish and equip a youth recreation center for the Torreon-Star Lake chapter of the Navajo Nation in Sandoval county;~~

~~97.— one million one hundred sixty-five thousand dollars (\$1,165,000) to plan, design and construct an early childhood learning and development center for the Pueblo of Zia in Sandoval county;~~

~~98.— one hundred sixty-nine thousand nine hundred dollars (\$169,900) to plan, design, construct, furnish and equip a community park in the Pueblo of Pojoaque in Santa Fe county;~~

~~99.— eight hundred fifty-eight thousand dollars (\$858,000) to plan, design, construct, renovate and repair the Pueblo of Pojoaque wellness center in Santa Fe county;~~

~~100.— two hundred thirty-seven thousand dollars (\$237,000) to plan, design, construct, purchase, equip and install a solar power system at the intergenerational center and the administration building at the Pueblo of Tesuque in Santa Fe county;~~

~~101.— two hundred fifty thousand dollars (\$250,000) to plan, design, construct and renovate a community recreation center for the Pueblo of San Ildefonso in Santa Fe county;~~

~~102.— three hundred fifty thousand dollars (\$350,000) to plan, design, construct and renovate the San Ildefonso gymnasium for the Pueblo of San Ildefonso in Santa Fe county;~~

~~103.— ninety-two thousand five hundred dollars (\$92,500) to plan, design, construct, purchase and install an information technology system, including a phone system, for the Pueblo of San Ildefonso in Santa Fe county;~~

~~104.—four hundred thousand dollars (\$400,000) to plan, design, construct and renovate the Tewa center for the Pueblo of San Ildefonso in Santa Fe county;~~

~~105.—one hundred thousand dollars (\$100,000) to purchase and equip a compact track loader for the Pueblo of San Ildefonso in Santa Fe county;~~

~~106.—seven thousand five hundred dollars (\$7,500) to purchase and equip information technology and video conferencing equipment for the Indian affairs department in Santa Fe in Santa Fe county;~~

~~107.—fifty thousand dollars (\$50,000) to purchase and install global positioning system devices for recording and tracking cultural property sites for the Pueblo of Tesuque in Santa Fe county;~~

~~108.—one million four hundred fifty-six thousand dollars (\$1,456,000) to plan, design, construct, renovate, furnish and equip a multi-use facility for the Pueblo of Tesuque in Santa Fe county;~~

~~109.—two hundred ten thousand dollars (\$210,000) to plan, design, construct, purchase and install equipment for hemp production and processing for the Pueblo of Picuris in Taos county;] *LINE-ITEM VETO*~~

110. one million five hundred thousand dollars (\$1,500,000) to plan, design, construct and furnish a health station to provide primary, specialty and behavioral health care for the Pueblo of Picuris in Taos county[;

~~111.—eighty-nine thousand dollars (\$89,000) to purchase equipment for the agriculture department of the Pueblo of Taos in Taos county;~~

~~112.—one hundred eighty thousand dollars (\$180,000) to purchase and equip animal control vehicles for the Pueblo of Taos in Taos county; and~~

~~113.—one million four hundred twenty thousand dollars (\$1,420,000) to plan, design, construct, repair and improve a historic cultural village at the Pueblo of Taos in Taos county]. *LINE-ITEM VETO*~~

Chapter 81 Section 71 Laws 2020

~~[SECTION 71. INTERSTATE STREAM COMMISSION PROJECTS--GENERAL FUND.—The following amounts are appropriated from the general fund to the interstate stream commission for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, for the following purposes:~~

~~1.—seventy-five thousand dollars (\$75,000) to plan, design and construct improvements, including a spillway on the ditch at Tecolotito, for the acequia de Anton Chico in Guadalupe county;~~

~~2. — two hundred seventy thousand dollars (\$270,000) to plan, design and construct ditch improvements for the north Farmington ditch in San Juan county;~~

~~3. — one hundred twenty-eight thousand dollars (\$128,000) to plan, design and construct improvements to the acequia Madre de Las Vegas in San Miguel county; and~~

~~4. — seventy thousand dollars (\$70,000) to plan, design and construct improvements for the acequia de El Rincon in Santa Fe county.] *LINE-ITEM VETO*~~

Chapter 81 Section 72 Laws 2020

SECTION 72. LOCAL GOVERNMENT DIVISION OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION PROJECTS--GENERAL FUND.--The following amounts are appropriated from the general fund to the local government division of the department of finance and administration for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, for the following purposes:

~~[1. — three hundred eleven thousand eighty-three dollars (\$311,083) to acquire property for a Crestview bluffs open space area and to match funds for a national park service land water conservation fund grant for Crestview bluffs in Albuquerque in Bernalillo county;] *LINE-ITEM VETO*~~

2. two hundred sixty-two thousand dollars (\$262,000) to purchase and install a portable playground, to purchase and equip a vehicle and to purchase and install information technology equipment for behavioral health and forensic interview programs in Bernalillo county;

~~[3. — one hundred fifty-nine thousand dollars (\$159,000) to purchase information technology for the New Mexico Black leadership conference in Bernalillo county;~~

~~4. — four million seven hundred fifty thousand dollars (\$4,750,000) to plan, design, demolish, construct, redevelop, replace and improve a family services program building and facilities in the South Valley in Bernalillo county;~~

~~5. — six hundred sixty-five thousand dollars (\$665,000) to acquire land for and to plan and design a community center tailored to Asian and Pacific Island culture in Albuquerque in Bernalillo county;~~

~~6. — eighty-two thousand dollars (\$82,000) to plan, design and construct a walkway at Balloon Fiesta park in Albuquerque in Bernalillo county;] *LINE-ITEM VETO*~~

7. two million seventy thousand dollars (\$2,070,000) to purchase and equip self-contained breathing apparatus and refilling stations for Albuquerque fire rescue in Albuquerque in Bernalillo county;

~~8. — six hundred three thousand dollars (\$603,000) to purchase and equip warehouse equipment and vehicles for the Roadrunner food bank in Albuquerque in Bernalillo county;~~

~~9. — two hundred thousand dollars (\$200,000) to plan, design, construct, purchase, equip, landscape and improve Ladera golf course in Albuquerque in Bernalillo county;~~

~~10. — one hundred thirty-five thousand dollars (\$135,000) to plan, design, construct, furnish, equip and make improvements to the northeast area command substation in Albuquerque in Bernalillo county;] *LINE-ITEM VETO*~~

11. two million five hundred thousand dollars (\$2,500,000) to purchase and equip a crime scene response vehicle for the police department in Albuquerque in Bernalillo county;

~~[12. — one hundred thousand dollars (\$100,000) to plan, design and construct a gazebo in Valley Gardens park in Albuquerque in Bernalillo county;~~

~~13. — two hundred thousand dollars (\$200,000) to plan, design and construct phase 4 of Vista del Norte park in Albuquerque in Bernalillo county;~~

~~14. — one hundred thirty thousand dollars (\$130,000) to plan, design, purchase, construct and install improvements, including resurfacing tennis courts, installing lights and adding a portable toilet, to Wellesley park in Albuquerque in Bernalillo county;~~

~~15. — one hundred five thousand dollars (\$105,000) to plan, design and construct improvements to the fields and infrastructure for Zia little league in Albuquerque in Bernalillo county;~~

~~16. — two hundred forty-five thousand dollars (\$245,000) to plan, design, construct and improve security, including a camera system, children's lockers, parking lot improvements, security gates and a ventilation system, for the national dance institute at the Hiland theater in Albuquerque in Bernalillo county;~~

~~17. — two hundred twenty-two thousand dollars (\$222,000) to purchase, equip and install equipment, including a Steinway model D concert piano, for the New Mexico philharmonic in Bernalillo county;~~

~~18. — one hundred twelve thousand dollars (\$112,000) to plan, design, construct, purchase and install playground equipment at Jackson park in Pie Town in Catron county;~~

~~19. — five hundred fifty thousand dollars (\$550,000) to plan, design, construct and furnish improvements to the tennis courts at Cahoon park in Roswell in Chaves county;] *LINE-ITEM VETO*~~

20. one hundred seventy-eight thousand dollars (\$178,000) to purchase and equip sheriff's patrol vehicles for Colfax county;

~~[21. one hundred eighty-five thousand dollars (\$185,000) to plan, design, equip, furnish, renovate and improve the business enterprise center in Clovis in Curry county;~~

~~22. one million eighty-seven thousand five hundred dollars (\$1,087,500) to plan, design and construct a building for the cooperative extension service at the Curry county fairgrounds in Clovis in Curry county;] LINE-ITEM VETO~~

23. seventy thousand dollars (\$70,000) to purchase and equip a defibrillator for the fire department in Grady in Curry county;

24. fifty-two thousand dollars (\$52,000) to purchase and equip a powered cot fastener and medical transport equipment for the Grady volunteer fire department in Grady in Curry county;

~~[25. one hundred thousand dollars (\$100,000) to plan, design, construct, purchase and install improvements, including accessibility compliance, to East Mesa Hanger Lake park in Dona Ana county;~~

~~26. eighty-five thousand dollars (\$85,000) to purchase and equip a tractor and attachments for La Union watershed district in Dona Ana county;~~

~~27. one hundred fifty thousand dollars (\$150,000) to plan, design, purchase, install, construct and upgrade playground equipment and other improvements to parks and ballparks in Berino in Dona Ana county;~~

~~28. one hundred sixty thousand dollars (\$160,000) to plan, design, purchase, install and construct improvements to the Dona Ana community center in Dona Ana county;] LINE-ITEM VETO~~

29. two hundred twenty thousand dollars (\$220,000) to purchase and equip vehicles for the marshal's department in Mesilla in Dona Ana county;

~~[30. three hundred thousand dollars (\$300,000) to plan, design, construct, furnish and equip bleachers and fairground facilities, including accessibility, in Grant county;~~

~~31. two hundred thousand dollars (\$200,000) to plan, design, construct, expand, furnish and equip improvements to the public safety building in Hurley in Grant county;] LINE-ITEM VETO~~

32. one hundred sixty-three thousand dollars (\$163,000) to purchase and equip vehicles for the sheriff's department in Guadalupe county;

~~[33. — three hundred eight thousand dollars (\$308,000) to plan, design, purchase, construct, equip and furnish a fire station for Newkirk in Guadalupe county;~~

~~34. — five hundred thousand dollars (\$500,000) to plan, design, construct, furnish and equip a county records restoration and preservation building in Mosquero in Harding county;] *LINE-ITEM VETO*~~

35. eight hundred thousand dollars (\$800,000) to plan, design, construct, renovate, repair, furnish, purchase and equip improvements to a health facility in Hidalgo county;

36. eight hundred thousand dollars (\$800,000) to purchase and equip ambulances, including advanced life support capabilities, for the fire department in Hobbs in Lea county;

~~[37. — one hundred thousand dollars (\$100,000) to plan, design, construct and equip a veterans' memorial complex, including parking areas, landscaping and lighting, in Hobbs in Lea county;~~

~~38. — fifty thousand dollars (\$50,000) to plan, design, construct, renovate, furnish and equip the performers' quarters at Red Rock park for Gallup in McKinley county;~~

~~39. — four hundred forty eight thousand dollars (\$448,000) to plan, design, construct and furnish improvements to the historic Chief theater in Mora in Mora county;~~

~~40. — three hundred fifty thousand dollars (\$350,000) to plan, design, construct, renovate and repair the community center and library, including roof repair and replacement, insulation, steel roofing and painting and repairing water-damaged walls, for Cloudcroft in Otero county;~~

~~41. — six hundred thousand dollars (\$600,000) to plan, design, construct, renovate, purchase and equip improvements, including gender-specific showers, improvements to sleeping quarters, heating, ventilation and air conditioning systems, buffer zones between bays and living quarters, expansion of apparatus parking and improvements to kitchen appliances, for La Joya street fire station in Espanola in Rio Arriba county;~~

~~42. — one hundred fifty thousand dollars (\$150,000) to plan, design, construct, replace and improve the roof of the visitor center at the Mision y Convento in Espanola in Rio Arriba county;] *LINE-ITEM VETO*~~

43. one hundred forty thousand dollars (\$140,000) to purchase and equip vehicles for the police department in Espanola in Rio Arriba county;

~~[44. — two hundred twenty-three thousand dollars (\$223,000) to plan, design, construct, purchase, equip and install a shade structure over the basketball area at a facility used by the YMCA in Espanola in Rio Arriba county;] *LINE-ITEM VETO*~~

45. one hundred sixty-two thousand dollars (\$162,000) to purchase, equip and install emergency medical services monitors for la clinica del Pueblo in Tierra Amarilla in Rio Arriba county;

~~[46. — two hundred forty-six thousand dollars (\$246,000) to purchase and equip a backhoe, including a jackhammer attachment, for the cemetery in Portales in Roosevelt county;] *LINE-ITEM VETO*~~

47. three hundred ten thousand dollars (\$310,000) to purchase extrication equipment for the fire department in Farmington in San Juan county;

48. four hundred twenty-three thousand dollars (\$423,000) to purchase and equip vehicles for the sheriff's department in San Miguel county;

~~[49. — five hundred twenty-five thousand dollars (\$525,000) to plan, design, construct, purchase, furnish and equip an outdoor event center for the San Antonio de las Huertas land grant merced in Sandoval county;] *LINE-ITEM VETO*~~

50. nine hundred thousand dollars (\$900,000) to purchase and equip a new fire engine for Bernalillo in Sandoval county;

51. three hundred twenty-five thousand dollars (\$325,000) to plan, design, construct and equip water lines and water distribution systems for fire suppression in Corrales in Sandoval county;

52. one hundred thirty-six thousand five hundred dollars (\$136,500) to plan, design, renovate, repair, furnish and equip the Corrales police station in Corrales in Sandoval county;

~~[53. — three hundred forty-eight thousand dollars (\$348,000) to purchase and equip a motor grader for Edgewood in Santa Fe county;~~

~~54. — two hundred seventy-five thousand dollars (\$275,000) to plan, design, construct, renovate, purchase and equip the Hillsboro community center kitchen, including the purchase and installation of kitchen equipment, in Hillsboro in Sierra county;] *LINE-ITEM VETO*~~

55. three hundred ninety-seven thousand dollars (\$397,000) to purchase and equip emergency response ambulances for Sierra Vista regional hospital in Truth or Consequences in Sierra county;

56. three hundred thousand dollars (\$300,000) to purchase and install a security fence at the Eagle Picher environmental protection agency superfund site in Socorro county;

~~[57. one hundred thousand dollars (\$100,000) to purchase and equip vehicles for Questa in Taos county;~~

~~58. fifty thousand dollars (\$50,000) to plan, design, construct, purchase, furnish and equip a maintenance garage for El Valle de los Ranchos water and sanitation district in Ranchos de Taos in Taos county;] *LINE-ITEM VETO*~~

59. five hundred three thousand five hundred dollars (\$503,500) to purchase and equip emergency medical response vehicles for the Torrance county volunteer fire department in Torrance county;

~~[60. fifty thousand dollars (\$50,000) to plan, design, construct, renovate, furnish and equip the kitchen at a community center in Gallup in McKinley county;] and *LINE-ITEM VETO*~~

61. four million dollars (\$4,000,000) to provide emergency funding for infrastructure needs statewide.

Chapter 81 Section 73 Laws 2020

~~[SECTION 73. SPACEPORT AUTHORITY PROJECT--GENERAL FUND.--Five hundred thousand dollars (\$500,000) is appropriated from the general fund to the spaceport authority for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, to plan, design, construct and equip a payload processing center, an information technology building and a visitor access control facility at spaceport America in Sierra county.] *LINE-ITEM VETO*~~

Chapter 81 Section 74 Laws 2020

~~[SECTION 74. TAXATION AND REVENUE DEPARTMENT PROJECT--GENERAL FUND.--Three hundred thousand dollars (\$300,000) is appropriated from the general fund to the taxation and revenue department for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, to purchase, replace and install mail processing inserters and remittance scanner units for the revenue processing division of the taxation and revenue department in Santa Fe in Santa Fe county.] *LINE-ITEM VETO*~~

Chapter 81 Section 75 Laws 2020

SECTION 75. DEPARTMENT OF TRANSPORTATION PROJECTS--GENERAL FUND.--The following amounts are appropriated from the general fund to the

department of transportation for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, for the following purposes:

~~1. twenty-five thousand dollars (\$25,000) to acquire rights of way and to plan, design, construct and make improvements to Alameda boulevard NE from Barstow road NE to Ventura road NE in Albuquerque in Bernalillo county;~~

~~2. one hundred thirty-two thousand dollars (\$132,000) to plan, design, construct, repair and improve county roads and associated infrastructure, including Sedillo road and Columbine lane, in county commission district 5 in Bernalillo county;~~

~~3. eighty-five thousand dollars (\$85,000) to plan, design and construct improvements to roads and infrastructure in Bernalillo county commission district 2, including Arenal road and Murray road, in Bernalillo county;~~

~~4. five thousand dollars (\$5,000) to plan, design, construct and install traffic calming devices in county commission district 2 in Bernalillo county;~~

~~5. ten thousand dollars (\$10,000) to plan, design, construct and renovate county-maintained roads and infrastructure in district 4, including Chapel drive from Erlitz drive to Magid drive, in Bernalillo county;~~

~~6. fifty thousand dollars (\$50,000) to plan, design, construct and improve Escarpment road on Pajarito mesa in Bernalillo county;~~

~~7. one hundred thousand dollars (\$100,000) for improvements to the intersection of Alameda boulevard and Loretta drive to improve access to open space and a boat ramp for the middle Rio Grande conservancy district in Bernalillo county;~~

~~8. one hundred thousand dollars (\$100,000) to purchase and equip a bus and related infrastructure for a route extension in Albuquerque in Bernalillo county;~~

~~9. twenty-five thousand dollars (\$25,000) to plan, design and construct improvements to median landscaping along various roads in city council district 3 in Albuquerque in Bernalillo county;] *LINE-ITEM VETO*~~

10. twenty-five thousand dollars (\$25,000) to plan, design, construct and improve pedestrian safety and access to businesses along the Albuquerque rapid transit corridor in city council district 6 in Albuquerque in Bernalillo county;

11. thirty thousand dollars (\$30,000) to plan, design, construct, purchase and install improvements and additions to street lighting in city council district 6 in Albuquerque in Bernalillo county;

~~[12. forty-five thousand dollars (\$45,000) for development of Sawmill district streets in Albuquerque in Bernalillo county;~~

13.— ~~twenty thousand dollars (\$20,000) to plan, design, construct, equip and install a storm water conveyance system on land owned by Albuquerque in the Petroglyph national monument in Albuquerque in Bernalillo county;~~

14.— ~~one hundred thousand dollars (\$100,000) for sidewalk repair and infill in the Reynolds addition neighborhood in Albuquerque in Bernalillo county;~~

15.— ~~fifty thousand dollars (\$50,000) to plan, design, construct, equip and install street lights in the Southwest Mesa area of Albuquerque in Bernalillo county;~~

16.— ~~twenty-five thousand dollars (\$25,000) to plan, design and construct an access road on the east side of Atrisco Heritage Academy high school in Albuquerque in Bernalillo county;~~

17.— ~~two hundred twenty-five thousand dollars (\$225,000) to acquire rights of way and to plan, design and construct pedestrian traffic flow and safety improvements at a Benavidez road SW intersection in Albuquerque in Bernalillo county;~~

18.— ~~one hundred fifty thousand dollars (\$150,000) to acquire rights of way and easements and to plan, design and construct improvements to Bridge boulevard from the Barelás bridge to Coors boulevard, and to purchase and install streetscape furnishings, including street benches, bus shelters, bike racks, trash cans, landscaping, artwork, planters, historic trail markers and monuments, in Albuquerque in Bernalillo county;~~

19.— ~~forty-one thousand dollars (\$41,000) to purchase, equip and install street names and guide signs along Bridge boulevard from Central avenue to Second street in Albuquerque in Bernalillo county;~~

20.— ~~fifty thousand dollars (\$50,000) to plan, design, construct and improve road and drainage structures along Browning street NE in Albuquerque in Bernalillo county;~~

21.— ~~one hundred twenty thousand dollars (\$120,000) to plan, design and construct landscaping improvements to the public right of way adjacent to Four Hills road in Albuquerque in Bernalillo county;~~

22.— ~~eighty-four thousand dollars (\$84,000) to plan, design, construct, equip and furnish landscaping at the intersection of Rio Grande boulevard NW and Candelaria road NW in Albuquerque in Bernalillo county;~~

23.— ~~one hundred forty-five thousand dollars (\$145,000) to acquire rights of way and to plan, design and construct a sound wall between the railroad tracks and the San Jose neighborhood in Albuquerque in Bernalillo county;~~

~~24.— twenty five thousand dollars (\$25,000) to plan, design, construct and improve the Silver avenue bicycle boulevard between Yale boulevard SE and Second street SW in Albuquerque in Bernalillo county;~~

~~25.— one hundred thousand dollars (\$100,000) to acquire rights of way and to plan, design and construct an extension of Sunport boulevard from the interstate highway 25 interchange to Broadway boulevard SE in Albuquerque in Bernalillo county;~~

~~26.— one hundred thousand dollars (\$100,000) to plan, design and construct road and intersection safety improvements on Tierra Pintada boulevard NW in Albuquerque in Bernalillo county;~~

~~27.— one hundred twenty thousand dollars (\$120,000) to plan, design, construct, purchase, equip and install landscaping improvements to the public right of way adjacent to the interstate highway 40 interchange and the Tramway Central intersection in Albuquerque in Bernalillo county;~~

~~28.— seventy five thousand dollars (\$75,000) to acquire rights of way and to plan, design, develop, construct, reconstruct, renovate, rehabilitate, preserve and upgrade Yucca road NW in Albuquerque in Bernalillo county;~~

~~29.— two hundred fifty thousand dollars (\$250,000) to acquire rights of way for and to plan, design, construct, repair and improve Fourth street NW in Los Ranchos de Albuquerque in Bernalillo county;~~

~~30.— three hundred twenty thousand dollars (\$320,000) to plan, design, construct and furnish the replacement of a bridge on north Garden avenue in Roswell in Chaves county;~~

~~31.— two hundred fifty thousand dollars (\$250,000) to plan, design, construct and replace a bridge on Roosevelt avenue in Grants in Cibola county;~~

~~32.— one hundred thousand dollars (\$100,000) to plan, design and construct subsurface drainage, including replacement of road inlets, storm drains, asphalt and subgrade, curb and gutter and sidewalks, along Washington avenue in Grants in Cibola county;~~

~~33.— one hundred seven thousand dollars (\$107,000) to plan, design and construct county roads and road improvements in Curry county;~~

~~34.— seventy five thousand dollars (\$75,000) to plan, design and construct a secondary access road to the Picacho hills area in Dona Ana county;~~

~~35.— four hundred fifty thousand dollars (\$450,000) to plan, design, construct, purchase and equip drainage improvements, including a storm water retention pond, in the Radium Springs area in Dona Ana county;~~

36.— five hundred twenty thousand dollars (\$520,000) to obtain rights of way and to plan, design and construct improvements for Tres Caballos road, from New Mexico highway 228 to Kirkpatrick road, in the Mesquite area of Dona Ana county;

37.— two hundred fifty thousand dollars (\$250,000) to plan, design and construct street improvements, including drainage and sidewalks, in Anthony in Dona Ana county;

38.— one hundred thousand dollars (\$100,000) to plan, design and construct drainage improvements for east Provencio road and west Provencio road and the areas around Lara road in Chamberino in Dona Ana county;

39.— one hundred thousand dollars (\$100,000) to plan, design and construct improvements for Kriegel road and the areas around Casad road, including Salgado road, Hallas road and Wallace road, in La Union in Dona Ana county;

40.— eight hundred thousand dollars (\$800,000) to acquire easements and rights of way and to plan, design and construct storm water and drainage improvements in the East Mesa area of Las Cruces in Dona Ana county;

41.— one hundred fifty thousand dollars (\$150,000) to acquire rights of way and to plan, design and construct a road to the East Mesa recreation complex site in Las Cruces in Dona Ana county;

42.— one hundred thousand dollars (\$100,000) to acquire rights of way and to plan, design and construct general road and flood control improvements in Las Cruces in Dona Ana county;

43.— two hundred six thousand dollars (\$206,000) to purchase and equip transit vehicles and to plan, design and construct bus shelters for the south central regional transit district in Dona Ana county;

44.— one hundred twenty five thousand dollars (\$125,000) to plan, survey, design and construct lighting and road improvements in the Placitas area of Dona Ana county;

45.— ninety thousand dollars (\$90,000) to obtain rights of way and to plan, design and construct improvements to arroyos in the area of Killdeer road in Santa Teresa in Dona Ana county;

46.— one hundred thousand dollars (\$100,000) to plan, design, construct, purchase, equip and install, including conducting environmental and archaeological studies, street and drainage improvements, including bike lanes and pedestrian crossings, for Sunland Park in Dona Ana county;

~~47.—two million seven hundred ninety-one thousand dollars (\$2,791,000) to plan, design, acquire rights of way and construct a relief route from Pecos highway/United States highway 285 across the Pecos river to Hobbs highway/United States highway 62/180 in the vicinity of Carlsbad in Eddy county;~~

~~48.—one hundred thousand dollars (\$100,000) to plan, design and construct sidewalk improvements in Santa Clara in Grant county;~~

~~49.—one hundred fifty thousand dollars (\$150,000) to plan, design, construct, repair and improve sidewalks in Silver City in Grant county;~~

~~50.—six hundred thousand dollars (\$600,000) to plan, design, purchase, renovate, construct and equip improvements, including accessibility, streetscape and roadway improvements, in the historic downtown area in Lovington in Lea county;~~

~~51.—fifty thousand dollars (\$50,000) to plan, design, purchase and construct improvements to the storm drainage system in Corona in Lincoln county;~~

~~52.—five hundred thousand dollars (\$500,000) to plan, design, construct, replace and improve bridges in Ruidoso in Lincoln county;~~

~~53.—one hundred sixty thousand dollars (\$160,000) to perform archaeological and environmental studies and to plan, design, construct and improve United States bureau of Indian affairs route N481 in the area of the Little Water chapter of the Navajo Nation in McKinley county;~~

~~54.—seventy-five thousand dollars (\$75,000) to plan, design and construct improvements to the Coal avenue event street in Gallup in McKinley county;~~

~~55.—one hundred thousand dollars (\$100,000) to plan, design and construct storm drainage improvements along west Aztec avenue in Gallup in McKinley county;~~

~~56.—one hundred seventy-five thousand dollars (\$175,000) to plan, design, construct and improve Rainbow Trail road in the Pinedale chapter of the Navajo Nation in McKinley county;~~

~~57.—one hundred thousand dollars (\$100,000) to acquire easements and rights of way for and to plan, design and construct improvements, including archaeological and environmental studies, curbs, gutters, storm water drainage, sidewalks and asphalt, to streets, including Cedar avenue, Lone Pine drive, Shepard Springs boulevard and Walnut avenue, in the Red Lake chapter of the Navajo Nation in McKinley county;~~

~~58.—one hundred thousand dollars (\$100,000) to plan, design, construct and improve roads for the Tsayatoh chapter of the Navajo Nation in McKinley county;~~

59.— fifty five thousand dollars (\$55,000) to plan, design, construct, purchase and install traffic control devices for the middle Rio Grande conservancy district in multiple counties;

60.— fifteen thousand dollars (\$15,000) to plan, design and construct improvements to county roads in Rio Arriba county;

61.— one hundred thousand dollars (\$100,000) to plan, design and construct an access road to the helipad site in the Beclabito chapter of the Navajo Nation in San Juan county;

62.— two hundred thousand dollars (\$200,000) to acquire rights of way for and to plan, design and construct improvements, including archaeological and environmental studies, to school bus routes in the San Juan chapter of the Navajo Nation in San Juan county;

63.— two hundred thousand dollars (\$200,000) to plan, design and construct Navajo route 5010/N342 improvements in the Sanostee chapter of the Navajo Nation in San Juan county;

64.— two hundred thirty five thousand dollars (\$235,000) to plan, design, construct, equip and install solar-powered street lights at the industrial park in the Shiprock chapter of the Navajo Nation in San Juan county;

65.— thirty eight thousand dollars (\$38,000) to plan, design and construct road and drainage improvements to county roads A34 and A4A in the Rociada area in San Miguel county;

66.— forty eight thousand dollars (\$48,000) to plan, design and construct road improvements in the Country Acres area in San Miguel county;

67.— fifty thousand dollars (\$50,000) to plan, design, construct and replace bridges on county road 11 in Sandoval county;

68.— thirteen thousand dollars (\$13,000) to plan, design and construct storm and flood control structures, including in the area west of Loma Larga, in Corrales in Sandoval county;

69.— one hundred thousand dollars (\$100,000) to plan, design and construct paving on all municipal facilities, including roads, public rights of way and parking lots, in Corrales in Sandoval county;

70.— seventy five thousand dollars (\$75,000) to plan, design and construct a multi-use pathway along Corrales road in Corrales in Sandoval county;

~~71.—one hundred thousand dollars (\$100,000) to plan, design, construct, repair and improve the infrastructure for roads and storm drainage in Corrales in Sandoval county;~~

~~72.—five hundred thousand dollars (\$500,000) to plan, design and construct improvements to Baltic avenue, including sidewalks and accessibility, in Rio Rancho in Sandoval county;~~

~~73.—thirty-five thousand dollars (\$35,000) to acquire land for and to plan, design and construct a facility for operations, fleet and administrative functions for the Rio Metro regional transit district in Sandoval county;~~

~~74.—thirty-five thousand dollars (\$35,000) to plan, design and construct chip sealing on feeder roads for Rancho Alegre road in Santa Fe county;~~

~~75.—one hundred thousand dollars (\$100,000) to plan, design and construct an all-weather crossing on Los Pinos road at the arroyo Hondo in La Cienega in Santa Fe county;~~

~~76.—one hundred thousand dollars (\$100,000) to acquire rights of way for and to plan, design and construct improvements to Cerro Gordo road from Armijo lane to Upper Canyon road in Santa Fe in Santa Fe county;~~

~~77.—thirty thousand dollars (\$30,000) to acquire rights of way and to plan, design and construct lighting and sidewalk improvements on Harrison road from Cerrillos road to Agua Fria street in Santa Fe in Santa Fe county;~~

~~78.—one hundred fifty thousand dollars (\$150,000) to acquire easements and rights of way, conduct environmental and archaeological studies and plan, design and construct street and drainage improvements, including sidewalks, sewer replacements, accessibility compliance and lighting, to Mona avenue and Doris avenue in Williamsburg in Sierra county;~~

~~79.—two hundred thousand dollars (\$200,000) to plan, design and construct a gas pipeline on New Mexico highway 518 in Taos county;~~

~~80.—fifty thousand dollars (\$50,000) to plan, design and construct paving and other improvements to McNabb road between state highway 41 and Lexco road in Torrance county;~~

~~81.—one hundred fifty thousand dollars (\$150,000) to plan, design, construct and improve roads, including drainage, in Union county;~~

~~82.—one hundred thousand dollars (\$100,000) to plan, design, construct, remove, replace and improve street lights along United States highway 87 in Clayton in Union county;~~

~~83.— four hundred fifty thousand dollars (\$450,000) to plan, design and construct an intersection at Don Luis Trujillo boulevard and the interstate highway 25 bypass in Valencia county;~~

~~84.— eight hundred thousand dollars (\$800,000) to plan, design and construct street improvements, including drainage, sidewalks and road improvements, on Aragon avenue in Belen in Valencia county; and~~

~~85.— one hundred thousand dollars (\$100,000) to plan, design and construct improvements to Amor court in Peralta in Valencia county.] *LINE-ITEM VETO*~~

Chapter 81 Section 76 Laws 2020

~~[SECTION 76. HIGHER EDUCATION DEPARTMENT PROJECTS--GENERAL FUND.--The following amounts are appropriated from the general fund to the higher education department for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, for the following purposes:~~

~~1.— five hundred thousand dollars (\$500,000) to purchase and install exterior doors, fire doors and security card readers at Clovis community college in Clovis in Curry county;~~

~~2.— fifty thousand dollars (\$50,000) to support the MESA student group at Chaparral middle school and Gadsden middle school with the purchase of technology equipment to participate in science, technology, engineering and math education enrichment in the Gadsden independent school district in Dona Ana county; and~~

~~3.— one hundred twenty five thousand dollars (\$125,000) to plan, design, construct and renovate sections of the classroom building and the John Pinto library at the Shiprock south campus of Dine college in Shiprock in San Juan county.] *LINE-ITEM VETO*~~

Chapter 81 Section 77 Laws 2020

~~[SECTION 77. EASTERN NEW MEXICO UNIVERSITY PROJECT--GENERAL FUND.--One hundred thousand dollars (\$100,000) is appropriated from the general fund to the board of regents of eastern New Mexico university for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, to plan, design, construct and equip infrastructure improvements, including fire alarm systems, access control systems, a safety camera system, sidewalks and parking lots, at eastern New Mexico university in Portales in Roosevelt county.] *LINE-ITEM VETO*~~

Chapter 81 Section 78 Laws 2020

~~[SECTION 78. NEW MEXICO INSTITUTE OF MINING AND TECHNOLOGY PROJECT--GENERAL FUND.--One million three hundred thousand dollars~~

~~(\$1,300,000) is appropriated from the general fund to the board of regents of the New Mexico institute of mining and technology for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, to plan, design, construct, renovate, furnish and equip Jones hall at the New Mexico institute of mining and technology in Socorro in Socorro county.] LINE-ITEM VETO~~

Chapter 81 Section 79 Laws 2020

~~SECTION 79. NEW MEXICO STATE UNIVERSITY PROJECTS--GENERAL FUND.--The following amounts are appropriated from the general fund to the board of regents of New Mexico state university for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, for the following purposes:~~

~~1.—— nine hundred thousand dollars (\$900,000) to plan, design, construct and replace the roof at Martinez hall at the Grants branch campus of New Mexico state university in Cibola county;~~

~~2.—— one hundred fifty thousand dollars (\$150,000) to plan, design, construct, renovate and equip improvements to the Pan American center, including accessibility, at New Mexico state university in Las Cruces in Dona Ana county;~~

~~3.—— seven hundred thirty two thousand dollars (\$732,000) to purchase, install and renovate a space for a water research and education laboratory and desalination laboratory at the college of engineering and to plan, design, construct, renovate, furnish, and equip college of engineering facilities at New Mexico state university in Las Cruces in Dona Ana county;~~

~~4.—— two hundred fifty thousand dollars (\$250,000) to plan, design, construct, renovate, furnish and equip improvements, including electronic equipment and infrastructure, to the autism diagnostic center at New Mexico state university in Las Cruces in Dona Ana county;] LINE-ITEM VETO~~

~~5. one hundred nine thousand three hundred fifty dollars (\$109,350) to plan, design, renovate and construct improvements to the reservoirs for the Coronado soil and water conservation district in Sandoval county[; and~~

~~6.—— eight hundred thousand dollars (\$800,000) to plan, design, construct, purchase and install equipment to expand the current New Mexico state university weather station network statewide.] LINE-ITEM VETO~~

Chapter 81 Section 80 Laws 2020

~~[SECTION 80. NORTHERN NEW MEXICO STATE SCHOOL PROJECT--GENERAL FUND.--Five hundred thousand dollars (\$500,000) is appropriated from the general fund to the board of regents of northern New Mexico state school for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of~~

~~this act, to plan, design, construct and renovate infrastructure improvements, including storm water systems, at the Espanola campus of northern New Mexico college in Rio Arriba county.] LINE-ITEM VETO~~

Chapter 81 Section 81 Laws 2020

SECTION 81. UNIVERSITY OF NEW MEXICO PROJECTS--GENERAL FUND.--
The following amounts are appropriated from the general fund to the board of regents of the university of New Mexico for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, for the following purposes:

1. four hundred seventy thousand dollars (\$470,000) to plan, design, purchase, install and equip safety and security infrastructure improvements in the vicinity of the intersection of Girard boulevard and Central avenue in Albuquerque in Bernalillo county]; and

~~2. two hundred thirty thousand dollars (\$230,000) to plan, design, construct, renovate, purchase, furnish, equip and install improvements, including audio-visual equipment and information technology and related equipment, for the Chicana and Chicano studies department and the southwest Hispanic research institute in the shared building at the university of New Mexico in Albuquerque in Bernalillo county.] LINE-ITEM VETO~~

Chapter 81 Section 82 Laws 2020

~~[SECTION 82. VETERANS' SERVICES DEPARTMENT PROJECT--GENERAL FUND.--One hundred seventy-two thousand five hundred dollars (\$172,500) is appropriated from the general fund to the veterans' services department for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, to plan, design, purchase, construct, repair, furnish, equip and make improvements to the site, grounds and facilities at the Vietnam veterans memorial in Angel Fire in Colfax county.] LINE-ITEM VETO~~

Chapter 81 Section 83 Laws 2020

SECTION 83. NEW MEXICO SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED PROJECT--GENERAL FUND.--One million six hundred thousand dollars (\$1,600,000) is appropriated from the general fund to the board of regents of the New Mexico school for the blind and visually impaired for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, to plan, design, construct, renovate, furnish and equip the Garrett dormitory, including remediation and demolition of the existing dormitory, at the New Mexico school for the blind and visually impaired in Alamogordo in Otero county.

Chapter 81 Section 84 Laws 2020

~~[SECTION 84. NEW MEXICO LIVESTOCK BOARD PROJECT--GENERAL FUND.--Five hundred thousand dollars (\$500,000) is appropriated from the general fund to the New Mexico livestock board for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, to purchase and equip vehicles for New Mexico livestock board inspectors statewide.] LINE-ITEM VETO~~

Chapter 81 Section 85 Laws 2020

SECTION 85. ENERGY, MINERALS AND NATURAL RESOURCE DEPARTMENT PROJECT--APPROPRIATION FROM THE STATE ROAD FUND.--One million dollars (\$1,000,000) is appropriated from the state road fund to the energy, minerals and natural resources department for expenditure in fiscal years 2021 through 2024, unless otherwise provided in Section 2 of this act, for the remediation of the Carlsbad brine well in Eddy county.

Chapter 81 Section 86 Laws 2020

SECTION 86. STATE LAND OFFICE PROJECT--APPROPRIATION FROM THE STATE LANDS MAINTENANCE FUND.--Six hundred fifty thousand dollars (\$650,000) is appropriated from the state lands maintenance fund to the state land office for expenditure in fiscal years 2021 through 2024, unless otherwise provided in Section 2 of this act, to plan, design and install energy efficient lighting and for ceiling replacement at the state land office in Santa Fe in Santa Fe county.

Chapter 81 Section 87 Laws 2020

SECTION 87. PUBLIC EDUCATION DEPARTMENT PROJECT--APPROPRIATION FROM THE PUBLIC SCHOOL CAPITAL OUTLAY FUND.--Eight million nine hundred eighty-nine thousand dollars (\$8,989,000) is appropriated from the public school capital outlay fund to the public education department for expenditure in fiscal years 2021 through 2024, unless otherwise provided in Section 2 of this act, to purchase and equip district-owned school buses statewide.

Chapter 81 Section 88 Laws 2020

SECTION 88. ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT PROJECT--APPROPRIATION FROM THE GENERAL FUND.--One million dollars (\$1,000,000) is appropriated from the general fund to the energy, minerals and natural resources department for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, for the remediation of the Carlsbad brine well in Eddy county.

Chapter 81 Section 89 Laws 2020

SECTION 89. DEPARTMENT OF ENVIRONMENT PROJECT-- APPROPRIATION FROM THE GENERAL FUND.--One million dollars (\$1,000,000) is appropriated from the general fund to the department of environment for expenditure in fiscal years 2020 through 2024, unless otherwise provided in Section 2 of this act, to plan, design and construct improvements to contaminated water systems in Curry and Otero counties.

Chapter 81 Section 90 Laws 2020

SECTION 90. CAPITAL PROGRAM FUND PROJECT--APPROPRIATION FROM THE PENITENTIARY INCOME FUND.--Five million dollars (\$5,000,000) is appropriated from the penitentiary income fund to the capital program fund for expenditure in fiscal years 2021 through 2024, unless otherwise provided in Section 2 of this act, to plan, design, construct, renovate, furnish, purchase, install, equip and make other infrastructure improvements at the Gara building in Bernalillo county and at transitional living centers and correctional facilities statewide.

Chapter 81 Section 91 Laws 2020

SECTION 91. ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT PROJECTS--APPROPRIATIONS FROM THE OIL AND GAS RECLAMATION FUND.--The following amounts are appropriated from the oil and gas reclamation fund to the energy, minerals and natural resources department for expenditure in fiscal years 2021 through 2024, unless otherwise provided in Section 2 of this act, for the following purposes:

1. two million dollars (\$2,000,000) for the remediation of the Carlsbad brine well in Eddy county; and
2. five hundred thousand dollars (\$500,000) to purchase and equip vehicles for the oil conservation division statewide.

Chapter 81 Section 92 Laws 2020

SECTION 92. MINERS' HOSPITAL PROJECTS--APPROPRIATIONS FROM THE MINERS' TRUST FUND.--The following amounts are appropriated from the miners' trust fund to the miners' Colfax medical center for expenditure in fiscal years 2021 through 2024, unless otherwise provided in Section 2 of this act, for the following purposes:

1. five hundred thousand dollars (\$500,000) to plan, design and renovate the miners' Colfax medical center hospital in Raton in Colfax county;

2. one million dollars (\$1,000,000) to acquire hospital medical equipment for the miners' Colfax medical center hospital in Raton in Colfax county; and

3. five hundred thousand dollars (\$500,000) to decommission and demolish the old miners' Colfax medical center hospital building, including abatement of hazardous materials, in Raton in Colfax county.

Chapter 81 Section 93 Laws 2020

SECTION 93. DEPARTMENT OF GAME AND FISH PROJECT--
APPROPRIATION FROM THE SIKES ACT ACCOUNT OF THE GAME PROTECTION FUND.--One million dollars (\$1,000,000) is appropriated from the Sikes Act account of the game protection fund to the department of game and fish for expenditure in fiscal years 2021 through 2024, unless otherwise provided in Section 2 of this act, for wildlife and riparian habitat restoration and for improvements at properties owned by the state game commission statewide.

Chapter 81 Section 94 Laws 2020

SECTION 94. DEPARTMENT OF INFORMATION TECHNOLOGY PROJECT--
APPROPRIATION FROM THE EQUIPMENT REPLACEMENT REVOLVING FUNDS.--Five million dollars (\$5,000,000) is appropriated from the equipment replacement revolving funds to the department of information technology for expenditure in fiscal years 2021 through 2024, unless otherwise provided in Section 2 of this act, to plan, design, purchase, install and implement infrastructure to stabilize and modernize public safety radio communications statewide.

Chapter 81 Section 95 Laws 2020

SECTION 95. EDUCATIONAL RETIREMENT BOARD PROJECT--
APPROPRIATION FROM THE EDUCATIONAL RETIREMENT FUND.--One million three hundred nine thousand dollars (\$1,309,000) is appropriated from the educational retirement fund to the educational retirement board for expenditure in fiscal years 2021 through 2024, unless otherwise provided in Section 2 of this act, for land acquisition and to plan, design and construct a new educational retirement board headquarters in Santa Fe in Santa Fe county.

Chapter 81 Section 96 Laws 2020

SECTION 96. ENVIRONMENTAL MITIGATION TRUST--CONTINGENT AUTHORIZATION--BUDGET INCREASE REQUEST FOR CHARGING STATIONS FOR ALTERNATIVELY FUELED SCHOOL BUSES.--If, pursuant to the environmental mitigation trust agreement for state beneficiaries entered into pursuant to the partial consent decrees entered in In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation, MDL No. 2672 CRB (JSC) (Dkt. No. 2103-1),

the trustee approves the expenditure of funds to allow the public education department to provide infrastructure for fueling and charging stations for alternatively fueled school buses statewide pursuant to the Public School Finance Act, the public education department is authorized to request budget increases for that purpose totaling two hundred thousand dollars (\$200,000) in fiscal years 2021 through 2024, if that amount is approved by the trustee, or any other amount that is authorized by the trustee for the same purpose. The authorization provided pursuant to this section is in addition to the contingent authorization applicable for fiscal years 2019 through 2022 and provided pursuant to Laws 2018, Chapter 80, Section 57 for the public education department to request budget increases to replace school-district-owned buses statewide that are used to transport students to and from school pursuant to the Public School Finance Act.

Chapter 81 Section 97 Laws 2020

SECTION 97. PROJECT SCOPE--EXPENDITURES.--If an appropriation for a project authorized in this act is not sufficient to complete all the purposes specified, the appropriation may be expended for any portion of the purposes specified in the appropriation. Expenditures shall not be made for purposes other than those specified in the appropriation.

Chapter 81 Section 98 Laws 2020

SECTION 98. ART IN PUBLIC PLACES.--Pursuant to Section 13-4A-4 NMSA 1978 and where applicable, the appropriations authorized in this act include one percent for the art in public places fund.

Chapter 81 Section 99 Laws 2020

SECTION 99. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

LAWS 2020, CHAPTER 82

**HTRC/House Bill 355, aa, w/ec, partial veto
Approved March 11, 2020**

AN ACT

RELATING TO CAPITAL EXPENDITURES; REAUTHORIZING OR REAPPROPRIATING BALANCES, EXPANDING OR CHANGING PURPOSES, EXTENDING EXPENDITURE PERIODS, CHANGING AGENCIES AND ESTABLISHING CONDITIONS FOR THE REVERSION OR TRANSFER OF UNEXPENDED BALANCES OF APPROPRIATIONS MADE BY THE LEGISLATURE IN PRIOR YEARS; DECLARING AN EMERGENCY.

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

Chapter 82 Section 1 Laws 2020

SECTION 1. SEVERANCE TAX BONDS--REVERSION OF
PROCEEDS.--

A. Except as otherwise provided in another section of this act:

(1) the unexpended balance from the proceeds of severance tax bonds issued for a project that has been reauthorized in this act shall revert to the severance tax bonding fund:

(a) at the end of the expenditure period as set forth in this act, if the expenditure period is changed in this act; or

(b) if the expenditure period is not changed in this act, pursuant to the time frame set forth in the law that originally authorized the severance tax bonds or the time frame set forth in any law that has previously reauthorized the expenditure of the proceeds, whichever is later; and

(2) all remaining balances from the proceeds of severance tax bonds issued for a project that has been reauthorized in this act shall revert to the severance tax bonding fund three months after the reversion date for the unexpended balances.

B. For the purpose of this section, "unexpended balance" means the remainder of an appropriation after reserving for unpaid costs and expenses covered by binding written obligations to third parties.

Chapter 82 Section 2 Laws 2020

SECTION 2. GENERAL FUND AND OTHER FUND APPROPRIATIONS--
REVERSIONS.--

A. Except as otherwise provided in another section of this act:

(1) the unexpended balance of an appropriation from the general fund or other state fund that has been changed in this act shall revert:

(a) at the end of the expenditure period as set forth in this act, if the expenditure period is changed in this act; or

(b) if the expenditure period is not changed in this act, pursuant to the time frame set forth in the law in which the original appropriation was made or the

time frame set forth in any law that has previously changed the appropriation, whichever is later; and

(2) all remaining balances of an appropriation from the general fund or other state fund that has been changed in this act shall revert three months after the reversion date for the unexpended balance.

B. Except as provided in Subsection C of this section, the balance of an appropriation made from the general fund or other state fund shall revert pursuant to Subsection A of this section to the originating fund.

C. The balance of an appropriation made from the general fund or other state fund to the Indian affairs department or the aging and long-term services department for a project located on lands of an Indian nation, tribe or pueblo shall revert pursuant to Subsection A of this section to the tribal infrastructure project fund.

D. For the purpose of this section, "unexpended balance" means the remainder of an appropriation after reserving for unpaid costs and expenses covered by binding written obligations to third parties.

Chapter 82 Section 3 Laws 2020

SECTION 3. PASEO DEL VOLCAN LOOP BYPASS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project originally authorized in Subsection 57 of Section 25 of Chapter 66 of Laws 2014 to acquire rights of way for and to plan, design and construct the paseo del Volcan loop bypass road from Unser boulevard to interstate highway 40 in Bernalillo and Sandoval counties and for which the time of expenditure was extended in Laws 2018, Chapter 68, Section 3 is extended through fiscal year 2022.

Chapter 82 Section 4 Laws 2020

SECTION 4. PASEO DEL VOLCAN RIGHTS OF WAY ACQUISITION IN BERNALILLO AND SANDOVAL COUNTIES--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 1 of Section 24 of Chapter 81 of Laws 2016 to acquire rights of way and to design and construct paseo del Volcan, also known as New Mexico highway 347, in Sandoval and Bernalillo counties is extended through fiscal year 2022.

Chapter 82 Section 5 Laws 2020

SECTION 5. ROUTE 66 VISITORS CENTER ON WEST CENTRAL AVENUE--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project originally authorized in Subsection 17 of Section 22 of Chapter 66 of Laws 2014 and reauthorized in Laws 2018, Chapter 68, Section 11 to

purchase, plan, construct, furnish and equip a Route 66 visitors center on west Central avenue in Bernalillo county is extended through fiscal year 2022.

Chapter 82 Section 6 Laws 2020

SECTION 6. SOUTH VALLEY ECONOMIC DEVELOPMENT CENTER IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project originally authorized in Subsection 18 of Section 22 of Chapter 66 of Laws 2014 and reauthorized in Laws 2018, Chapter 68, Section 12 to plan, design, construct, equip and furnish improvements and additions to the South Valley economic development center in Bernalillo county is extended through fiscal year 2022.

Chapter 82 Section 7 Laws 2020

SECTION 7. SECOND JUDICIAL DISTRICT COURT HIGH-DENSITY FILE STORAGE UNITS PURCHASE--CHANGE TO PURCHASE EQUIPMENT AND FOR RENOVATIONS TO THE FIRST THROUGH THIRD FLOORS OF THE SECOND JUDICIAL DISTRICT COURTHOUSE--EXTEND TIME--SEVERANCE TAX BONDS.-- The unexpended balance of the second judicial district court project in Laws 2018, Chapter 80, Section 14 to purchase and install high-density file storage units and to purchase related equipment for the second judicial district court shall not be used for the original purpose but is changed for security equipment, renovations and structural alterations and to purchase fixed and mobile equipment, furnishings and technology for the renovation of the first through third floors of the second judicial district courthouse in Albuquerque in Bernalillo county. The time of expenditure is extended through fiscal year 2022.

Chapter 82 Section 8 Laws 2020

SECTION 8. ALBUQUERQUE BIOPARK JAGUAR EXHIBIT CONSTRUCT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project originally authorized in Subsection 25 of Section 22 of Chapter 66 of Laws 2014 and reauthorized in Laws 2018, Chapter 68, Section 15 to design and construct a jaguar exhibit at the biopark in Albuquerque in Bernalillo county is extended through fiscal year 2022.

Chapter 82 Section 9 Laws 2020

SECTION 9. ALBUQUERQUE EXPLORA SCIENCE CENTER AND CHILDREN'S MUSEUM LEARNING CENTER CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 21 of Section 22 of Chapter 81 of Laws 2016 to plan, design, construct, equip and furnish phase 1 of Explora's cradle to career learning center and to purchase and install exhibits, furnishings and equipment for the Explora science center

and children's museum in Albuquerque in Bernalillo county is extended through fiscal year 2022.

Chapter 82 Section 10 Laws 2020

SECTION 10. ALBUQUERQUE GUN VIOLENCE MEMORIAL--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the cultural affairs department project in Subsection 1 of Section 8 of Chapter 81 of Laws 2016 to plan, design, construct and install a memorial to gun violence victims in Albuquerque in Bernalillo county is extended through fiscal year 2022.

Chapter 82 Section 11 Laws 2020

SECTION 11. TRUMBULL AVENUE AND SAN PEDRO DRIVE STREET LIGHTS INSTALLATION--CHANGE TO ALBUQUERQUE INTERNATIONAL DISTRICT STREET LIGHTS INSTALLATION--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the department of transportation originally authorized in Subsection 17 of Section 25 of Chapter 66 of Laws 2014 and reauthorized in Laws 2018, Chapter 68, Section 34 to purchase and install street lights along Trumbull avenue SE and San Pedro drive SE in Albuquerque in Bernalillo county shall not be expended for the original purpose but is changed to purchase and install street lights in the International district in Albuquerque. The time of expenditure is extended through fiscal year 2022.

Chapter 82 Section 12 Laws 2020

SECTION 12. ALBUQUERQUE ASIAN AND PACIFIC ISLANDER SHELTER CONSTRUCTION--CHANGE TO COMMUNITY CENTER CONSTRUCTION--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 31 of Section 34 of Chapter 277 of Laws 2019 to plan, design and construct a shelter for victims of domestic violence and survivors of sexual assault among the Asian and Pacific Islander population in Albuquerque in Bernalillo county shall not be expended for the original purpose but is changed to plan, design and construct a city-owned community center inclusive of the cultural needs of the Asian and Pacific Islander population in Albuquerque.

Chapter 82 Section 13 Laws 2020

SECTION 13. ALBUQUERQUE MOBILE VIDEO TRAILER PURCHASE--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 33 of Section 26 of Chapter 80 of Laws 2018 to purchase mobile video trailers for Albuquerque in Bernalillo county is extended through fiscal year 2022.

Chapter 82 Section 14 Laws 2020

SECTION 14. ALBUQUERQUE SIGN LANGUAGE ACADEMY CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the public education department project in Subsection 1 of Section 14 of Chapter 81 of Laws 2016 to plan, design and construct a facility for the Albuquerque sign language academy in Albuquerque in Bernalillo county is extended through fiscal year 2022.

Chapter 82 Section 15 Laws 2020

SECTION 15. AMY BIEHL HIGH SCHOOL ASBESTOS AND LEAD PAINT ABATEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the public education department project in Subsection 2 of Section 14 of Chapter 81 of Laws 2016 for asbestos and lead paint abatement and to plan, design, construct and renovate the basement at Amy Biehl high school in Albuquerque in Bernalillo county is extended through fiscal year 2022.

Chapter 82 Section 16 Laws 2020

SECTION 16. ATRISCO HERITAGE ACADEMY HIGH SCHOOL ACCESS ROAD CONSTRUCTION--EXPAND PURPOSE--EXTEND TIME--SEVERANCE TAX BONDS.--The department of transportation project in Subsection 7 of Section 24 of Chapter 81 of Laws 2016 to plan, design and construct an access road to Atrisco Heritage academy high school, including driveways, trail connections and modifications to Senator Dennis Chavez boulevard and to 118th street, in Albuquerque in Bernalillo county may include sidewalks and signal modifications. The time of expenditure is extended through fiscal year 2022.

Chapter 82 Section 17 Laws 2020

SECTION 17. BERNALILLO COUNTY ASIAN AMERICAN MONUMENT CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 45 of Section 22 of Chapter 81 of Laws 2016 to plan, design, landscape and construct an Asian American monument in Albuquerque in Bernalillo county is extended through fiscal year 2022.

Chapter 82 Section 18 Laws 2020

SECTION 18. BERNALILLO COUNTY ROUTE 66 VISITOR CENTER ON WEST CENTRAL AVENUE--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 52 of Section 22 of Chapter 81 of Laws 2016 to acquire land for and to plan, design, construct, purchase, furnish and equip a route 66 visitor center on west Central avenue in Albuquerque in Bernalillo county is extended through fiscal year 2022.

Chapter 82 Section 19 Laws 2020

SECTION 19. LOS PUENTES CHARTER SCHOOL PORTABLE BUILDING CONSTRUCTION--CHANGE TO LOS PUENTES CHARTER SCHOOL CONSTRUCTION AND EQUIPPING OF BUILDINGS AND GROUNDS AND INSTALLATION OF INFRASTRUCTURE--GENERAL FUND.--The unexpended balance of the appropriation to the public education department in Subsection 117 of Section 20 of Chapter 277 of Laws 2019 to plan, design, construct, improve, equip and furnish a portable classroom building at Los Puentes charter school in the Albuquerque public school district in Bernalillo county shall not be expended for the original purpose but is changed to plan, design, construct, renovate, furnish and equip buildings and grounds and install related equipment, fencing, education and information technology, wiring, paving and infrastructure for Los Puentes charter school in Albuquerque in Bernalillo county.

Chapter 82 Section 20 Laws 2020

SECTION 20. NATIONAL HISPANIC CULTURAL CENTER INFORMATION AND WELCOME CENTER CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the cultural affairs department project originally authorized in Subsection 3 of Section 7 of Chapter 66 of Laws 2014 to plan, design, construct, equip and furnish an information and welcome center at the entrance of the national Hispanic cultural center in Albuquerque in Bernalillo county and for which the time of expenditure was extended in Laws 2018, Chapter 68, Section 33 is extended through fiscal year 2021.

Chapter 82 Section 21 Laws 2020

SECTION 21. SOUTH VALLEY PREPARATORY SCHOOL PORTABLES PURCHASE--EXPAND PURPOSE--SEVERANCE TAX BONDS.--The public education department project in Subsection 13 of Section 16 of Chapter 80 of Laws 2018 to acquire land and to plan, design, construct, purchase, equip and install portable classrooms at the South Valley preparatory school in Albuquerque in Bernalillo county may include planning, designing, renovating, equipping, furnishing and purchasing buildings and equipment for that school.

Chapter 82 Section 22 Laws 2020

SECTION 22. UNIVERSITY OF NEW MEXICO ECONOMIC DEVELOPMENT MULTIPURPOSE EVENTS CENTER RENOVATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the board of regents of the university of New Mexico project in Subsection 1 of Section 13 of Chapter 81 of Laws 2016 to plan, design, construct and renovate a former church building as a multipurpose events center for a cooperative economic development project between Innovate ABQ, incorporated, and the university of New Mexico in Albuquerque in Bernalillo county is extended through fiscal year 2022.

Chapter 82 Section 23 Laws 2020

SECTION 23. HIGHLAND HIGH SCHOOL OUTDOOR ADVENTURE CLUB VAN PURCHASE--CHANGE TO HIGHLAND HIGH SCHOOL AND ALBUQUERQUE PUBLIC SCHOOL DISTRICT OUTDOOR TRAILER PURCHASE--EXTEND TIME--GENERAL FUND.--The unexpended balance of the public education department project in Subsection 94 of Section 20 of Chapter 277 of Laws 2019 to purchase and equip an activity van for Highland high school in the Albuquerque public school district in Bernalillo county shall not be expended for the original purpose but is changed to purchase and equip a trailer and outdoor education equipment for Highland high school and throughout the Albuquerque public school district in Bernalillo county. The time of expenditure is extended through fiscal year 2022.

Chapter 82 Section 24 Laws 2020

~~[SECTION 24. MARY ANN BINFORD ELEMENTARY SCHOOL TRACK AREA IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the public education department project in Subsection 111 of Section 14 of Chapter 81 of Laws 2016 to plan, design, renovate and construct improvements to the grounds, fields and track areas, including the purchase and installation of related equipment, furniture and landscaping, at Mary Ann Binford elementary school in the Albuquerque public school district in Bernalillo county is extended through fiscal year 2022.]~~ *LINE-ITEM VETO*

Chapter 82 Section 25 Laws 2020

~~[SECTION 25. ROBERT F. KENNEDY CHARTER SCHOOL LEARNING LABORATORY EQUIPMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the public education department project in Subsection 116 of Section 16 of Chapter 80 of Laws 2018 to purchase and install equipment for a virtual learning laboratory at Robert F. Kennedy charter school in the Albuquerque public school district in Bernalillo county is extended through fiscal year 2022.]~~ *LINE-ITEM VETO*

Chapter 82 Section 26 Laws 2020

~~[SECTION 26. ROBERT F. KENNEDY CHARTER SCHOOL INFORMATION TECHNOLOGY PURCHASE--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the public education department project in Subsection 115 of Section 16 of Chapter 80 of Laws 2018 to purchase and install information technology, including related equipment, furniture and infrastructure, at Robert F. Kennedy charter school in the Albuquerque public school district in Bernalillo county is extended through fiscal year 2022.]~~ *LINE-ITEM VETO*

Chapter 82 Section 27 Laws 2020

SECTION 27. ROBERT F. KENNEDY CHARTER SCHOOL LEARNING LABORATORY EQUIPMENT PURCHASE--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project originally authorized in Subsection 62 of Section 22 of Chapter 66 of Laws 2014 for a community center in the Westgate community in Albuquerque in Bernalillo county and appropriated to the public education department in Laws 2018, Chapter 68, Section 36 to purchase and install equipment for a virtual learning laboratory at Robert F. Kennedy charter school in the Albuquerque public school district in Bernalillo county is extended through fiscal year 2022.

Chapter 82 Section 28 Laws 2020

SECTION 28. TO'HAJIILEE CHAPTER SKATEBOARD AND RECREATIONAL PARK PLANNING, DESIGN AND CONSTRUCTION--CHANGE TO PURCHASE BACKHOE--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 2 of Section 20 of Chapter 81 of Laws 2016 to plan, design and construct a skateboard and recreational park, including purchase and installation of furnishings and equipment, in the To'hajiilee chapter of the Navajo Nation in Bernalillo county shall not be expended for the original purpose but is changed to purchase a backhoe for the To'hajiilee chapter. The time of expenditure is extended through fiscal year 2022.

Chapter 82 Section 29 Laws 2020

SECTION 29. DEXTER WATER SYSTEM IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project originally authorized in Subsection 5 of Section 18 of Chapter 81 of Laws 2016 and reauthorized in Laws 2018, Chapter 68, Section 38 to plan, design and construct water system improvements, including wells, water supply lines and water treatment, in Dexter in Chaves county is extended through fiscal year 2022.

Chapter 82 Section 30 Laws 2020

SECTION 30. CIBOLA COUNTY HEAVY EQUIPMENT PURCHASE--EXPAND PURPOSE--GENERAL FUND.--The local government division project in Subsection 150 of Section 34 of Chapter 277 of Laws 2019 to purchase and equip heavy equipment, including a skidsteer, for Cibola county may include purchasing and equipping vehicles and other equipment.

Chapter 82 Section 31 Laws 2020

SECTION 31. ACOMA PUEBLO WASTEWATER TREATMENT FACILITY IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of

expenditure for the department of environment project in Subsection 6 of Section 18 of Chapter 81 of Laws 2016 to plan, design and construct expansions and upgrades to the North Acoma wastewater treatment facility at the Pueblo of Acoma in Cibola county is extended through fiscal year 2022.

Chapter 82 Section 32 Laws 2020

SECTION 32. RAMAH CHAPTER SOLID WASTE TRANSFER STATION PLANNING, DESIGN AND CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 6 of Section 20 of Chapter 81 of Laws 2016 to plan, design and construct a solid waste transfer station, including a trash compactor dumpster, a trash bin and an operator building, in the Ramah chapter of the Navajo Nation in Cibola county is extended through fiscal year 2022.

Chapter 82 Section 33 Laws 2020

SECTION 33. ANGEL FIRE WATER STORAGE TANKS CONSTRUCTION AND REPAIR--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project in Subsection 7 of Section 18 of Chapter 81 of Laws 2016 to plan, design, construct and repair water storage tanks in Angel Fire in Colfax county is extended through fiscal year 2022.

Chapter 82 Section 34 Laws 2020

SECTION 34. MINERS' HOSPITAL LONG-TERM CARE FACILITY ELECTRICAL AND MECHANICAL SYSTEM IMPROVEMENTS--EXPAND PURPOSE--EXTEND TIME--MINERS' TRUST FUND.--The miners' Colfax medical center project in Subsection 3 of Section 39 of Chapter 81 of Laws 2016 to plan, design, construct, renovate, equip and furnish mechanical and electrical system upgrades and improvements at the center's long-term care facility in Colfax county may include upgrades and improvements at the center's acute care facility. The time of expenditure is extended through fiscal year 2022.

Chapter 82 Section 35 Laws 2020

SECTION 35. EASTERN NEW MEXICO FOOD BANK LIGHTING IMPROVEMENTS--EXPAND PURPOSE--GENERAL FUND.--The local government division project in Subsection 164 of Section 34 of Chapter 277 of Laws 2019 to plan, design, construct and install improvements to lighting at a food bank for eastern New Mexico in Clovis in Curry county may include planning, designing and constructing improvements, including paving and a parking lot, at the food bank.

Chapter 82 Section 36 Laws 2020

SECTION 36. CLOVIS RAILROAD DISTRICT ATCHISON, TOPEKA AND SANTA FE LOCOMOTIVE REPAIRING AND RESTORATION--EXPAND PURPOSE--EXTEND TIME--SEVERANCE TAX BONDS.--The local government division project in Subsection 76 of Section 22 of Chapter 81 of Laws 2016 to repair and restore the Atchison, Topeka and Santa Fe 9005 locomotive in the railroad district in Clovis in Curry county may include repairing and restoring a caboose. The time of expenditure is extended through fiscal year 2022.

Chapter 82 Section 37 Laws 2020

SECTION 37. BOSQUE REDONDO MEMORIAL IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the cultural affairs department project in Subsection 4 of Section 8 of Chapter 81 of Laws 2016 to plan, design, construct, landscape and improve the Bosque Redondo memorial at the Fort Sumner historic site in De Baca county is extended through fiscal year 2022.

Chapter 82 Section 38 Laws 2020

SECTION 38. DONA ANA COUNTY RADIUM SPRINGS FIRE STATION 8 CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 89 of Section 22 of Chapter 81 of Laws 2016 to plan, design and construct improvements to Radium Springs fire station 8 in Dona Ana county is extended through fiscal year 2022.

Chapter 82 Section 39 Laws 2020

SECTION 39. LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY MINI-EXCAVATOR PURCHASE--EXPAND PURPOSE--GENERAL FUND.--The department of environment project in Subsection 24 of Section 26 of Chapter 277 of Laws 2019 to purchase and equip a mini-excavator for the lower Rio Grande public water works authority in Dona Ana county may include purchasing and equipping excavators and mini-excavators.

Chapter 82 Section 40 Laws 2020

SECTION 40. LOWER RIO GRANDE PUBLIC WATER WORKS AUTHORITY WATER LINE CONSTRUCTION--EXPAND PURPOSE--GENERAL FUND.--The department of environment project in Subsection 23 of Section 26 of Chapter 277 of Laws 2019 to plan, design and construct a water line extension on Jacquez road from Three Saints road to the end of Jacquez road in the lower Rio Grande public water works authority service area in Dona Ana county may include planning, designing and constructing water system improvements in the lower Rio Grande public water works

authority south valley service area in the Vado, Del Cerro, Berino and Bosque communities in Dona Ana county.

Chapter 82 Section 41 Laws 2020

SECTION 41. LAS CRUCES FILM FACILITY AND INFRASTRUCTURE CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project originally authorized in Subsection 104 of Section 22 of Chapter 66 of Laws 2014 and reauthorized in Laws 2015, Chapter 147, Section 24 and for which the time of expenditure was extended in Laws 2018, Chapter 68, Section 52 to plan, design, construct, furnish and equip a facility and related infrastructure to be owned by Las Cruces in Dona Ana county for film, digital media and entertainment arts production is extended through fiscal year 2022.

Chapter 82 Section 42 Laws 2020

SECTION 42. SUNLAND PARK STREETS AND DRAINAGE IMPROVEMENT CONSTRUCTION--CHANGE TO CONSTRUCT INDUSTRIAL AVENUE OVERPASS--EXTEND TIME--SEVERANCE TAX BONDS.--Up to forty-nine percent of the unexpended balance of the appropriation to the department of transportation in Subsection 39 of Section 24 of Chapter 81 of Laws 2016 to plan, design, purchase, construct and install street and drainage improvements, including information technology for street pavement management and related equipment, furniture and infrastructure, for Sunland park in Dona Ana county shall not be expended for the original purpose but is changed to acquire rights of way and to plan, design and construct an overpass for Industrial avenue in Santa Teresa in Dona Ana county. The time of expenditure is extended through fiscal year 2022.

Chapter 82 Section 43 Laws 2020

SECTION 43. OIL CONSERVATION DIVISION ARTESIA DISTRICT OFFICE SITE IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the energy, minerals and natural resources department project originally authorized in Subsection 1 of Section 15 of Chapter 81 of Laws 2016 for site improvements and to plan, design, construct, equip and furnish the oil conservation division district office in Artesia in Eddy county and reauthorized to the capital program fund in Laws 2017, Chapter 133, Section 45 for that purpose is extended through fiscal year 2022.

Chapter 82 Section 44 Laws 2020

SECTION 44. LOVING SEWER COLLECTION AND WASTEWATER SYSTEM IMPROVEMENTS--EXPAND PURPOSE--EXTEND TIME--SEVERANCE TAX BONDS.-
-The department of environment project in Subsection 22 of Section 18 of Chapter 81 of Laws 2016 to plan, design and construct sewer collection system improvements in

Loving in Eddy county may include wastewater system improvements. The time of expenditure is extended through fiscal year 2022.

Chapter 82 Section 45 Laws 2020

SECTION 45. POWER LAKE DAM IMPROVE--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the office of the state engineer project originally authorized in Subsection 6 of Section 15 of Chapter 66 of Laws 2014 and reauthorized in Laws 2018, Chapter 68, Section 64 to plan, design, renovate and construct improvements to the Power Lake dam in Guadalupe county is extended through fiscal year 2022.

Chapter 82 Section 46 Laws 2020

SECTION 46. LOVINGTON WELLS AND WATER SYSTEM CONSTRUCTION AND IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project originally authorized in Subsection 19 of Section 11 of Chapter 64 of Laws 2012 to plan, design and construct wells in Lovington in Lea county and reauthorized in Laws 2016, Chapter 83, Section 52 and again in Laws 2018, Chapter 68, Section 66 to include purchase and installation of equipment for water wells and water system improvements in Lovington is extended through fiscal year 2022.

Chapter 82 Section 47 Laws 2020

SECTION 47. THOREAU CHAPTER VETERANS' SERVICE CENTER CONSTRUCTION--CHANGE TO COUNTY ROAD 6 IMPROVEMENTS IN MCKINLEY COUNTY--CHANGE AGENCY--EXTEND TIME--SEVERANCE TAX BONDS.--Up to fifty-nine thousand four hundred dollars (\$59,400) of the unexpended balance of the appropriation to the local government division in Subsection 138 of Section 22 of Chapter 81 of Laws 2016 to plan, design, construct and equip the veterans' service center in the Thoreau chapter of the Navajo Nation in McKinley county shall not be expended for the original purpose but is appropriated to the department of transportation to plan, design, construct and improve county road 6 in the Chichiltah chapter of the Navajo Nation in McKinley county. The time of expenditure is extended through fiscal year 2022.

Chapter 82 Section 48 Laws 2020

SECTION 48. MCKINLEY COUNTY ADOLESCENT RECOVERY CENTER CONSTRUCTION--CHANGE TO PURCHASE OF HEAVY EQUIPMENT FOR ROAD DEPARTMENT--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 287 of Section 34 of Chapter 277 of Laws 2019 to plan, design and construct an adolescent recovery center in Gallup in McKinley county shall not be expended for the original purpose but is changed to purchase and equip heavy equipment for the road department in McKinley county.

Chapter 82 Section 49 Laws 2020

SECTION 49. CASAMERO LAKE CHAPTER POWER LINE CONSTRUCTION--CHANGE TO SENIOR CENTER CONSTRUCTION--CHANGE AGENCY--GENERAL FUND.--The unexpended balance of the Indian affairs department project in Subsection 24 of Section 31 of Chapter 277 of Laws 2019 to acquire rights of way and easements for and to plan, design and construct power line extensions, including archaeological and environmental studies, in the Casamero Lake chapter in the Navajo Nation in McKinley county shall not be expended for the original purpose but is appropriated to the aging and long-term services department to plan, design and construct a senior center in that chapter.

Chapter 82 Section 50 Laws 2020

SECTION 50. NAVAJO FACILITY RENOVATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project originally authorized in Subsection 20 of Section 25 of Chapter 3 of Laws 2015 (1st S.S.) and reauthorized to the local government division in Laws 2018, Chapter 68, Section 73 to plan, design, construct and renovate a facility in Navajo in McKinley county is extended through fiscal year 2022.

Chapter 82 Section 51 Laws 2020

SECTION 51. PUEBLO PINTADO CHAPTER POWERLINE CONSTRUCT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 14 of Section 20 of Chapter 81 of Laws 2016 to plan, design and construct a powerline in the Pueblo Pintado chapter of the Navajo Nation in McKinley county is extended through fiscal year 2022.

Chapter 82 Section 52 Laws 2020

SECTION 52. NORTH CHAPEL HILL ROAD ROCK SPRINGS CHAPTER IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the [~~Indian affairs department~~] project originally authorized in Subsection 50 of Section 33 of Chapter 3 of Laws 2015 (1st S.S.) and reauthorized in Laws 2018, Chapter 68, Section 75 to plan, design and construct improvements to north Chapel Hill road in the Rock Springs chapter of the Navajo Nation in McKinley county is extended through fiscal year 2022. *LINE-ITEM VETO*

Chapter 82 Section 53 Laws 2020

SECTION 53. THOREAU CHAPTER VETERANS' SERVICE CENTER CONSTRUCTION--CHANGE TO THOREAU CHAPTER VETERANS' SERVICE CENTER EQUIPMENT PURCHASE--EXTEND TIME--SEVERANCE TAX BONDS.--Up to eleven thousand dollars (\$11,000) of the unexpended balance of the appropriation to

the Indian affairs department originally authorized in Subsection 38 of Section 20 of Chapter 81 of Laws 2016 and reauthorized in Laws 2017, Chapter 133, Section 62 to plan, design and construct a veterans' service center in the Thoreau chapter of the Navajo Nation in McKinley county shall not be expended for the original or reauthorized purpose but is changed to equip the veterans' service center in the Thoreau chapter of the Navajo Nation in McKinley county. The time of expenditure is extended through fiscal year 2022.

Chapter 82 Section 54 Laws 2020

SECTION 54. TOHATCHI CHAPTER POWERLINE CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 16 of Section 20 of Chapter 81 of Laws 2016 to plan, design and construct powerline extensions in the Tohatchi chapter of the Navajo Nation in McKinley county is extended through fiscal year 2022.

Chapter 82 Section 55 Laws 2020

SECTION 55. TOHATCHI CHAPTER RED WILLOW FARM WATER AND POWER LINES CONSTRUCTION AND ROAD IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project originally authorized in Subsection 17 of Section 20 of Chapter 81 of Laws 2016 to plan, design and construct a water well and system improvements to Red Willow farm in the Tohatchi chapter of the Navajo Nation in McKinley county and reauthorized in Laws 2017, Chapter 133, Section 66 to plan, design, construct and make improvements to water lines, power lines and roads for Red Willow farm in the Tohatchi chapter is extended through fiscal year 2022.

Chapter 82 Section 56 Laws 2020

SECTION 56. UPPER HOLMAN MUTUAL DOMESTIC WATER CONSUMERS AND MUTUAL SEWAGE WORKS ASSOCIATION FLUORIDE TREATMENT FACILITY CONSTRUCTION--CHANGE TO INSTALL WATER SYSTEM IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the department of environment originally authorized in Subsection 148 of Section 16 of Chapter 66 of Laws 2014 to plan, design and construct a fluoride treatment facility for the upper Holman community mutual domestic water consumers and mutual sewage works association in Holman in Mora county and reauthorized in Laws 2016, Chapter 83, Section 65 to include land acquisition and for which the time of expenditure was extended in Laws 2018, Chapter 68, Section 78 shall not be expended for the original or reauthorized purpose but is changed to plan, design, construct, purchase, equip and install water system improvements, including fluoride treatment, water lines, radio read water meters and meter reading technology, for the association. The time of expenditure is extended through fiscal year 2022.

Chapter 82 Section 57 Laws 2020

SECTION 57. PECOS RIVER SETTLEMENT LAND AND WATER RIGHTS PURCHASE--EXTEND TIME--ATTORNEY GENERAL SETTLEMENT FUND.--The time of expenditure for the interstate stream commission project originally authorized in Subsection 1 of Section 37 of Chapter 66 of Laws 2014 to purchase land and water rights within the interstate stream commission's existing pricing guidelines and for the development of augmentation well fields and pipelines and related professional services for the Pecos River Compact settlement and for which the time of expenditure was extended in Laws 2018, Chapter 68, Section 130 is extended through fiscal year 2022.

Chapter 82 Section 58 Laws 2020

SECTION 58. CRYSTAL CHAPTER WATER TANK AND FIRE PUMP PURCHASE AND INSTALLATION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project originally authorized in Subsection 32 of Section 20 of Chapter 81 of Laws 2016 and reauthorized in Laws 2017, Chapter 133, Section 74 to purchase and install a water storage tank and fire pump in the Crystal chapter of the Navajo Nation in San Juan and McKinley counties is extended through fiscal year 2022.

Chapter 82 Section 59 Laws 2020

SECTION 59. OJO ENCINO CHAPTER EAGLE SPRING POWERLINE PLANNING, DESIGN AND CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 23 of Section 20 of Chapter 81 of Laws 2016 to plan, design and construct the Eagle Spring powerline in the Ojo Encino chapter of the Navajo Nation in Sandoval and McKinley counties is extended through fiscal year 2022.

Chapter 82 Section 60 Laws 2020

SECTION 60. NEW MEXICO MUSEUM OF SPACE HISTORY RESTROOM RENOVATIONS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the cultural affairs department project in Subsection 7 of Section 8 of Chapter 81 of Laws 2016 to plan, design and renovate the restrooms, including accessibility improvements, at the New Mexico museum of space history in Alamogordo in Otero county is extended through fiscal year 2021.

Chapter 82 Section 61 Laws 2020

SECTION 61. NEW MEXICO SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED QUIMBY GYMNASIUM, NATATORIUM AND INFRASTRUCTURE IMPROVEMENTS--EXTEND TIME--PUBLIC SCHOOL CAPITAL OUTLAY FUND.--The time of expenditure for the board of regents of the New Mexico school for the blind and

visually impaired project originally authorized in Subsection 2 of Section 45 of Chapter 66 of Laws 2014 to plan, design, construct, renovate, equip and furnish the Quimby gymnasium and natatorium and to make other infrastructure improvements campuswide at the New Mexico school for the blind and visually impaired in Alamogordo in Otero county and reauthorized in Laws 2016, Chapter 83, Section 113 to clarify the funding source and for which the time of expenditure was extended in Laws 2018, Chapter 68, Section 86 is extended through fiscal year 2022.

Chapter 82 Section 62 Laws 2020

SECTION 62. NEW MEXICO SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED RESIDENTIAL COTTAGES AND INFRASTRUCTURE IMPROVEMENTS--EXTEND TIME--PUBLIC SCHOOL CAPITAL OUTLAY FUND.--The time of expenditure for the board of regents of the New Mexico school for the blind and visually impaired appropriation originally authorized in Subsection 3 of Section 45 of Chapter 66 of Laws 2014 to plan, design, construct, renovate, equip and furnish residential cottages, including the demolition of Sacramento dormitory, and to make other infrastructure improvements campuswide at the New Mexico school for the blind and visually impaired in Alamogordo in Otero county and reauthorized by Laws 2016, Chapter 83, Section 113 to clarify the funding source and for which the time of expenditure was extended in Laws 2018, Chapter 68, Section 87 is extended through fiscal year 2022.

Chapter 82 Section 63 Laws 2020

SECTION 63. RIO ARRIBA COUNTY RESIDENTIAL TREATMENT FACILITY CONSTRUCTION--CHANGE TO WOMEN-AND-CHILDREN-FOCUSED RESIDENTIAL TREATMENT FACILITY PURCHASE AND CONSTRUCTION--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 335 of Section 34 of Chapter 277 of Laws 2019 to plan, design, construct, renovate and equip a residential recovery facility in Velarde in Rio Arriba county shall not be expended for the original purpose but is changed to purchase, engineer, construct, renovate, improve, equip and furnish facilities, property and roads for a women-and-children-focused residential recovery facility in Rio Arriba county.

Chapter 82 Section 64 Laws 2020

SECTION 64. RIO ARRIBA COUNTY SALA FILANTROPICA RENOVATION--CHANGE TO RIO ARRIBA COUNTY OFFICE VEHICLE PURCHASE--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division originally appropriated in Subsection 159 of Section 22 of Chapter 66 of Laws 2014 and for which the time of expenditure was extended in Laws 2018, Chapter 68, Section 90 to renovate, furnish and expand the Sala Filantropica building into a multipurpose community facility in the Embudo valley in Rio Arriba county shall not be expended for the original purpose but is changed to purchase and equip vehicles for the offices of the county manager, county assessor and county health commons in Rio Arriba county. The time of expenditure is extended through fiscal year 2022.

Chapter 82 Section 65 Laws 2020

SECTION 65. RIO ARRIBA COUNTY MOBILE STAGE FOR EMBUDO VALLEY LIBRARY--CHANGE TO ECONOMIC DEVELOPMENT PROJECT FOR AN OUTDOOR STAGE AND TO REMODEL BUILDINGS--CHANGE AGENCY--GENERAL FUND.--The unexpended balance of the appropriation to the local government division in Subsection 313 of Section 34 of Chapter 277 of Laws 2019 to purchase and equip a mobile performing arts stage in Rio Arriba county shall not be expended for the original purpose but is appropriated to the economic development department for an economic development project to build an outdoor stage and renovate buildings at the Embudo valley library in Rio Arriba county.

Chapter 82 Section 66 Laws 2020

SECTION 66. PIEDRA LUMBRE VISITORS CENTER PURCHASE--EXPAND PURPOSE--GENERAL FUND.--The department of finance and administration project in Subsection 2 of Section 28 of Chapter 277 of Laws 2019 to acquire the Piedra Lumbre visitors center from the United States forest service for the San Joaquin del Rio de Chama, Juan Bautista Baldez and Tierra Amarilla land grants-mercedes in Rio Arriba county may include planning, designing, renovating, repairing, constructing, furnishing and equipping, abatement and removal of asbestos, lead-based paint and other hazardous materials and demolition and disposal of existing structures at the visitors center.

Chapter 82 Section 67 Laws 2020

SECTION 67. EASTERN NEW MEXICO UNIVERSITY PRESIDENT'S RESIDENCE AND PUBLIC EVENT VENUE CONSTRUCT AND RENOVATE--EXPAND PURPOSE--GENERAL FUND.--The board of regents of eastern New Mexico university project in Subsection 12 of Section 42 of Chapter 277 of Laws 2019 to construct a president's residence and public event venue for eastern New Mexico university in Portales in Roosevelt county may include the purchase of land and buildings and planning, design and renovations.

Chapter 82 Section 68 Laws 2020

SECTION 68. NAVAJO NATION EXCAVATOR PURCHASE--CHANGE AGENCY--EXTEND TIME--SEVERANCE TAX BONDS.--The agency for the Indian affairs department project originally authorized in Subsection 31 of Section 22 of Chapter 80 of Laws 2018 to purchase and equip an excavator for irrigation systems on the Navajo Nation in San Juan county is changed to the local government division. The time of expenditure for the project is extended through fiscal year 2022.

Chapter 82 Section 69 Laws 2020

SECTION 69. SAN JUAN COUNTY REGIONAL WATER SYSTEMS CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project originally authorized in Subsection 55 of Section 18 of Chapter 81 of Laws 2016 and reauthorized in Laws 2017, Chapter 133, Section 90 to plan, design and construct regional water systems in San Juan county is extended through fiscal year 2022.

Chapter 82 Section 70 Laws 2020

SECTION 70. EAST AZTEC ARTERIAL ROUTE CONSTRUCTION--EXPAND PURPOSE--EXTEND TIME--SEVERANCE TAX BONDS.--The department of transportation project originally authorized in Subsection 63 of Section 25 of Chapter 66 of Laws 2014 and for which the time of expenditure was extended in Laws 2018, Chapter 68, Section 98 to construct the east Aztec arterial route in Aztec in San Juan county may include planning and design for that route. The time of expenditure is extended through fiscal year 2022.

Chapter 82 Section 71 Laws 2020

SECTION 71. BLOOMFIELD ALTERNATE WATER SUPPLY DIVERSION CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project in Subsection 57 of Section 18 of Chapter 81 of Laws 2016 to plan, design and construct an alternate water supply diversion in Bloomfield in San Juan county is extended through fiscal year 2022.

Chapter 82 Section 72 Laws 2020

SECTION 72. VILLA VIEW DETENTION PONDS FACILITY CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the office of the state engineer project in Subsection 2 of Section 17 of Chapter 81 of Laws 2016 to acquire land for and to plan, design and construct the Villa View detention ponds facility in Farmington in San Juan county is extended through fiscal year 2022.

Chapter 82 Section 73 Laws 2020

SECTION 73. NAGEEZI CHAPTER KINNADIZ AND PILLOW CREST POWERLINE CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 33 of Section 20 of Chapter 81 of Laws 2016 to construct the Kinnadiz and Pillow Crest electrical powerline extension project in the Nageezi chapter of the Navajo Nation in San Juan county is extended through fiscal year 2022.

Chapter 82 Section 74 Laws 2020

SECTION 74. SHIPROCK CHAPTER WASTEWATER SYSTEM CONSTRUCTION AND EXTENSION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project in Subsection 59 of Section 18 of Chapter 81 of Laws 2016 to acquire rights of way and easements and to plan, design and construct a wastewater system and extension south of Shiprock in the Navajo Nation in San Juan county is extended through fiscal year 2022.

Chapter 82 Section 75 Laws 2020

SECTION 75. TWO GREY HILLS CHAPTER VETERANS' MEMORIAL PARK CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 38 of Section 20 of Chapter 81 of Laws 2016 to plan, design, construct and equip a veterans' memorial park and modular facility, including fencing, in the Two Grey Hills chapter of the Navajo Nation in San Juan county is extended through fiscal year 2022.

Chapter 82 Section 76 Laws 2020

SECTION 76. NEW MEXICO BEHAVIORAL HEALTH INSTITUTE NEW MEADOWS BUILDING PHASE 3 IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the capital program fund project in Subsection 8 of Section 7 of Chapter 81 of Laws 2016 to plan, design, construct, furnish and equip phase 3 of the new Meadows building and for infrastructure improvements at the New Mexico behavioral health institute in Las Vegas in San Miguel county is extended through fiscal year 2021.

Chapter 82 Section 77 Laws 2020

SECTION 77. VILLANUEVA DAVID F. CARGO LIBRARY ROOF IMPROVEMENT--CHANGE TO MULTI-USE FACILITY PLANNING--CHANGE AGENCY--GENERAL FUND.--The unexpended balance of the appropriation to the cultural affairs department in Subsection 11 of Section 9 of Chapter 277 of Laws 2019 to plan, design, construct, furnish and equip improvements, including the roof, to the David F. Cargo library in Villanueva in San Miguel county shall not be expended for the original purpose but is appropriated to the economic development department for planning an economic development project to plan, develop, repair, construct and improve an existing library and community center in Villanueva to create a multi-use facility to include library, educational, retail and traditional cultural activities and community programs.

Chapter 82 Section 78 Laws 2020

SECTION 78. CORONADO HISTORIC SITE RUINS FOOTPRINT CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the cultural affairs department project in Subsection 8 of Section 8 of Chapter 81 of Laws 2016 to plan, design and construct the ruins footprint at the Coronado historic site in Sandoval county is extended through fiscal year 2022.

Chapter 82 Section 79 Laws 2020

SECTION 79. PASEO DEL VOLCAN RIGHTS OF WAY ACQUISITION FROM UNSER BOULEVARD TO THE BERNALILLO-SANDOVAL COUNTY LINE--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 61 of Section 24 of Chapter 81 of Laws 2016 to purchase rights of way for paseo del Volcan from Unser boulevard to the Bernalillo-Sandoval county line is extended through fiscal year 2022.

Chapter 82 Section 80 Laws 2020

SECTION 80. COCHITI PUEBLO EARLY CHILDHOOD DEVELOPMENT FACILITY CONSTRUCTION--CHANGE TO MULTIPURPOSE BUILDING CONSTRUCTION--GENERAL FUND.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 99 of Section 31 of Chapter 277 of Laws 2019 to plan, design, construct, purchase, equip, install and furnish an early childhood development facility, including safety doors, playground equipment, site improvements and fencing, for the Pueblo of Cochiti in Sandoval county shall not be expended for the original purpose but is changed to plan, design, construct, renovate, furnish and equip a multipurpose building for that pueblo.

Chapter 82 Section 81 Laws 2020

SECTION 81. JEMEZ PUEBLO ADOBE PRODUCTION BUILDING CONSTRUCTION--CHANGE TO POWER AND WATER LINE CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 40 of Section 20 of Chapter 81 of Laws 2016 to plan, design and construct a metal building, including a concrete pad, for adobe production in the Pueblo of Jemez in Sandoval county shall not be expended for the original purpose but is changed to plan, design and construct power and water lines in the Pueblo of Jemez. The time of expenditure is extended through fiscal year 2022.

Chapter 82 Section 82 Laws 2020

SECTION 82. JEMEZ PUEBLO WALATOWA CHILD CARE CENTER ROOF AND STUCCO REPAIR--CHANGE TO JEMEZ PUEBLO WELCOME CENTER

REPAIR--GENERAL FUND.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 105 of Section 31 of Chapter 277 of Laws 2019 to plan, design, construct, repair and replace the stucco and roof of the Walatowa child care center in the Pueblo of Jemez in Sandoval county shall not be expended for the original purpose but is changed to repair and replace roofing, stucco and structural damage at the welcome center at that pueblo.

Chapter 82 Section 83 Laws 2020

SECTION 83. JEMEZ SPRINGS GEOTHERMAL HEATING SYSTEM PLANNING AND DESIGN--EXPAND PURPOSE--EXTEND TIME--SEVERANCE TAX BONDS.--The local government division project in Subsection 181 of Section 22 of Chapter 81 of Laws 2016 to plan and design a geothermal heating system for village facilities in Jemez Springs in Sandoval county may include construction. The time of expenditure is extended through fiscal year 2022.

Chapter 82 Section 84 Laws 2020

SECTION 84. LINCOLN AVENUE ACQUISITION OF RIGHTS OF WAY AND CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 62 of Section 24 of Chapter 81 of Laws 2016 to acquire rights of way for and to plan, design and construct a Lincoln avenue extension from Adams lane to paseo del Volcan in Rio Rancho in Sandoval county is extended through fiscal year 2022.

Chapter 82 Section 85 Laws 2020

SECTION 85. SAN FELIPE PUEBLO RIO GRANDE SOUTH BRIDGE DESIGN--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project originally authorized in Subsection 74 of Section 25 of Chapter 66 of Laws 2014 and reauthorized in Laws 2018, Chapter 68, Section 111 to design a south bridge over the Rio Grande in the Pueblo of San Felipe in Sandoval county is extended through fiscal year 2022.

Chapter 82 Section 86 Laws 2020

SECTION 86. SANDIA PUEBLO SOLID WASTE TRANSFER STATION CONSTRUCT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project in Subsection 71 of Section 18 of Chapter 81 of Laws 2016 to plan, design and construct a solid waste transfer station for the Pueblo of Sandia in Sandoval county is extended through fiscal year 2022.

Chapter 82 Section 87 Laws 2020

SECTION 87. ZIA PUEBLO CHILDHOOD DEVELOPMENT CENTER PLANNING AND DESIGN--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 46 of Section 20 of Chapter 81 of Laws 2016 to plan and design phase 1 of a childhood development center for the Pueblo of Zia in Sandoval county is extended through fiscal year 2022.

Chapter 82 Section 88 Laws 2020

SECTION 88. ACEQUIA DEL MOLINO IMPROVEMENT--EXPAND PURPOSE--GENERAL FUND.--The interstate stream commission project in Subsection 57 of Section 33 of Chapter 277 of Laws 2019 to plan and design a diversion structure for the acequia del Molino in Santa Fe county may include planning, designing and constructing improvements to that acequia.

Chapter 82 Section 89 Laws 2020

SECTION 89. EL GUICU COMMUNITY DITCH IMPROVEMENT--EXPAND PURPOSE--GENERAL FUND.--The interstate stream commission project in Subsection 58 of Section 33 of Chapter 277 of Laws 2019 to plan, design, construct, purchase, equip and make improvements, including watershed restoration and fire protection, to El Guicu community ditch in Santa Fe county may include purchasing materials and remediation for that ditch.

Chapter 82 Section 90 Laws 2020

SECTION 90. LOS PINOS ROAD WATER CROSSING IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of transportation project in Subsection 65 of Section 24 of Chapter 81 of Laws 2016 to plan, design and construct improvements to the water crossing at Los Pinos road, also known as county road 54, and arroyo Hondo in La Cienega in Santa Fe county is extended through fiscal year 2022.

Chapter 82 Section 91 Laws 2020

SECTION 91. SANTA FE COUNTY CHIMAYO FIRE STATION ADDITION CONSTRUCTION--EXPAND PURPOSE--EXTEND TIME--SEVERANCE TAX BONDS.-
-The local government division project in Subsection 190 of Section 22 of Chapter 81 of Laws 2016 to plan, design, construct and equip an addition to the Chimayo fire station in Chimayo in Santa Fe county may include planning, designing and constructing bank stabilization and site improvements. The time of expenditure is extended through fiscal year 2022.

Chapter 82 Section 92 Laws 2020

SECTION 92. SANTA FE COUNTY MADRID FIRE STATION CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 195 of Section 22 of Chapter 81 of Laws 2016 to plan, design, construct and equip improvements to the fire station in Madrid in Santa Fe county is extended through fiscal year 2022.

Chapter 82 Section 93 Laws 2020

~~[SECTION 93. NAMBE PUEBLO ADMINISTRATION BUILDING CONSTRUCT--EXPAND PURPOSE--GENERAL FUND.--The Indian affairs department project in Subsection 122 of Section 31 of Chapter 277 of Laws 2019 to plan, design and construct an administration building at the Pueblo of Nambe in Santa Fe county may include up to four hundred ninety-five thousand dollars (\$495,000) for facilities for the Nambe Pueblo economic development cooperative.]~~ *LINE-ITEM VETO*

Chapter 82 Section 94 Laws 2020

SECTION 94. PALACE OF THE GOVERNORS STATE HISTORY MUSEUM FACILITY, EXHIBITS AND SITE IMPROVEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the cultural affairs department project in Subsection 12 of Section 8 of Chapter 81 of Laws 2016 to plan, design, construct, renovate, furnish, equip and improve the palace of the governors state history museum facility, exhibits and site in Santa Fe in Santa Fe county is extended through fiscal year 2022.

Chapter 82 Section 95 Laws 2020

SECTION 95. SPACEPORT AMERICA CONSTRUCTION OF SATELLITE DEVELOPMENT HANGAR--CHANGE TO MASTER PLANNING AND CONSTRUCTION OF A PAYLOAD PROCESSING CENTER, INFORMATION TECHNOLOGY BUILDING AND VISITOR ACCESS CONTROL FACILITY--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the spaceport authority originally authorized in Subsection 54 of Section 5 of Chapter 73 of Laws 2018 and reauthorized in Subsection 64 of Section 5 of Chapter 271 of Laws 2019 for the planning and construction of an aerospace satellite testing and development hangar at spaceport America in Sierra county shall not be expended for the original or reauthorized purpose but is changed for master planning and to plan, design, construct and equip a payload processing center, an information technology building and a visitor access control facility at spaceport America. The time of expenditure is extended through fiscal year 2023.

Chapter 82 Section 96 Laws 2020

SECTION 96. NEW MEXICO VETERANS' HOME IMPROVE WALKWAYS AND PARKING AREAS--CHANGE TO PLAN, DESIGN, CONSTRUCT, RENOVATE, EQUIP AND FURNISH FACILITIES--CHANGE AGENCY--GENERAL FUND.--The unexpended balance of the appropriation to the veterans' services department in Subsection 2 of Section 50 of Chapter 277 of Laws 2019 to plan, design and construct improvements, including walkways and parking areas, at the New Mexico state veterans' home in Truth or Consequences in Sierra county shall not be expended for the original purpose but is appropriated to the capital program fund to plan, design, construct, renovate, equip and furnish facilities at the state veterans' home.

Chapter 82 Section 97 Laws 2020

SECTION 97. NEW MEXICO STATE VETERANS' HOME SURVEILLANCE SYSTEM IMPROVEMENTS--CHANGE AGENCY--GENERAL FUND.--The unexpended balance of the appropriation to the veterans' services department in Subsection 1 of Section 50 of Chapter 277 of Laws 2019 to plan, design, construct and equip improvements to the surveillance system at the New Mexico state veterans' home in Truth or Consequences in Sierra county is appropriated to the capital program fund for that purpose.

Chapter 82 Section 98 Laws 2020

SECTION 98. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT HAZARD MITIGATION PROJECTS--EXTEND TIME--SECURITIES ENFORCEMENT AND INVESTOR EDUCATION FUND.--The time of expenditure for the homeland security and emergency management department project originally authorized in Laws 2015 (1st S.S.), Chapter 3, Section 80 and reauthorized in Laws 2019, Chapter 280, Section 100 for natural hazard mitigation community projects statewide is extended through fiscal year 2021.

Chapter 82 Section 99 Laws 2020

SECTION 99. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT HAZARD MITIGATION STATEWIDE--EXTEND TIME--WATER PROJECT FUND.--The time of expenditure for the homeland security and emergency management department project in Laws 2016, Chapter 81, Section 45 for natural hazard mitigation community projects statewide and to match federal emergency management agency funds is extended through fiscal year 2021.

Chapter 82 Section 100 Laws 2020

SECTION 100. SAN ACACIA REACH LEVEE CONSTRUCTION--EXPAND PURPOSE--EXTEND TIME--WATER PROJECT FUND.--The office of the state

engineer project in Laws 2016, Chapter 81, Section 46 to plan, design and construct an engineered levee in the San Acacia reach in Socorro county may include planning, design and construction of an engineered levee in the Bernalillo to Belen reach in Bernalillo and Valencia counties. The time of expenditure is extended through fiscal year 2025.

Chapter 82 Section 101 Laws 2020

SECTION 101. CORRECTIONS DEPARTMENT OFFENDER MANAGEMENT INFORMATION SYSTEM PURCHASE--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the corrections department project in Subsection B of Section 3 of Chapter 5 of Laws 2016 (2nd S.S.) to purchase and implement a commercial off-the-shelf offender management information system is extended through fiscal year 2021.

Chapter 82 Section 102 Laws 2020

SECTION 102. CHILDREN, YOUTH AND FAMILIES DEPARTMENT YOUTH DIAGNOSTIC AND DEVELOPMENT CENTER MULTIPURPOSE CENTER CONSTRUCTION--EXPAND PURPOSE--EXTEND TIME--SEVERANCE TAX BONDS.-The capital program fund project originally authorized in Subsection 4 of Section 7 of Chapter 81 of Laws 2016 to plan, design, construct, purchase and improve the Manzano and Sandia cottages at the youth diagnostic and development center in Albuquerque in Bernalillo county may include planning, design, construction, renovation, equipping and furnishing facilities for the children, youth and families department statewide. The time of expenditure is extended through fiscal year 2021.

Chapter 82 Section 103 Laws 2020

SECTION 103. CHILDREN, YOUTH AND FAMILIES DEPARTMENT YOUTH DIAGNOSTIC AND DEVELOPMENT CENTER MULTIPURPOSE CENTER CONSTRUCTION--EXPAND PURPOSE--EXTEND TIME--SEVERANCE TAX BONDS.-The capital program fund project originally authorized in Subsection 3 of Section 7 of Chapter 81 of Laws 2016 to plan, design, purchase and install security and code compliance improvements and to convert the existing swimming pool into a multi-use facility at the youth diagnostic and development center in Albuquerque in Bernalillo county may include planning, designing, constructing, renovating, equipping and furnishing children, youth and families department facilities statewide. The time of expenditure is extended through fiscal year 2021.

Chapter 82 Section 104 Laws 2020

SECTION 104. DOE RIVER STEWARDSHIP PROGRAM IMPROVEMENTS STATEWIDE--EXTEND TIME--WATER PROJECT FUND.--The time of expenditure for the department of environment project in Laws 2016, Chapter 81, Section 44 to plan,

design and construct projects to improve surface water quality and river habitat statewide is extended through fiscal year 2022.

Chapter 82 Section 105 Laws 2020

SECTION 105. DEPARTMENT OF HEALTH FACILITIES AND INFRASTRUCTURE IMPROVEMENTS--EXPAND PURPOSE--GENERAL FUND.--The capital program fund project in Subsection 17 of Section 7 of Chapter 277 of Laws 2019 to plan, design, construct, improve, renovate, repair, remediate, furnish, equip, purchase and install equipment and for infrastructure upgrades at department of health facilities statewide may include the purchase of mobile health vans.

Chapter 82 Section 106 Laws 2020

SECTION 106. DEPARTMENT OF PUBLIC SAFETY TEXICO PORT OF ENTRY RELOCATION--EXPAND PURPOSE--EXTEND TIME--SEVERANCE TAX BONDS.--The capital program fund project in Subsection 12 of Section 7 of Chapter 81 of Laws 2016 to purchase easements and to plan, design, construct, equip and furnish the relocation of the Texico port of entry in Texico in Curry county may include planning, designing, constructing, renovating, equipping and furnishing department of public safety facilities statewide. The time of expenditure is extended through fiscal year 2021.

Chapter 82 Section 107 Laws 2020

SECTION 107. DEPARTMENT OF PUBLIC SAFETY STATE POLICE ROSWELL DISTRICT OFFICE CONSTRUCTION--EXPAND PURPOSE--EXTEND TIME--SEVERANCE TAX BONDS.--The capital program fund project in Subsection 5 of Section 7 of Chapter 81 of Laws 2016 to plan, design, construct, renovate, furnish and equip the state police district office in Roswell in Chaves county may include planning, designing, constructing, renovating, equipping and furnishing department of public safety facilities statewide. The time of expenditure is extended through fiscal year 2021.

Chapter 82 Section 108 Laws 2020

SECTION 108. LOCAL ECONOMIC DEVELOPMENT ACT PROJECTS STATEWIDE--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the economic development department project in Subsection D of Section 3 of Chapter 5 of Laws 2016 (2nd S.S.) for local economic development projects statewide pursuant to the Local Economic Development Act is extended through fiscal year 2021.

Chapter 82 Section 109 Laws 2020

SECTION 109. LOCAL ECONOMIC DEVELOPMENT ACT PROJECTS STATEWIDE--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the economic development department project in Subsection 2 of Section 13 of

Chapter 81 of Laws 2016 for economic development projects statewide pursuant to the Local Economic Development Act is extended through fiscal year 2021.

Chapter 82 Section 110 Laws 2020

SECTION 110. VIETNAM VETERANS MEMORIAL IMPROVEMENTS--EXPAND PURPOSE--EXTEND TIME--SEVERANCE TAX BONDS.--The state parks division of the energy, minerals and natural resources department project originally authorized in Subsection 1 of Section 16 of Chapter 81 of Laws 2016 and appropriated to the capital program fund for the Vietnam veterans memorial in Colfax county in Laws 2018, Chapter 68, Section 40 may include planning, designing, constructing, renovating, equipping and furnishing veterans services facilities statewide. The time of expenditure is extended through fiscal year 2021.

Chapter 82 Section 111 Laws 2020

SECTION 111. WATERSHED RESTORATION AND WILDFIRE PROTECTION--EXTEND TIME--WATER PROJECT FUND.--The time of expenditure for the energy, minerals and natural resources department project in Laws 2016, Chapter 81, Section 43 to plan, design and construct watershed restoration improvements, including forest thinning, statewide is extended through fiscal year 2021.

Chapter 82 Section 112 Laws 2020

SECTION 112. NEW MEXICO ACEQUIA COMMISSION STATEWIDE IMPROVEMENT CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the interstate stream commission project in Subsection 21 of Section 21 of Chapter 81 of Laws 2016 to plan, design and construct improvements to acequias statewide for the New Mexico acequia commission is extended through fiscal year 2022.

Chapter 82 Section 113 Laws 2020

SECTION 113. ACEQUIAS DE CHAMISAL Y OJITO MINI-EXCAVATOR PURCHASE--EXPAND PURPOSE--EXTEND TIME--GENERAL FUND.--The interstate stream commission project in Subsection 68 of Section 33 of Chapter 277 of Laws 2019 to purchase a mini-excavator for the acequias de Chamisal y Ojito in Taos county may include purchasing and equipping a flatbed trailer, a portable garage, tools and equipment necessary to secure a mini-excavator to a trailer and planning, designing and constructing a diversion structure for those acequias. The time of expenditure is extended through fiscal year 2022.

Chapter 82 Section 114 Laws 2020

SECTION 114. CAMINO DEL MEDIO REPAIRS AND IMPROVEMENT--CHANGE TO IMPROVE AND REPAIR BLUEBERRY HILL ROAD--SEVERANCE TAX BONDS.--The unexpended balance of the department of transportation project in Subsection 67 of Section 32 of Chapter 80 of Laws 2018 to acquire rights of way and to plan, design, construct and make repairs, including drainage improvements, to camino del Medio in Taos county shall not be expended for the original purpose but is changed to acquire rights of way and to plan, design, construct and make repairs, including drainage improvements, to Blueberry Hill road in Taos county.

Chapter 82 Section 115 Laws 2020

SECTION 115. AMALIA COMMUNITY CENTER PLANNING, DESIGN AND CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 209 of Section 22 of Chapter 81 of Laws 2016 to plan, design and construct a community center in Amalia in Taos county is extended through fiscal year 2022.

Chapter 82 Section 116 Laws 2020

SECTION 116. CERRO REGIONAL MUTUAL DOMESTIC WATER CONSUMERS AND SEWAGE WORKS ASSOCIATION WATER SYSTEM IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project in Subsection 82 of Section 18 of Chapter 81 of Laws 2016 to plan, design and construct water system improvements for the Cerro regional mutual domestic water consumers and sewage works association in Cerro in Taos county is extended through fiscal year 2022.

Chapter 82 Section 117 Laws 2020

SECTION 117. TAOS OLD COUNTY COURTHOUSE CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project in Subsection 213 of Section 22 of Chapter 81 of Laws 2016 to plan, design, construct, renovate, equip and furnish the old county courthouse in Taos in Taos county is extended through fiscal year 2022.

Chapter 82 Section 118 Laws 2020

SECTION 118. LA MERCED DEL MANZANO COMMUNITY CENTER CONSTRUCTION--EXPAND PURPOSE--GENERAL FUND.--The local government division project in Subsection 436 of Section 34 of Chapter 277 of Laws 2019 to plan, design, construct, furnish and equip a multipurpose community center for La Merced del Manzano land grant-merced in Torrance county may include acquisition of land and buildings, renovations and repairs.

Chapter 82 Section 119 Laws 2020

SECTION 119. PUNTA DE AGUA MUTUAL DOMESTIC CONSUMERS' ASSOCIATION MULTIPURPOSE CENTER CONSTRUCTION, FURNITURE AND EQUIPMENT--EXPAND PURPOSE--GENERAL FUND.--The local government division project in Subsection 437 of Section 34 of Chapter 277 of Laws 2019 to plan, design, construct, furnish and equip a multipurpose center for the Punta de Agua mutual domestic consumers' association in Torrance county may include acquiring land and buildings, water system infrastructure improvements and the purchase of heavy equipment for the association.

Chapter 82 Section 120 Laws 2020

SECTION 120. TORREON COMMUNITY CENTER AND LIBRARY IMPROVEMENT--CHANGE TO TORREON MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION WATER SYSTEM CONSTRUCTION--CHANGE AGENCY--SEVERANCE TAX BONDS.--The unexpended balance of the local government division project in Subsection 184 of Section 26 of Chapter 80 of Laws 2018 to construct interior and exterior improvements and renovations and to purchase and install kitchen equipment, office equipment, fixtures, books and information technology at the Torreon community center and library in Torreon in Torrance county shall not be expended for the original purpose but is appropriated to the department of environment to plan, design and construct a well and water system improvements for the Torreon mutual domestic water consumers association in Torrance county.

Chapter 82 Section 121 Laws 2020

SECTION 121. WILLARD WELL AND WATER SYSTEM IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project in Subsection 90 of Section 18 of Chapter 81 of Laws 2016 to plan, design and construct water system improvements, including a well, in Willard in Torrance county is extended through fiscal year 2022.

Chapter 82 Section 122 Laws 2020

SECTION 122. CLAYTON TOWN HALL RENOVATIONS AND ROOF REPLACEMENT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the local government division project originally authorized in Subsection 217 of Section 22 of Chapter 66 of Laws 2014 to plan, design and construct renovations and roof replacement at the town hall in Clayton in Union county and reauthorized in Laws 2018, Chapter 68, Section 145 is extended through fiscal year 2022.

Chapter 82 Section 123 Laws 2020

SECTION 123. TOWN OF TOME LAND GRANT ABANDONED REAL PROPERTY PURCHASE--EXPAND PURPOSE--GENERAL FUND.--The local government division project in Subsection 460 of Section 34 of Chapter 277 of Laws 2019 to purchase abandoned real property sold by the taxation and revenue department pursuant to Section 7-38-67.1 NMSA 1978 that falls within the traditional land grant boundaries for the town of Tome land grant-merced in Valencia county may include the purchase of the historic jail and surrounding properties within the traditional land grant boundaries of the town of Tome land grant-merced.

Chapter 82 Section 124 Laws 2020

SECTION 124. SPACEPORT TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the spaceport authority project originally authorized in Subsection C of Section 76 of Chapter 92 of Laws 2008 and for which the time of expenditure was extended in Laws 2012, Chapter 63, Section 62 and again in Laws 2014, Chapter 64, Section 37 and again in Laws 2016, Chapter 83, Section 69 and again in Laws 2018, Chapter 68, Section 83 and again in Laws 2019, Chapter 280, Section 68 to acquire rights of way, plan, design and construct drainage and paving improvements and transportation infrastructure improvements in Sierra county and Dona Ana county related to the spaceport is extended through fiscal year 2021.

Chapter 82 Section 125 Laws 2020

SECTION 125. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

LAWS 2020, CHAPTER 83

**H AFC/House Bills 2 and 3, aa, w/cc, partial veto
Approved March 11, 2020**

AN ACT

MAKING GENERAL APPROPRIATIONS AND AUTHORIZING EXPENDITURES BY STATE AGENCIES REQUIRED BY LAW.

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

Chapter 83 Section 1 Laws 2020

Section 1. SHORT TITLE.--This act may be cited as the "General Appropriation Act of 2020".

Chapter 83 Section 2 Laws 2020

Section 2. DEFINITIONS.--As used in the General Appropriation Act of 2020:

A. "agency" means an office, department, agency, institution, board, bureau, commission, court, district attorney, council or committee of state government;

B. "efficiency" means the measure of the degree to which services are efficient and productive and is often expressed in terms of dollars or time per unit of output;

C. "explanatory" means information that can help users to understand reported performance measures and to evaluate the significance of underlying factors that may have affected the reported information;

D. "federal funds" means any payments by the United States government to state government or agencies except those payments made in accordance with the federal Mineral Leasing Act;

E. "full-time equivalent" means one or more authorized positions that alone or together receives or receive compensation for not more than two thousand eighty-eight hours worked in fiscal year 2021. The calculation of hours worked includes compensated absences but does not include overtime, compensatory time or sick leave paid pursuant to Section 10-7-10 NMSA 1978;

F. "general fund" means that fund created by Section 6-4-2 NMSA 1978 and includes federal Mineral Leasing Act receipts and those payments made in accordance with the federal block grant and the federal Workforce Investment Act but excludes the general fund operating reserve, the appropriation contingency fund, the tax stabilization reserve and any other fund, reserve or account from which general appropriations are restricted by law;

G. "interagency transfers" means revenue, other than internal service funds, legally transferred from one agency to another;

H. "internal service funds" means:

(1) revenue transferred to an agency for the financing of goods or services to another agency on a cost-reimbursement basis; and

(2) balances in agency internal service fund accounts appropriated by the General Appropriation Act of 2020;

I. "other state funds" means:

(1) nonreverting balances in agency accounts, other than in internal service funds accounts, appropriated by the General Appropriation Act of 2020;

(2) all revenue available to agencies from sources other than the general fund, internal service funds, interagency transfers and federal funds; and

(3) all revenue, the use of which is restricted by statute or agreement;

J. "outcome" means the measure of the actual impact or public benefit of a program;

K. "output" means the measure of the volume of work completed or the level of actual services or products delivered by a program;

L. "performance measure" means a quantitative or qualitative indicator used to assess a program;

M. "quality" means the measure of the quality of a good or service produced and is often an indicator of the timeliness, reliability or safety of services or products produced by a program;

N. "revenue" means all money received by an agency from sources external to that agency, net of refunds and other correcting transactions, other than from issue of debt, liquidation of investments or as agent or trustee for other governmental entities or private persons; and

O. "target" means the expected level of performance of a program's performance measures.

Chapter 83 Section 3 Laws 2020

Section 3. GENERAL PROVISIONS.--

A. Amounts set out under column headings are expressed in thousands of dollars.

B. Amounts set out under column headings are appropriated from the source indicated by the column heading. All amounts set out under the column heading "Internal Service Funds/Interagency Transfers" are intergovernmental transfers and do not represent a portion of total state government appropriations. All information designated as "Total" or "Subtotal" is provided for information and amounts are not appropriations.

C. Amounts set out in Section 4 of the General Appropriation Act of 2020, or so much as may be necessary, are appropriated from the indicated source for expenditure in fiscal year 2021 for the objects expressed.

Item	General	Other	Intrnl Svc	Funds/Inter-	Federal	Total/Target
	Fund	State	Funds	Agency Trnsf	Funds	

D. Unexpended balances in agency accounts remaining at the end of fiscal year 2020 shall revert to the general fund by October 1, 2020 unless otherwise indicated in the General Appropriation Act of 2020 or otherwise provided by law.

E. Unexpended balances in agency accounts remaining at the end of fiscal year 2021 shall revert to the general fund by October 1, 2021 unless otherwise indicated in the General Appropriation Act of 2020 or otherwise provided by law.

F. The state budget division shall monitor revenue received by agencies from sources other than the general fund and shall reduce the operating budget of any agency whose revenue from such sources is not meeting projections. The state budget division shall notify the legislative finance committee of any operating budget reduced pursuant to this subsection.

G. Except as otherwise specifically stated in the General Appropriation Act of 2020, appropriations are made in this act for the expenditures of agencies and for other purposes as required by existing law for fiscal year 2021. If any other act of the second session of the fifty-fourth legislature changes existing law with regard to the name or responsibilities of an agency or the name or purpose of a fund or distribution, the appropriation made in the General Appropriation Act of 2020 shall

Item	General	Other	Intrnl Svc	Funds/Inter-	Federal	Total/Target
	Fund	Funds		Agency Trnsf	Funds	

be transferred from the agency, fund or distribution to which an appropriation has been made as required by existing law to the appropriate agency, fund or distribution provided by the new law.

H. The department of finance and administration will regularly consult with the legislative finance committee staff to compare fiscal year 2021 revenue collections with the revenue estimate. If the analyses indicate that revenues and transfers to the general fund are not expected to meet appropriations, then the department shall present a plan to the legislative finance committee that outlines the methods by which the administration proposes to address the deficit.

I. Pursuant to Sections 6-3-23 through 6-3-25 NMSA 1978, agencies whose revenue from state board of finance loans, from revenue appropriated by other acts of the legislature, or from gifts, grants, donations, bequests, insurance settlements, refunds or payments into revolving funds exceeds specifically appropriated amounts may request budget increases from the state budget division. If approved by the state budget division, such money is appropriated.

J. Except for gasoline credit cards used solely for operation of official vehicles, telephone credit cards used solely for official business and procurement cards used as authorized by Section 6-5-9.1 NMSA 1978, none of the appropriations contained in the General Appropriation Act of 2020 may be expended for payment of agency-issued credit card invoices.

K. For the purpose of administering the General Appropriation Act of 2020, the state of New Mexico shall follow the modified accrual basis of accounting for governmental funds in accordance with the manual of model accounting practices issued by the department of finance and administration.

Chapter 83 Section 4 Laws 2020

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Section 4. FISCAL YEAR 2021 APPROPRIATIONS.--

A. LEGISLATIVE

LEGISLATIVE COUNCIL SERVICE:

Legislative building services:

Appropriations:

(a) Personal services and employee benefits	3,270.0				3,270.0
(b) Contractual services	153.5				153.5
(c) Other	1,053.9				1,053.9

Subtotal			4,477.4
TOTAL LEGISLATIVE	4,477.4		4,477.4

B. JUDICIAL

NEW MEXICO COMPILATION COMMISSION:

The purpose of the New Mexico compilation commission is to publish in print and electronic format, distribute and sell (1) laws enacted by the legislature, (2) opinions of the supreme court and court of appeals, (3) rules approved by the supreme court, (4) attorney general opinions and (5) other state and federal rules and opinions. The commission ensures the accuracy and reliability of its publications.

Appropriations:

(a) Operations	552.0	616.0	400.0	1,568.0
Subtotal				1,568.0

JUDICIAL STANDARDS COMMISSION:

The purpose of the judicial standards commission program is to provide a public review process addressing complaints involving judicial misconduct to preserve the integrity and impartiality of the judicial process.

Appropriations:

(a) Operations	912.7		912.7
Subtotal			912.7

COURT OF APPEALS:

The purpose of the court of appeals program is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	6,824.7	1.0	6,825.7
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Performance measures:

(a) Output:	Number of cases disposed as a percent of cases filed	100%
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Subtotal

6,825.7

SUPREME COURT:

The purpose of the supreme court program is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	6,509.7	1.5	6,511.2
Subtotal			6,511.2

ADMINISTRATIVE OFFICE OF THE COURTS:

(1) Administrative support:

The purpose of the administrative support program is to provide administrative support to the chief justice, all judicial branch units and the administrative office of the courts so that they can effectively administer the New Mexico court system.

Appropriations:

(a) Personal services and employee benefits	5,892.0				5,892.0
(b) Contractual services	1,688.7				1,688.7
(c) Other	3,208.9	2,788.5	313.6	2,330.6	8,641.6

The other state funds appropriation to the administrative office of the courts includes five hundred thousand dollars (\$500,000) from the consumer settlement fund of the office of the attorney general for lease costs for the administrative office of the courts.

Performance measures:

(a) Efficiency:	Average cost per juror	\$55
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(2) Statewide judiciary automation:

The purpose of the statewide judicial automation program is to provide development, enhancement, maintenance and support for core court automation and usage skills for appellate, district, magistrate and municipal courts and ancillary judicial agencies.

Appropriations:

(a) Personal services and employee benefits	4,489.5	2,353.9	6,843.4
(b) Contractual services		907.5	907.5
(c) Other	700.0	2,021.8	2,721.8

(3) Magistrate court:

The purpose of the magistrate court and warrant enforcement program is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status in order to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Personal services and employee benefits	980.0	2,686.9	3,666.9
(b) Contractual services	364.0	156.2	520.2
(c) Other	9,297.6	840.8	10,138.4

(4) Special court services:

The purpose of the special court services program is to provide court advocates, legal counsel and safe exchanges for children and families; to provide judges pro tem; and to adjudicate water rights disputes so the constitutional rights and safety of citizens, especially children and families, are protected.

Appropriations:

(a) Pre-trial services	950.5		950.5
(b) Court-appointed special advocate	1,456.7		1,456.7
(c) Supervised visitation	916.3		916.3
(d) Water rights	220.5	423.0	643.5
(e) Court-appointed attorneys	6,904.2		6,904.2
(f) Children's mediation	381.9		381.9
(g) Judges pro tem	50.3		50.3
(h) Access to justice	129.7		129.7
(i) Statewide alternative dispute resolution	203.3		203.3
(j) Drug court	1,662.9	2,519.5	4,182.4

The general fund appropriation to the special court services program of the administrative office of the courts in the court-appointed special advocates category includes an additional fifty thousand dollars (\$50,000) for court-appointed special advocates in Lea county.

Performance measures:

(a) Outcome:	Statewide recidivism rate for drug-court participants	12%
Subtotal		56,839.3

DISTRICT COURTS:

(1) First judicial district:

The purpose of the first judicial district court program, statutorily created in Santa Fe, Rio Arriba, and Los Alamos counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	10,697.1	542.4	648.3	11,887.8
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The general fund appropriation to the first judicial district court includes three hundred sixteen thousand dollars (\$316,000) for an additional judgeship and associated costs contingent on enactment of Senate Bill 185 or similar legislation of the second session of the fifty-fourth legislature.

(2) Second judicial district:

The purpose of the second judicial district court program, statutorily created in Bernalillo county, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	26,787.9	3,508.5	1,257.3	565.5	32,119.2
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The general fund appropriation to the second judicial district court includes five hundred seventy-eight thousand dollars (\$578,000) for two additional judgeships and associated costs contingent on enactment of Senate Bill 185 or similar legislation of the second session of the fifty-fourth legislature.

The general fund appropriation to the second judicial district court includes three hundred thousand dollars (\$300,000) for the foreclosure settlement program.

(3) Third judicial district:

The purpose of the third judicial district court program, statutorily created in Dona Ana county, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	10,312.9	239.0	1,087.8	11,639.7
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The general fund appropriation to the third judicial district court includes three hundred twenty-nine thousand nine hundred dollars (\$329,900) for an additional judgeship and associated costs contingent on enactment of Senate Bill 185 or similar legislation of the second session of the fifty-fourth legislature.

(4) Fourth judicial district:

The purpose of the fourth judicial district court program, statutorily created in Mora, San Miguel and Guadalupe counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	3,983.8	48.3	259.2	4,291.3
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(5) Fifth judicial district:

The purpose of the fifth judicial district court program, statutorily created in Eddy, Chaves and Lea counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	10,818.1	281.2	567.2	11,666.5
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(6) Sixth judicial district:

The purpose of the sixth judicial district court program, statutorily created in Grant, Luna and Hidalgo counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	5,601.0	55.0	239.6	5,895.6
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(7) Seventh judicial district:

The purpose of the seventh judicial district court program, statutorily created in Torrance, Socorro, Catron and Sierra counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	4,159.5	35.0	466.7	4,661.2
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(8) Eighth judicial district:

The purpose of the eighth judicial district court program, statutorily created in Taos, Colfax and Union counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	4,756.6	139.7	177.9	5,074.2
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(9) Ninth judicial district:

The purpose of the ninth judicial district court program, statutorily created in Curry and Roosevelt counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	5,197.8	101.1	682.7	5,981.6
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(10) Tenth judicial district:

The purpose of the tenth judicial district court program, statutorily created in Quay, De Baca and Harding counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	1,851.7	5.0		1,856.7
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(11) Eleventh judicial district:

The purpose of the eleventh judicial district court program, statutorily created in San Juan and McKinley counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	10,805.9	209.0	712.6	11,727.5
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(12) Twelfth judicial district:

The purpose of the twelfth judicial district court program, statutorily created in Otero and Lincoln counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	5,309.5	137.0	125.4	5,571.9
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The general fund appropriation to the twelfth judicial district court includes one hundred twenty thousand nine hundred dollars (\$120,900) for an additional judgeship and associated costs contingent on enactment of Senate Bill 185 or similar legislation of the second session of the fifty-fourth legislature.

(13) Thirteenth judicial district:

The purpose of the thirteenth judicial district court program, statutorily created in Valencia, Sandoval and Cibola counties, is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	11,066.9	520.9	858.3	12,446.1
Subtotal				124,819.3

BERNALILLO COUNTY METROPOLITAN COURT:

The purpose of the Bernalillo county metropolitan court program is to provide access to justice, resolve disputes justly and timely and maintain accurate records of legal proceedings that affect rights and legal status to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Appropriations:

(a) Operations	25,891.6	2,552.9	541.0	674.8	29,660.3
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Performance measures:

(a) Output:	Number of cases disposed as a percent of cases filed	100%
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Subtotal		29,660.3
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DISTRICT ATTORNEYS:

(1) First judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Santa Fe, Rio Arriba and Los Alamos counties.

Appropriations:

(a) Personal services and employee benefits	5,885.0	183.7	120.1	6,188.8
(b) Contractual services	22.8			22.8
(c) Other	403.0			403.0

Performance measures:

(a) Explanatory: Percent of pretrial detention motions granted

(b) Explanatory: Number of pretrial detention motions made

(2) Second judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Bernalillo county.

Appropriations:

(a) Personal services and employee benefits	22,808.3	437.7	501.4	773.1	24,520.5
(b) Contractual services	694.9			138.4	833.3
(c) Other	1,903.4			137.3	2,040.7

Performance measures:

(a) Explanatory: Number of pretrial detention motions made

(b) Explanatory: Percent of pretrial detention motions granted

(3) Third judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Dona Ana county.

Appropriations:

(a) Personal services and employee benefits	5,323.8	202.7	698.3	6,224.8
(b) Contractual services	20.7			20.7
(c) Other	269.2			269.2

Performance measures:

(a) Explanatory: Percent of pretrial detention motions granted

(b) Explanatory: Number of pretrial detention motions made

(4) Fourth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Mora, San Miguel and Guadalupe counties.

Appropriations:

(a) Personal services and employee benefits	3,522.1		3,522.1
(b) Contractual services	29.3		29.3
(c) Other	158.4		158.4

Performance measures:

(a) Explanatory: Number of pretrial detention motions made

(b) Explanatory: Percent of pretrial detention motions granted

(5) Fifth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Eddy, Lea and Chaves counties.

Appropriations:

(a) Personal services and employee benefits	5,983.3	128.3	287.7	6,399.3
(b) Contractual services	25.6			25.6
(c) Other	239.4			239.4

Performance measures:

(a) Explanatory: Percent of pretrial detention motions granted

(b) Explanatory: Number of pretrial detention motions made

(6) Sixth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Grant, Hidalgo and Luna counties.

Appropriations:

(a) Personal services and employee benefits	3,197.4	113.1	93.6	3,404.1
(b) Contractual services	14.1			14.1
(c) Other	184.6			184.6

Performance measures:

(a) Explanatory: Percent of pretrial detention motions granted

(b) Explanatory: Number of pretrial detention motions made

(7) Seventh judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Catron, Sierra, Socorro and Torrance counties.

Appropriations:

(a) Personal services and employee benefits	2,806.0	2,806.0
(b) Contractual services	14.0	14.0
(c) Other	158.2	158.2

Performance measures:

- (a) Explanatory: Number of pretrial detention motions made
- (b) Explanatory: Percent of pretrial detention motions granted

(8) Eighth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Taos, Colfax and Union counties.

Appropriations:

(a) Personal services and employee benefits	3,185.3	3,185.3
(b) Contractual services	16.8	16.8
(c) Other	140.1	140.1

Performance measures:

(a) Explanatory: Number of pretrial detention motions made

(b) Explanatory: Percent of pretrial detention motions granted

(9) Ninth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Curry and Roosevelt counties.

Appropriations:

(a) Personal services and employee benefits	3,502.4	3,502.4
(b) Contractual services	14.7	14.7
(c) Other	164.2	164.2

Performance measures:

(a) Explanatory: Percent of pretrial detention motions granted

(b) Explanatory: Number of pretrial detention motions made

(10) Tenth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and

ensure the protection, safety, welfare and health of the citizens within Quay, Harding and De Baca counties.

Appropriations:

(a) Personal services and employee benefits	1,440.0			1,440.0
(b) Contractual services	20.0			20.0
(c) Other	169.0			169.0

Performance measures:

(a) Explanatory: Number of pretrial detention motions made

(b) Explanatory: Percent of pretrial detention motions granted

(11) Eleventh judicial district, division I:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within San Juan county.

Appropriations:

(a) Personal services and employee benefits	4,786.3	133.8	232.9	5,153.0
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(b) Contractual services	153.0			153.0
(c) Other	292.8	3.9	1.4	298.1

The general fund appropriations to the eleventh judicial district attorney, division I include seventy-five thousand dollars (\$75,000) for behavioral health programs in San Juan county.

Performance measures:

(a) Explanatory: Percent of pretrial detention motions granted

(b) Explanatory: Number of pretrial detention motions made

(12) Eleventh judicial district, division II:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within McKinley county.

Appropriations:

(a) Personal services and employee benefits	2,684.6	215.6		2,900.2
(b) Contractual services	105.9			105.9
(c) Other	145.5			145.5

(13) Twelfth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Lincoln and Otero counties.

Appropriations:

(a) Personal services and employee benefits	3,596.4	230.7	194.3	4,021.4
(b) Contractual services	50.0			50.0
(c) Other	227.3			227.3

Performance measures:

(a) Explanatory: Number of pretrial detention motions made

(b) Explanatory: Percent of pretrial detention motions granted

(14) Thirteenth judicial district:

The purpose of the prosecution program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Cibola, Sandoval and Valencia counties.

Appropriations:

(a) Personal services and employee benefits	5,557.2	180.0	5,737.2
(b) Contractual services	161.8	10.0	171.8
(c) Other	411.9	10.0	421.9

Performance measures:

(a) Explanatory: Number of pretrial detention motions made

(b) Explanatory: Percent of pretrial detention motions granted

Subtotal			85,516.7
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ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS:

(1) Administrative support:

The purpose of the administrative support program is to provide fiscal, human resource, staff development, automation, victim program services and support to all district attorneys' offices in New Mexico and to members of the New Mexico children's safe house network so that they may obtain and access the necessary resources to effectively and efficiently carry out their prosecutorial, investigative and programmatic functions.

Appropriations:

(a) Personal services and employee benefits	1,545.5	99.9	1,645.4
(b) Contractual services	280.4	16.9	297.3
(c) Other	715.2	137.7	852.9
Subtotal			2,795.6

PUBLIC DEFENDER DEPARTMENT:

(1) Criminal legal services:

The purpose of the criminal legal services program is to provide effective legal representation and advocacy for eligible clients so their liberty and constitutional rights are protected and to serve the community as a partner in assuring a fair and efficient criminal justice system that sustains New Mexico's statutory and constitutional mandate to adequately fund a statewide indigent defense system.

Appropriations:

(a) Personal services and employee benefits	37,451.7		37,451.7
(b) Contractual services	14,864.1	366.9	15,231.0
(c) Other	6,042.7	200.0	6,242.7

The public defender department shall not expend more than three million dollars (\$3,000,000) in hourly rates for contract attorneys. The public defender department shall report to the legislative finance committee on cost-containment efforts for contracted hourly rates and on standards of indigence and court appointments of public defenders.

The general fund appropriations to the criminal legal services program of the law offices of the public defender include two hundred thousand dollars (\$200,000) for rural attorney salary adjustments.

The general fund appropriations to the criminal legal services program of the law offices of the public defender include one hundred thousand dollars (\$100,000) for driving while intoxicated cases in McKinley county.

Subtotal					58,925.4
TOTAL JUDICIAL	332,924.7	22,846.8	12,354.7	6,248.0	374,374.2

C. GENERAL CONTROL

ATTORNEY GENERAL:

(1) Legal services:

The purpose of the legal services program is to deliver quality legal services, including opinions, counsel and representation to state government entities and to enforce state law on behalf of the public so New Mexicans have an open, honest, efficient government and enjoy the protection of state law.

Appropriations:

(a) Personal services and employee benefits	11,954.7	5,542.5	979.5	18,476.7
(b) Contractual services	655.6	314.5	25.6	995.7
(c) Other	1,811.3	868.9	355.5	3,035.7

The internal service funds/interagency transfers appropriations to the legal services program of the attorney general include six million nine hundred dollars (\$6,000,900) from the consumer settlement fund of the office of the attorney general.

The internal service fund/interagency transfers appropriations to the legal services program of the attorney general include seven hundred twenty-five thousand dollars (\$725,000) from the mortgage regulatory fund of the regulation and licensing department. Any unexpended balance from appropriations made from the mortgage regulatory fund shall revert to the mortgage regulatory fund.

(2) Medicaid fraud:

The purpose of the medicaid fraud program is to investigate and prosecute medicaid provider fraud, recipient abuse and neglect in the medicaid program.

Appropriations:

(a) Personal services and employee benefits	641.8	1,925.5	2,567.3
(b) Contractual services	22.5	67.5	90.0
(c) Other	135.8	407.4	543.2
Subtotal			25,708.6

STATE AUDITOR:

The purpose of the state auditor program is to audit the financial affairs of every agency annually so they can improve accountability and performance and to assure New Mexico citizens that funds are expended properly.

Appropriations:

(a) Personal services and employee benefits	3,206.0	209.2	3,415.2
(b) Contractual services	40.0	58.1	98.1
(c) Other	97.3	486.8	584.1
Subtotal			4,097.4

TAXATION AND REVENUE DEPARTMENT:

(1) Tax administration:

The purpose of the tax administration program is to provide registration and licensure requirements for tax programs and to ensure the administration, collection and compliance of state taxes and fees that provide funding for support services for the general public through appropriations.

Appropriations:

(a) Personal services and employee benefits	27,103.9	1,322.2	28,426.1
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(b) Contractual services		137.0	8.2	145.2
(c) Other	572.1	6,374.3	196.4	7,142.8

Performance measures:

(a) Outcome:	Collections as a percent of collectible outstanding balances from the end of the prior fiscal year	23%
(b) Outcome:	Collections as a percent of collectible audit assessments generated in the previous fiscal year	65%

(2) Motor vehicle:

The purpose of the motor vehicle program is to register, title and license vehicles, boats and motor vehicle dealers and to enforce operator compliance with the Motor Vehicle Code and federal regulations by conducting tests, investigations and audits.

Appropriations:

(a) Personal services and employee benefits	15,800.8	1,930.2	17,731.0
(b) Contractual services		9,687.7	9,687.7
(c) Other		7,958.2	7,958.2
(d) Other financing uses		6,166.4	6,166.4

The other state funds appropriations to the motor vehicle program of the taxation and revenue department include six million seventy-one thousand nine hundred dollars (\$6,071,900) from the weight distance tax identification permit fund for the modal program of the department of transportation and ninety-four

thousand five hundred dollars (\$94,500) from the weight distance tax identification permit fund for the law enforcement program of the department of public safety.

Performance measures:

(a) Outcome:	Percent of registered vehicles with liability insurance	93%
(b) Efficiency:	Average call center wait time to reach an agent, in minutes	<10:00
(c) Efficiency:	Average wait time in qmatic-equipped offices, in minutes	<20:00

(3) Property tax:

The purpose of the property tax program is to administer the Property Tax Code, to ensure the fair appraisal of property and to assess property taxes within the state.

Appropriations:

(a) Personal services and employee benefits	2,850.2	2,850.2
(b) Contractual services	668.0	668.0
(c) Other	762.5	762.5

Performance measures:

(a) Output:	Amount of delinquent property tax collected and distributed to counties, in millions	\$13
(b) Outcome:	Percent of total delinquent property taxes recovered	20%

(4) Compliance enforcement:

The purpose of the compliance enforcement program is to support the overall mission of the taxation and revenue department by enforcing criminal statutes relative to the New Mexico Tax Administration Act and other related financial crimes, as they impact New Mexico state taxes, to encourage and achieve voluntary compliance with state tax laws.

Appropriations:

(a) Personal services and employee benefits	1,406.2	1,406.2
(b) Contractual services	6.4	6.4
(c) Other	353.7	353.7

Performance measures:

(a) Outcome:	Percent of tax investigations referred to prosecutors of total investigations assigned during the year	85%
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(5) Program support:

The purpose of program support is to provide information system resources, human resource services, finance and accounting services, revenue forecasting and legal services to give agency personnel the resources needed to meet departmental objectives. For the general public, the program conducts hearings for resolving taxpayer protests and provides stakeholders with reliable information regarding the state's tax programs.

Appropriations:

(a) Personal services and employee benefits	14,920.5		14,920.5
(b) Contractual services	3,754.7	1,048.8	4,803.5
(c) Other	2,548.3		2,548.3

Performance measures:

(a) Outcome:	Number of tax protest cases resolved	1,525
Subtotal		105,576.7

STATE INVESTMENT COUNCIL:

(1) State investment:

The purpose of the state investment program is to provide investment management of the state's permanent funds for the citizens of New Mexico to maximize distributions to the state's operating budget while preserving the real value of the funds for future generations of New Mexicans.

Appropriations:

(a) Personal services and employee benefits	4,280.3	4,280.3
(b) Contractual services	53,249.4	53,249.4
(c) Other	683.2	683.2

Performance measures:

(a) Outcome:	Five-year annualized investment returns to exceed internal benchmarks, in basis points	>25
(b) Outcome:	Five-year annualized percentile performance ranking in endowment investment peer universe	<49

Subtotal		58,212.9
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ADMINISTRATIVE HEARINGS OFFICE:

(1) Administrative hearings:

The purpose of the administrative hearings program is to adjudicate tax-, property- and motor-vehicle-related administrative hearings in a fair, efficient and impartial manner independent of the executive agency that is party to the proceedings.

Appropriations:

(a) Personal services and employee benefits	1,532.4	165.0	50.0	1,747.4
(b) Contractual services	76.1			76.1

(c) Other 277.3 277.3

The other state funds appropriation to the administrative hearings office includes one hundred sixty-five thousand dollars (\$165,000) from the motor vehicle suspense fund.

The internal service funds/interagency transfers appropriation to the administrative hearings office includes fifty thousand dollars (\$50,000) from the human services department for costs of conducting administrative hearings under the Medicaid Provider and Managed Care Act.

Performance measures:

(a) Outcome:	Percent of hearings for implied consent act cases not held within ninety days due to administrative hearings office error	<0.5%
Subtotal		2,100.8

DEPARTMENT OF FINANCE AND ADMINISTRATION:

(1) Policy development, fiscal analysis, budget oversight and education accountability:

The purpose of the policy development, fiscal analysis, budget oversight and education accountability program is to provide professional and coordinated policy development and analysis and oversight to the governor, the legislature and state agencies so they can advance the state's policies and initiatives using appropriate and accurate data to make informed decisions for the prudent use of the public's tax dollars.

Appropriations:

(a) Personal services and employee benefits	3,445.9	3,445.9
(b) Contractual services	63.3	63.3
(c) Other	144.2	144.2

Performance measures:

(a) Outcome:	General fund reserves as a percent of recurring appropriations	25%
(b) Outcome:	Error rate for the eighteen-month general fund revenue forecast, excluding oil and gas revenue and corporate income taxes	5%
(c) Outcome:	Error rate for the eighteen-month general fund revenue forecast, oil and gas revenue and corporate income taxes	5%

(2) Community development, local government assistance and fiscal oversight:

The purpose of the community development, local government assistance and fiscal oversight program is to help counties, municipalities and special districts maintain strong communities through sound fiscal advice and oversight, technical assistance, monitoring of project and program progress and timely processing of payments, grant agreements and contracts.

Appropriations:

(a) Personal services and employee benefits	2,043.6	1,187.5	412.4	3,643.5
(b) Contractual services	2,733.1	2,146.5	2.0	4,881.6
(c) Other	129.2	31,221.0	9,788.9	41,139.1
(d) Other financing uses		300.0		300.0

The other state funds appropriations to the community development, local government assistance and fiscal oversight program of the department of finance and administration include twelve million four hundred fifty-five thousand dollars (\$12,455,000) from the enhanced 911 fund, twenty million two hundred thousand dollars (\$20,200,000) from the local DWI grant fund, and two million two hundred thousand dollars (\$2,200,000) from the civil legal services fund.

The general fund appropriation to the community development, local government assistance and fiscal oversight program of the department of finance and administration in the contractual services category includes an additional two hundred thousand dollars (\$200,000) for civil legal services contracts.

Performance measures:

(a) Outcome:	Number of counties and municipalities local government division assisted during the fiscal year to resolve audit findings and diminish poor audit opinions	11
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(3) Fiscal management and oversight:

The purpose of the fiscal management and oversight program is to provide for and promote financial accountability for public funds throughout state government by providing state agencies and the citizens of New Mexico with timely, accurate and comprehensive information on the financial status and expenditures of the state.

Appropriations:

(a) Personal services and employee benefits	4,627.6			4,627.6
(b) Contractual services	1,596.8			1,596.8
(c) Other	132.6			132.6
(d) Other financing uses		43,200.0	17,000.0	60,200.0

The internal service funds/interagency transfers appropriation to the fiscal management and oversight program of the department of finance and administration in the other financing uses category includes seventeen million dollars (\$17,000,000) from the tobacco settlement program fund.

The other state funds appropriation to the fiscal management and oversight program of the department of finance and administration in the other financing uses category includes forty-three million two hundred thousand dollars (\$43,200,000) from the county-supported medicaid fund.

Performance measures:

(a) Efficiency:	Percent of vouchered vendor payments processed within five working days	100%
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(b) Output:	Percent of bank accounts reconciled on an annual basis	100%
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(4) Program support:

The purpose of program support is to provide other department of finance and administration programs with central direction to agency management processes to ensure consistency, legal compliance and financial integrity, to provide human resources support and to administer the executive's exempt salary plan.

Appropriations:

(a) Personal services and employee benefits	1,684.0	1,684.0
(b) Contractual services	121.0	121.0
(c) Other	258.2	258.2

(5) Dues and membership fees/special appropriations:

Appropriations:

(a) National association of state budget officers	21.4	21.4
(b) Western governors'association	43.2	43.2
(c) National governors'association	85.0	85.0

(d) Emergency water supply fund	175.0		175.0
(e) Fiscal agent contract	1,064.8		1,064.8
(f) State planning districts	693.0		693.0
(g) Statewide teen court	17.7	120.2	137.9
(h) Law enforcement protection fund		15,100.0	15,100.0
(i) Leasehold community assistance	150.0		150.0
(j) Acequia and community ditch education program	398.2		398.2
(k) New Mexico acequia commission	88.1		88.1
(l) Land grant council	296.9		296.9
(m) County detention of prisoners	2,587.5		2,587.5

The department of finance and administration shall not distribute a general fund appropriation made in items (d) through (m) to a New Mexico agency or local public body that is not current on its audit or financial reporting or otherwise in compliance with the Audit Act.

On certification by the state board of finance pursuant to Section 6-1-2 NMSA 1978 that a critical emergency exists that cannot be addressed by disaster declaration or other emergency or contingency funds, the secretary of the department of finance and administration is authorized to transfer from the general

fund operating reserve to the state board of finance emergency fund the amount necessary to meet the emergency. Such transfers shall not exceed an aggregate amount of two million five hundred thousand dollars (\$2,500,000) in fiscal year 2021. Repayments of emergency loans made pursuant to this paragraph shall be deposited in the board of finance emergency fund pursuant to the provisions of Section 6-1-5 NMSA 1978.

Subtotal 143,078.8

PUBLIC SCHOOL INSURANCE AUTHORITY:

(1) Benefits:

The purpose of the benefits program is to provide an effective health insurance package to educational employees and their eligible family members so they can be protected against catastrophic financial losses due to medical problems, disability or death.

Appropriations:

(a) Contractual services	329,340.8	329,340.8
(b) Other financing uses	698.7	698.7

Performance measures:

(a) Outcome:	Percent change in per-member health claim costs	≤5%
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(a) Personal services and employee benefits	1,116.9	1,116.9
(b) Contractual services	91.9	91.9
(c) Other	188.6	188.6

Any unexpended balances in program support of the New Mexico public school insurance authority remaining at the end of fiscal year 2021 shall revert in equal amounts to the benefits program and risk program.

Subtotal		414,506.1
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RETIREE HEALTH CARE AUTHORITY:

(1) Healthcare benefits administration:

The purpose of the healthcare benefits administration program is to provide fiscally solvent core group and optional healthcare benefits and life insurance to current and future eligible retirees and their dependents so they may access covered and available core group and optional healthcare benefits and life insurance benefits when they need them.

Appropriations:

(a) Contractual services	355,191.6	355,191.6
(b) Other financing uses	3,296.9	3,296.9

Performance measures:

(a) Output: Minimum number of years of positive fund balance 25

(2) Program support:

The purpose of program support is to provide administrative support for the healthcare benefits administration program to assist the agency in delivering its services to its constituents.

Appropriations:

(a) Personal services and employee benefits	2,067.3	2,067.3
(b) Contractual services	663.4	663.4
(c) Other	566.2	566.2

Any unexpended balance in program support of the retiree health care authority remaining at the end of fiscal year 2021 shall revert to the healthcare benefits administration program.

Subtotal 361,785.4

GENERAL SERVICES DEPARTMENT:

(1) Employee group health benefits:

The purpose of the employee group health benefits program is to effectively administer comprehensive health-benefit plans to state and local government employees.

Appropriations:

(a) Contractual services	20,177.7	20,177.7
(b) Other	365,010.0	365,010.0

Performance measures:

(a) Outcome:	Percent change in state employee medical premium	<3%
(b) Outcome:	Percent change in the average per-member per-month total healthcare cost	≤5%

(2) Risk management:

The purpose of the risk management program is to protect the state's assets against property, public liability, workers' compensation, state unemployment compensation, local public bodies unemployment compensation and surety bond losses so agencies can perform their missions in an efficient and responsive manner.

Appropriations:

(a) Personal services and employee benefits	307.0	4,142.4	4,449.4
(b) Contractual services		319.2	319.2
(c) Other		488.4	488.4
(d) Other financing uses		3,926.1	3,926.1

Any unexpended balances in the risk management program of the general services department remaining at the end of fiscal year 2021 from this appropriation shall revert to the public liability fund, public property reserve fund, workers' compensation retention fund, state unemployment compensation fund, local public body unemployment compensation fund and group self-insurance fund based on the proportion of each individual fund's assessment for the risk management program.

(3) Risk management funds:

Appropriations:

(a) Public liability	85.0	40,563.4	40,648.4
(b) Surety bond		58.0	58.0
(c) Public property reserve		13,170.1	13,170.1
(d) Local public body unemployment compensation reserve		4,088.0	4,088.0
(e) Workers' compensation retention		18,378.8	18,378.8
(f) State unemployment compensation		7,096.5	7,096.5

The general fund appropriation to the risk management funds program of the general services department includes eighty-five thousand dollars (\$85,000) for costs of general liability, civil rights, tort claims and workers' compensation insurance coverage for members of the New Mexico mounted patrol.

Performance measures:

(a) Explanatory: Projected financial position of the public property fund

(b) Explanatory: Projected financial position of the workers' compensation
fund

(c) Explanatory: Projected financial position of the public liability fund

(4) State printing services:

The purpose of the state printing services program is to provide cost-effective printing and publishing services for governmental agencies.

Appropriations:

(a) Personal services and employee benefits	519.4	519.4
(b) Contractual services	100.0	100.0
(c) Other	1,349.9	1,349.9
(d) Other financing uses	57.4	57.4

Performance measures:

(a) Outcome: Quarterly sales growth in state printing revenue 20%
compared with the previous thirty- or sixty-day
legislative session

(5) Facilities management:

The purpose of the facilities management division program is to provide employees and the public with effective property management so agencies can perform their missions in an efficient and responsive manner.

Appropriations:

(a) Personal services and employee benefits	8,926.8	8,926.8
(b) Contractual services	458.7	458.7
(c) Other	6,491.3	6,491.3
(d) Other financing uses	200.0	200.0

Performance measures:

(a) Outcome: Percent of new office space leases achieving 80%
adopted space standards

(6) Transportation services:

The purpose of the transportation services program is to provide centralized and effective administration of the state's motor pool and aircraft transportation services so agencies can perform their missions in an efficient and responsive manner.

Appropriations:

(a) Personal services and employee benefits	324.6	2,045.6	2,370.2
(b) Contractual services	3.8	194.5	198.3
(c) Other	222.1	6,489.5	6,711.6
(d) Other financing uses	28.5	291.7	320.2

Performance measures:

(a) Outcome: Percent of leased vehicles used 750 miles per month or daily 70%

(7) Procurement services:

The purpose of the procurement services program is to provide a procurement process for tangible property for government entities to ensure compliance with the Procurement Code so agencies can perform their missions in an efficient and responsive manner.

Appropriations:

(a) Personal services and employee benefits	796.1	1,323.9	2,120.0
(b) Contractual services		29.0	29.0
(c) Other	15.5	288.6	304.1
(d) Other financing uses	13.1	60.8	73.9

Performance measures:

(a) Output:	Average number of days for completion of contract review	<5
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(8) Program support:

The purpose of program support is to manage the program performance process to demonstrate success.

Appropriations:

(a) Personal services and employee benefits		3,378.3	3,378.3
(b) Contractual services		387.5	387.5
(c) Other		811.8	811.8

Any unexpended balances in program support of the general services department remaining at the end of fiscal year 2021 shall revert to the procurement services, state printing services, risk management, facilities management and transportation services programs based on the proportion of each individual program's assessment for program support.

Subtotal

512,619.0

EDUCATIONAL RETIREMENT BOARD:

(1) Educational retirement:

The purpose of the educational retirement program is to provide secure retirement benefits to active and retired members so they can have secure monthly benefits when their careers are finished.

Appropriations:

(a) Personal services and employee benefits	7,534.0	7,534.0
(b) Contractual services	22,582.0	22,582.0
(c) Other	1,656.7	1,656.7

Performance measures:

(a) Outcome:	Funding period of unfunded actuarial accrued liability, in years	≤30
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Subtotal

31,772.7

NEW MEXICO SENTENCING COMMISSION:

The purpose of the New Mexico sentencing commission is to provide information, analysis, recommendations and assistance from a coordinated cross-agency perspective to the three branches of government and

interested citizens so they have the resources they need to make policy decisions that benefit the criminal and juvenile justice systems.

Appropriations:

(a) Contractual services	606.0	52.0	658.0
(b) Other	632.1		632.1
Subtotal			1,290.1

GOVERNOR:

(1) Executive management and leadership:

The purpose of the executive management and leadership program is to provide appropriate management and leadership to the executive branch of government to allow for a more efficient and effective operation of the agencies within that branch of government on behalf of the citizens of the state.

Appropriations:

(a) Personal services and employee benefits	3,964.8		3,964.8
(b) Contractual services	89.6		89.6
(c) Other	528.5		528.5

The general fund appropriation to the office of the governor in the other category includes ninety-six thousand dollars (\$96,000) for the governor's contingency fund.

Subtotal

4,582.9

LIEUTENANT GOVERNOR:

(1) State ombudsman:

The purpose of the state ombudsman program is to facilitate and promote cooperation and understanding between the citizens of New Mexico and the agencies of state government, refer any complaints or special problems citizens may have to the proper entities, keep records of activities and submit an annual report to the governor.

Appropriations:

(a) Personal services and employee benefits	466.2	466.2
(b) Contractual services	38.4	38.4
(c) Other	96.2	96.2
Subtotal		600.8

DEPARTMENT OF INFORMATION TECHNOLOGY:

(1) Compliance and project management:

The purpose of the compliance and project management program is to provide information technology strategic planning, oversight and consulting services to New Mexico government agencies so they can improve services provided to New Mexico citizens.

Appropriations:

(a) Personal services and employee benefits	621.9	1,548.7	2,170.6
(b) Contractual services		21.5	21.5
(c) Other	56.9	37.4	94.3
(d) Other financing uses	189.7	498.1	687.8

Performance measures:

(a) Outcome:	Percent of information technology professional service contracts greater than one million dollars in value reviewed within seven business days	90%
(b) Outcome:	Percent of information technology professional service contracts less than one million dollars in value reviewed within five business days	90%

(2) Enterprise services:

The purpose of the enterprise services program is to provide reliable and secure infrastructure for voice, radio, video and data communications through the state's enterprise data center and telecommunications network.

Appropriations:

(a) Personal services and employee benefits	11,565.8	11,565.8
(b) Contractual services	6,783.2	6,783.2
(c) Other	30,602.7	30,602.7
(d) Other financing uses	14,143.5	14,143.5

Performance measures:

(a) Outcome:	Percent of service desk incidents resolved within the timeframe specified for their priority level	95%
(b) Output:	Number of independent vulnerability scans of information technology assets identifying potential cyber risks	2 per year

(3) Equipment replacement revolving funds:

Appropriations:

(a) Contractual services	3,222.0	3,222.0
(b) Other	5,011.7	5,011.7

(4) Program support:

The purpose of program support is to provide management and ensure cost recovery and allocation services through leadership, policies, procedures and administrative support for the department.

Appropriations:

(a) Personal services and employee benefits	2,951.2	2,951.2
(b) Contractual services	24.4	24.4
(c) Other	327.6	327.6

Performance measures:

(a) Explanatory:	Overall results of the department's annual customer	
(b) Outcome:	Percent of enterprise services areas achieving full cost recovery	90%
Subtotal		77,606.3

PUBLIC EMPLOYEES RETIREMENT ASSOCIATION:

(1) Pension administration:

The purpose of the pension administration program is to provide information, retirement benefits and an actuarially sound fund to association members so they can receive the defined benefit they are entitled to when they retire from public service.

Appropriations:

(a) Personal services and employee benefits	51.2	8,113.6		8,164.8
(b) Contractual services			26,306.8	26,306.8
(c) Other	3.4	1,715.5		1,718.9

Performance measures:

(a) Outcome:	Funding period of unfunded actuarial accrued liability, in years			≤30
Subtotal				36,190.5

STATE COMMISSION OF PUBLIC RECORDS:

(1) Records, information and archival management:

The purpose of the records, information and archival management program is to develop, implement and provide tools, methodologies and services for use by, and for the benefit of, government agencies, historical record repositories and the public so the state can effectively create, preserve, protect and properly dispose of records, facilitate their use and understanding and protect the interests of the citizens of New Mexico.

Appropriations:

(a) Personal services and employee benefits	2,572.0			2,572.0
(b) Contractual services	15.2	14.0	16.3	45.5

(c) Other	60.9	131.0	163.7	16.2	371.8
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Performance measures:

(a) Outcome:	Number of state employee trainings on filing and publishing notices of rulemaking and rules in compliance with the State Rules Act	24
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Subtotal		2,989.3
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SECRETARY OF STATE:

(1) Administration and operations:

The purpose of the administration and operations program is to provide operational services to commercial and business entities and citizens, including administration of notary public commissions, uniform commercial code filings, trademark registrations and partnerships, and to provide administrative services needed to carry out elections.

Appropriations:

(a) Personal services and employee benefits	3,276.0			3,276.0
(b) Contractual services	149.9			149.9
(c) Other	555.6	45.0		600.6

(2) Elections:

The purpose of the elections program is to provide voter education and information on election law and government ethics to citizens, public officials and candidates so they can comply with state law.

Appropriations:

(a) Personal services and employee benefits	1,008.7	305.3	1,314.0
(b) Contractual services	539.5	180.0	719.5
(c) Other	5,543.9	28.6	5,572.5

Performance measures:

(a) Outcome:	Percent of eligible voters registered to vote	87%
(b) Outcome:	Percent of reporting individuals in compliance with campaign finance reporting requirements	99%
Subtotal		11,632.5

PERSONNEL BOARD:

(1) Human resource management:

The purpose of the human resource management program is to provide a merit-based system in partnership with state agencies, appropriate compensation, human resource accountability and employee development that meets the evolving needs of the agencies, employees, applicants and the public so economy and efficiency in the management of state affairs may be provided while protecting the interest of the public.

Appropriations:

(a) Personal services and employee benefits	3,468.0	261.1	3,729.1
(b) Contractual services	76.8		76.8
(c) Other	489.4		489.4

Performance measures:

(a) Explanatory:	Average number of days to fill a position from the date of posting		
(b) Explanatory:	Classified service vacancy rate		
Subtotal			4,295.3

PUBLIC EMPLOYEES LABOR RELATIONS BOARD:

The purpose of the public employee labor relations board is to assure all state and local public body employees have the option to organize and bargain collectively with their employer.

Appropriations:

(a) Personal services and employee benefits	175.3		175.3
(b) Contractual services	18.5		18.5
(c) Other	59.0		59.0
Subtotal			252.8

STATE TREASURER:

The purpose of the state treasurer program is to provide a financial environment that maintains maximum accountability for receipt, investment and disbursement of public funds to protect the financial interests of New Mexico citizens.

Appropriations:

(a) Personal services and employee benefits	3,149.2		2.0	3,151.2
(b) Contractual services	524.8			524.8
(c) Other	164.9	390.0		554.9

Performance measures:

(a) Outcome:	One-year annualized investment return on general fund core portfolio to exceed internal benchmarks, in basis points	10
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Subtotal 4,230.9

TOTAL GENERAL CONTROL 156,582.7 1,516,765.3 114,256.2 15,525.6 1,803,129.8

D. COMMERCE AND INDUSTRY

BOARD OF EXAMINERS FOR ARCHITECTS:

(1) Architectural registration:

The purpose of the board of examiners for architects is to regulate, through enforcement and licensing, the professional conduct of architects to protect the health, safety and welfare of the general public of the state.

Appropriations:

(a) Personal services and employee benefits	316.4	316.4
(b) Contractual services	11.0	11.0
(c) Other	83.3	83.3
Subtotal		410.7

STATE ETHICS COMMISSION:

The purpose of the New Mexico ethics commission is to receive, investigate and adjudicate complaints against public officials, public employees, candidates, those subject to the Campaign Reporting Act, government contractors, lobbyists and lobbyists' employers and to ensure that public ethics laws are clear, comprehensive and effective.

Appropriations:

(a) Personal services and employee benefits	708.5	708.5
(b) Contractual services	175.0	175.0
(c) Other	102.1	102.1
Subtotal		985.6

BORDER AUTHORITY:

(1) Border development:

The purpose of the border development program is to encourage and foster trade development in the state by developing port facilities and infrastructure at international ports of entry to attract new industries and business to the New Mexico border and to assist industries, businesses and the traveling public in their efficient and effective use of ports and related facilities.

Appropriations:

(a) Personal services and employee benefits	385.9		385.9
(b) Contractual services		57.5	57.5
(c) Other	64.2	21.0	85.2

Performance measures:

(a) Outcome:	Annual trade share of New Mexico ports within the west Texas and New Mexico region	25%
(b) Outcome:	Number of commercial and noncommercial vehicles passing through New Mexico ports	1,575,000
Subtotal		528.6

TOURISM DEPARTMENT:

(1) Marketing and promotion:

The purpose of the marketing and promotion program is to produce and provide collateral, editorial and special events for the consumer and trade industry so they may increase their awareness of New Mexico as a premier tourist destination.

Appropriations:

(a) Personal services and employee benefits	768.3		768.3
(b) Contractual services	504.1		504.1
(c) Other	14,831.7	30.0	14,861.7

The general fund appropriations to the marketing and promotions program of the tourism department include one hundred thousand dollars (\$100,000) for special olympics advertising.

Performance measures:

(a) Outcome:	Percent change in New Mexico leisure and hospitality employment	3%
(b) Output:	Percent change in year-over-year visitor spending	3%

(2) Tourism development:

The purpose of the tourism development program is to provide constituent services for communities, regions and other entities so they may identify their needs and assistance can be provided to locate resources to fill those needs, whether internal or external to the organization.

Appropriations:

(a) Personal services and employee benefits	881.5	90.7	972.2
(b) Contractual services		3.4	3.4
(c) Other	183.5	1,138.5	1,322.0

Performance measures:

(a) Output:	Number of entities participating in collaborative applications for the cooperative marketing grant program	135
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(3) New Mexico magazine:

The purpose of the New Mexico magazine program is to produce a monthly magazine and ancillary products for a state and global audience so the audience can learn about New Mexico from a cultural, historical and educational perspective.

Appropriations:

(a) Personal services and employee benefits		969.4	969.4
(b) Contractual services		830.0	830.0
(c) Other		1,424.9	1,424.9

Performance measures:

(a) Output:	True adventure guide advertising revenue	\$445,000
(b) Output:	Advertising revenue per issue, in thousands	\$80

(4) Program support:

The purpose of program support is to provide administrative assistance to support the department's programs and personnel so they may be successful in implementing and reaching their strategic initiatives and maintaining full compliance with state rules and regulations.

Appropriations:

(a) Personal services and employee benefits	1,081.9	1,081.9
(b) Contractual services	74.3	74.3
(c) Other	146.2	146.2

Performance measures:

(a) Outcome:	Percent of funds contracted in-state	70%
Subtotal		22,958.4

ECONOMIC DEVELOPMENT DEPARTMENT:

(1) Economic development:

The purpose of the economic development program is to assist communities in preparing for their role in the new economy, focusing on high-quality job creation and improved infrastructure so New Mexicans can increase their wealth and improve their quality of life.

Appropriations:

(a) Personal services and employee benefits	2,094.3	2,094.3
(b) Contractual services	1,573.3	1,573.3
(c) Other	6,318.6	6,318.6

The general fund appropriations to the economic development program of the economic development department include one hundred fifty thousand dollars (\$150,000) for a solo-worker program in Cibola county.

Performance measures:

(a) Outcome:	Number of workers trained by the job training incentive program	1,900
(b) Outcome:	Number of jobs created due to economic development department efforts	4,000
(c) Outcome:	Number of rural jobs created	1,320
(d) Output:	Number of jobs created through the use of Local Economic Development Act funds	3,000

(e) Outcome:	Number of jobs created through business relocations facilitated by the New Mexico economic development partnership	2,250
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(2) Film:

The purpose of the film program is to maintain the core business for the film location services and stimulate growth in digital film media to maintain the economic vitality of New Mexico's film industry.

Appropriations:

(a) Personal services and employee benefits	574.3	574.3
(b) Contractual services	182.8	182.8
(c) Other	78.9	78.9

Performance measures:

(a) Outcome:	Direct spending by film industry productions, in millions	\$530
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(3) Outdoor recreation:

Appropriations:

(a) Personal services and employee benefits	250.0	250.0
(b) Other	200.0	200.0

(4) Program support:

The purpose of program support is to provide central direction to agency management processes and fiscal support to agency programs to ensure consistency, continuity and legal compliance.

Appropriations:

(a) Personal services and employee benefits	1,794.3	1,794.3
(b) Contractual services	1,642.7	1,642.7
(c) Other	172.0	172.0
Subtotal		14,881.2

REGULATION AND LICENSING DEPARTMENT:

(1) Construction industries and manufactured housing:

The purpose of the construction industries and manufactured housing program is to provide code compliance oversight; issue licenses, permits and citations; perform inspections; administer exams; process complaints; and enforce laws, rules and regulations relating to general construction and manufactured housing standards to industry professionals.

Appropriations:

(a) Personal services and employee benefits	7,783.8		50.0		7,833.8
(b) Contractual services	553.2				553.2
(c) Other	883.8	46.3	150.0	25.0	1,105.1
(d) Other financing uses	100.0				100.0

Performance measures:

(a) Outcome:	Percent of commercial plans reviewed within ten working days	92%
(b) Outcome:	Percent of residential plans reviewed within five working days	95%
(c) Output:	Time to final action, referral or dismissal of complaint, in months	7

(2) Financial institutions:

The purpose of the financial institutions and securities program is to issue charters and licenses; perform examinations; investigate complaints; enforce laws, rules and regulations; and promote investor protection and confidence so capital formation is maximized and a secure financial infrastructure is available to support economic development.

Appropriations:

(a) Personal services and employee benefits	802.3	1,304.6	766.0	2,872.9
(b) Contractual services	6.4	75.8		82.2
(c) Other	33.7	426.2		459.9
(d) Other financing uses		939.5		939.5

The internal service funds/interagency transfers appropriation to the financial institutions program of the regulation and licensing department includes seven hundred sixty-six thousand dollars (\$766,000) from the mortgage regulatory fund for the general operations of the financial institutions program.

The other state funds appropriation to the financial institutions program of the regulation and licensing department in the other financing uses category includes seven hundred twenty-five thousand dollars (\$725,000) from the mortgage regulatory fund for the legal services program of the attorney general.

(3) Alcohol and gaming:

The purpose of the alcohol and gaming program is to regulate the sale, service and public consumption of alcoholic beverages and, in cooperation with the department of public safety, enforce the Liquor Control Act to protect the health, safety and welfare of the citizens of and visitors to New Mexico.

Appropriations:

(a) Personal services and employee benefits	975.5		975.5
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(b) Contractual services	28.2	28.2
(c) Other	77.1	77.1

Performance measures:

(a) Output:	Number of days to resolve an administrative citation that does not require a hearing	160
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(4) Securities:

The purpose of the securities program is to protect the integrity of the capital markets in New Mexico by setting standards for licensed professionals, investigating complaints, educating the public and enforcing the law.

Appropriations:

(a) Personal services and employee benefits	574.9	922.9	1,497.8
(b) Contractual services	4.3	70.0	74.3
(c) Other	220.0	333.4	553.4
(d) Other financing uses		205.2	205.2

Performance measures:

(a) Outcome:	Total revenue collected from licensing, in millions	\$23.6
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(5) Boards and commissions:

Appropriations:

(a) Personal services and employee benefits	340.8		6,192.8	6,533.6
(b) Contractual services	10.0	520.7	10.0	540.7
(c) Other	79.2	1,691.6	82.5	1,853.3
(d) Other financing uses		2,050.1	73.4	2,123.5

(6) Program support:

The purpose of program support is to provide leadership and centralized direction, financial management, information systems support and human resources support for all agency organizations in compliance with governing regulations, statutes and procedures so they can license qualified applicants, verify compliance with statutes and resolve or mediate consumer complaints.

Appropriations:

(a) Personal services and employee benefits	1,230.2		1,678.1	2,908.3
(b) Contractual services	26.1		514.6	540.7
(c) Other	133.2		615.6	748.8
Subtotal				32,607.0

PUBLIC REGULATION COMMISSION:

(1) Policy and regulation:

The purpose of the policy and regulation program is to fulfill the constitutional and legislative mandates regarding regulated industries through rulemaking, adjudications and policy initiatives to ensure the provisions of adequate and reliable services at fair, just and reasonable rates so the interests of the consumers and regulated industries are balanced to promote and protect the public interest.

Appropriations:

(a) Personal services and employee benefits	7,338.5	632.9	7,971.4
(b) Contractual services	179.9		179.9
(c) Other	706.3	35.0	741.3

~~[Notwithstanding the provisions of Section 59A-53-5.2 NMSA 1978, or other substantive law, the internal service funds/interagency transfers appropriation to the policy and regulation program of the public regulation commission includes four hundred eighty-nine thousand seven hundred dollars (\$489,700) from the fire protection fund. Any unexpended balances in the policy and regulation program of the public regulation commission remaining at the end of fiscal year 2021 shall revert back to the fire protection fund.]~~ *LINE-ITEM VETO*

(2) Public safety:

The purpose of the public safety program is to provide services and resources to the appropriate entities to enhance their ability to protect the public from fire and pipeline hazards and other risk as assigned to the public regulation commission.

Appropriations:

(a) Personal services and employee benefits		3,576.6	712.5	4,289.1
(b) Contractual services		342.2	37.5	379.7
(c) Other	71.5	74,586.1		74,657.6

Notwithstanding the provisions of Section 59A-53-5.2 NMSA 1978, or other substantive law, the internal service funds/interagency transfers appropriations to the public safety program of the public regulation commission include three million eight hundred seventy thousand three hundred dollars (\$3,870,300) from the fire protection fund. Any unexpended balances in the public safety program of the public regulation commission remaining at the end of fiscal year 2021 shall revert back to the fire protection fund.

(3) Program support:

The purpose of program support is to provide administrative support and direction to ensure consistency, compliance, financial integrity and fulfillment of the agency mission.

Appropriations:

(a) Personal services and employee benefits	633.9	794.6	1,428.5
(b) Contractual services	26.1		26.1
(c) Other	133.1		133.1

Notwithstanding the provisions of Section 59A-53-5.2 NMSA 1978, or other substantive law, the internal service funds/interagency transfers appropriation to the program support program of the public regulation commission includes six hundred sixty-one thousand five hundred dollars (\$661,500) from the fire protection

fund. Any unexpended balances in the program support program of the public regulation commission remaining at the end of fiscal year 2021 shall revert back to the fire protection fund.

Subtotal

89,806.7

OFFICE OF SUPERINTENDENT OF INSURANCE:

(1) Insurance policy:

The purpose of the insurance policy program is to ensure easy public access to reliable insurance products that meet consumers' needs and are underwritten by dependable, reputable, financially sound companies that charge fair rates and are represented by trustworthy, qualified agents, while promoting a positive competitive business climate.

Appropriations:

(a) Personal services and employee benefits	1,710.0	13,329.8	15,039.8
(b) Contractual services	571.0	424.4	995.4
(c) Other	521.8	729.6	1,251.4
(d) Other financing uses	616.8		616.8

(2) Patient's compensation fund:

Appropriations:

(a) Personal services and employee benefits	169.2	169.2
(b) Contractual services	596.2	596.2
(c) Other	27,615.2	27,615.2
(d) Other financing uses	816.5	816.5
Subtotal		47,100.5

MEDICAL BOARD:

(1) Licensing and certification:

The purpose of the licensing and certification program is to provide regulation and licensure to healthcare providers regulated by the New Mexico medical board and to ensure competent and ethical medical care to consumers.

Appropriations:

(a) Personal services and employee benefits	1,483.5	1,483.5
(b) Contractual services	430.0	430.0
(c) Other	416.5	416.5

Performance measures:

(a) Output:	Number of triennial physician licenses issued or renewed	4,050
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(b) Output:	Number of biennial physician assistant licenses issued or renewed	470
(c) Explanatory:	Number of licensees contacted regarding high-risk prescribing and prescribing monitoring program compliance, based on the board of pharmacy prescription monitoring program reports	
Subtotal		2,330.0

BOARD OF NURSING:

(1) Licensing and certification:

The purpose of the licensing and certification program is to provide regulations to nurses, hemodialysis technicians, medication aides and their education and training programs so they provide competent and professional healthcare services to consumers.

Appropriations:

(a) Personal services and employee benefits	1,845.1		1,845.1
(b) Contractual services	62.5		62.5
(c) Other	553.3	350.0	903.3
(d) Other financing uses	40.0		40.0

Performance measures:

(a) Explanatory:	Number of registered nurse licenses active on June 30	
(b) Output:	Number of advanced practice nurses contacted regarding high-risk prescribing and prescription monitoring program compliance, based on the pharmacy board's prescription monitoring program reports	300
Subtotal		2,850.9

NEW MEXICO STATE FAIR:

The purpose of the state fair program is to promote the New Mexico state fair as a year-round operation with venues, events and facilities that provide for greater use of the assets of the agency.

Appropriations:

(a) Personal services and employee benefits	5,846.0	5,846.0
(b) Contractual services	2,974.0	2,974.0
(c) Other	3,438.0	3,438.0

Performance measures:

(a) Output:	Number of paid attendees at annual state fair event	450,000
Subtotal		12,258.0

STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS:

(1) Regulation and licensing:

The purpose of the regulation and licensing program is to regulate the practices of engineering and surveying in the state as they relate to the welfare of the public in safeguarding life, health and property and to provide consumers with licensed professional engineers and licensed professional surveyors.

Appropriations:

(a) Personal services and employee benefits	617.0	617.0
(b) Contractual services	239.4	239.4
(c) Other	297.1	297.1
Subtotal		1,153.5

GAMING CONTROL BOARD:

(1) Gaming control:

The purpose of the gaming control board is to provide strictly regulated gaming activities and to promote responsible gaming to the citizens of New Mexico so they can attain a strong level of confidence in the board's administration of gambling laws and assurance the state has competitive gaming free from criminal and corruptive elements and influences.

Appropriations:

(a) Personal services and employee benefits	3,914.0			3,914.0
(b) Contractual services	75.9			75.9
(c) Other	1,702.1			1,702.1
Subtotal				5,692.0

STATE RACING COMMISSION:

(1) Horse racing regulation:

The purpose of the horse racing regulation program is to provide regulation in an equitable manner to New Mexico's parimutuel horse racing industry and to protect the interest of wagering patrons and the state of New Mexico in a manner that promotes a climate of economic prosperity for horsemen, horse owners and racetrack management.

Appropriations:

(a) Personal services and employee benefits	1,689.3			1,689.3
(b) Contractual services	577.0	300.0	700.0	1,577.0
(c) Other	231.3			231.3

Performance measures:

(a) Outcome:	Percent of equine samples testing positive for illegal substances	1%
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(b) Output:	Amount collected from parimutuel revenues, in millions	\$1.6
(c) Explanatory:	Number of horse fatalities per one thousand starts	
Subtotal		3,497.6

BOARD OF VETERINARY MEDICINE:

(1) Veterinary licensing and regulatory:

The purpose of the veterinary licensing and regulatory program is to regulate the profession of veterinary medicine in accordance with the Veterinary Practice Act and to promote continuous improvement in veterinary practices and management to protect the public.

Appropriations:

(a) Personal services and employee benefits	227.0	227.0
(b) Contractual services	188.4	188.4
(c) Other	57.6	57.6
Subtotal		473.0

CUMBRES AND TOLTEC SCENIC RAILROAD COMMISSION:

The purpose of the Cumbres and Toltec scenic railroad commission is to provide railroad excursions through, into and over the scenic San Juan mountains.

Appropriations:

(a) Personal services and employee benefits	118.4		118.4
(b) Contractual services	131.1	5,967.0	6,098.1
(c) Other	12.3		12.3

Performance measures:

(a) Outcome:	Total number of passengers	45,287
Subtotal		6,228.8

OFFICE OF MILITARY BASE PLANNING AND SUPPORT:

The purpose of the office of military base planning and support is to provide advice to the governor and lieutenant governor on New Mexico's four military installations, to work with community support groups, to ensure that state initiatives are complementary of community actions and to identify and address appropriate state-level issues that will contribute to the long-term viability of New Mexico military installations.

Appropriations:

(a) Personal services and employee benefits	132.4		132.4
(b) Contractual services	89.5		89.5
(c) Other	35.2		35.2
Subtotal			257.1

SPACEPORT AUTHORITY:

The purpose of the spaceport authority is to finance, design, develop, construct, equip and safely operate spaceport America and thereby generate significant high technology economic development throughout the state.

Appropriations:

(a) Personal services and employee benefits	2,622.4	1,738.9			4,361.3
(b) Contractual services		5,510.3			5,510.3
(c) Other		2,805.8			2,805.8

Performance measures:

(a) Output:	Number of aerospace customers and tenants				15
Subtotal					12,677.4
TOTAL COMMERCE AND INDUSTRY	69,071.3	81,216.5	105,599.2	810.0	256,697.0

E. AGRICULTURE, ENERGY AND NATURAL RESOURCES

CULTURAL AFFAIRS DEPARTMENT:

(1) Museums and historic sites:

The purpose of the museums and historic sites program is to develop and enhance the quality of state museums and monuments by providing the highest standards in exhibitions, performances and programs showcasing the arts, history and science of New Mexico and cultural traditions worldwide.

Appropriations:

(a) Personal services and employee benefits	18,018.9	2,462.3	25.0	96.9	20,603.1
(b) Contractual services	843.8	421.8			1,265.6
(c) Other	4,512.3	1,473.9			5,986.2

The general fund appropriations to the museums and historic sites program of the cultural affairs department include forty thousand dollars (\$40,000) for educational, historical and cultural programs [~~in Santa Fe, San Miguel, Mora, Colfax and Union counties~~] to commemorate the two hundredth anniversary of the opening of trade along the Santa Fe trail. *LINE-ITEM VETO*

Performance measures:

(a) Outcome:	Total number of people served through programs and services offered by museums and historic sites	1,350,000
(b) Outcome:	Earned revenue from admissions, rentals and other activity	\$4,310,000

(2) Preservation:

The purpose of the preservation program is to identify, study and protect New Mexico's unique cultural resources, including its archaeological sites, architectural and engineering achievements, cultural landscapes and diverse heritage.

Appropriations:

(a) Personal services and employee benefits	776.0	1,165.0	778.4	2,719.4
(b) Contractual services		157.6	110.0	267.6
(c) Other	64.5	184.4	158.0	406.9

The other state funds appropriations to the preservation program of the cultural affairs department include one million dollars (\$1,000,000) from the department of transportation for archaeological studies as needed for highway projects.

(3) Library services:

The purpose of the library services program is to empower libraries to support the educational, economic and health goals of their communities and to deliver direct library and information services to those who need them.

Appropriations:

(a) Personal services and employee benefits	2,088.0		672.5	2,760.5
(b) Contractual services	227.3		62.6	289.9

(c) Other	1,783.1	90.3	721.8	2,595.2
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Performance measures:

(a) Output:	Number of library transactions using electronic resources			
	funded by the New Mexico state library			5,815,000

(4) Arts:

The purpose of the arts program is to preserve, enhance and develop the arts in New Mexico through partnerships, public awareness and education.

Appropriations:

(a) Personal services and employee benefits	765.4		168.5	933.9
(b) Contractual services	703.0		398.1	1,101.1
(c) Other	171.1		49.9	221.0

(5) Program support:

The purpose of program support is to deliver effective, efficient, high-quality services in concert with the core agenda of the governor.

Appropriations:

(a) Personal services and employee benefits	3,773.7		3,773.7
(b) Contractual services	85.9	199.9	285.8
(c) Other	612.4		612.4
Subtotal			43,822.3

NEW MEXICO LIVESTOCK BOARD:

(1) Livestock inspection:

The purpose of the livestock inspection program is to protect the livestock industry from loss of livestock by theft or straying and to help control the spread of dangerous livestock diseases.

Appropriations:

(a) Personal services and employee benefits	605.0	4,595.0	5,200.0
(b) Contractual services	50.0	224.6	274.6
(c) Other	50.0	995.8	1,045.8
Subtotal			6,520.4

DEPARTMENT OF GAME AND FISH:

(1) Field operations:

The purpose of the field operations program is to promote and assist the implementation of law enforcement, habitat and public outreach programs throughout the state.

Appropriations:

(a) Personal services and employee benefits	7,261.6	312.4	7,574.0
(b) Contractual services	128.7		128.7
(c) Other	2,122.9		2,122.9

Performance measures:

(a) Output:	Number of conservation officer hours spent in the field checking for compliance		56,000
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(2) Conservation services:

The purpose of the conservation services program is to provide information and technical guidance to any person wishing to conserve and enhance wildlife habitat and recover indigenous species of threatened and endangered wildlife.

Appropriations:

(a) Personal services and employee benefits	4,383.6	7,061.9	11,445.5
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(b) Contractual services	1,725.3	1,903.0	3,628.3
(c) Other	2,724.9	5,299.6	8,024.5
(d) Other financing uses	182.3		182.3

The other state funds appropriation to the conservation services program of the department of game and fish in the other financing uses category includes one hundred thousand dollars (\$100,000) from the game protection fund for Ute dam operations and eighty-two thousand three hundred dollars (\$82,300) from the game protection fund for Eagle Nest dam operations for the interstate stream compact compliance and water development program of the state engineer. Any unexpended balances remaining at the end of the fiscal year 2021 from these appropriations shall revert to the game protection fund.

Performance measures:

(a) Outcome:	Number of elk licenses offered on an annual basis in New Mexico	35,000
(b) Outcome:	Percent of public hunting licenses drawn by New Mexico resident hunters	84%
(c) Output:	Annual output of fish from the department's hatchery system, in pounds	660,000

(3) Wildlife depredation and nuisance abatement:

The purpose of the wildlife depredation and nuisance abatement program is to provide complaint administration and intervention processes to private landowners, leaseholders and other New Mexicans so

they may be relieved of, and precluded from, property damage and annoyances or risks to public safety caused by protected wildlife.

Appropriations:

(a) Personal services and employee benefits	332.3		332.3
(b) Contractual services	125.7		125.7
(c) Other	565.9		565.9

Performance measures:

(a) Outcome:	Percent of depredation complaints resolved within the mandated one-year timeframe		98%
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(4) Program support:

The purpose of program support is to provide an adequate and flexible system of direction, oversight, accountability and support to all divisions so they may successfully attain planned outcomes for all department programs.

Appropriations:

(a) Personal services and employee benefits	4,105.9	399.2	4,505.1
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(b) Contractual services	258.0	258.0
(c) Other	2,947.2	2,947.2
Subtotal		41,840.4

ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT:

(1) Energy conservation and management:

The purpose of the energy conservation and management program is to develop and implement clean energy programs to decrease per capita energy consumption; use New Mexico's substantial renewable energy resources; minimize local, regional and global air emissions; lessen dependence on foreign oil and reduce in-state water demands associated with fossil-fueled electrical generation.

Appropriations:

(a) Personal services and employee benefits	1,168.6	565.7	1,734.3
(b) Contractual services	51.2	200.0	223.0
(c) Other	86.1	1,165.8	1,251.9

The general fund appropriations to the energy conservation and management program of the energy, minerals and natural resources department include seventy-five thousand dollars (\$75,000) for implementation of the Energy Transition Act.

(2) Healthy forests:

The purpose of the healthy forests program is to promote the health of New Mexico's forest lands by managing wildfires, mitigating urban-interface fire threats and providing stewardship of private and state forest lands and associated watersheds.

Appropriations:

(a) Personal services and employee benefits	3,300.8	333.8	3,270.7	6,905.3
(b) Contractual services	4.2	1,547.0	443.5	1,994.7
(c) Other	708.0	805.3	5,619.5	7,132.8
(d) Other financing uses		48.9		48.9

Performance measures:

(a) Output:	Number of nonfederal wildland firefighters provided professional and technical incident command system training	1,500
(b) Output:	Number of acres treated in New Mexico's forests and watersheds	14,500

(3) State parks:

The purpose of the state parks program is to create the best recreational opportunities possible in state parks by preserving cultural and natural resources, continuously improving facilities and providing quality, fun activities and to do it all efficiently.

Appropriations:

(a) Personal services and employee benefits	8,523.0	4,173.4		392.4	13,088.8
(b) Contractual services	75.0	1,212.8			1,287.8
(c) Other	45.0	10,686.1	1,042.0	2,403.3	14,176.4
(d) Other financing uses		1,146.0			1,146.0

The general fund appropriations to the state parks program of the energy, minerals and natural resources department include seventy-five thousand dollars (\$75,000) to support Rio Grande trail commission efforts to define viable path routes, mitigate challenges and establish the Rio Grande trail to run the length of the state from Colorado to Texas.

Performance measures:

(a) Explanatory: Number of visitors to state parks

(b) Explanatory: Amount of self-generated revenue per visitor, in dollars

(4) Mine reclamation:

The purpose of the mine reclamation program is to implement the state laws that regulate the operation and reclamation of hard rock and coal mining facilities and to reclaim abandoned mine sites.

Appropriations:

(a) Personal services and employee benefits	557.0	563.9	79.0	1,920.6	3,120.5
(b) Contractual services	1.9	28.8		4,674.7	4,705.4
(c) Other	17.2	110.6	17.9	271.6	417.3
(d) Other financing uses		37.0			37.0

(5) Oil and gas conservation:

The purpose of the oil and gas conservation program is to assure the conservation and responsible development of oil and gas resources through professional, dynamic regulation.

Appropriations:

(a) Personal services and employee benefits	5,700.8	152.9		232.3	6,086.0
(b) Contractual services	224.7	5,426.5		450.0	6,101.2
(c) Other	514.7	569.5		113.3	1,197.5
(d) Other financing uses		292.6			292.6

Performance measures:

(a) Output:	Number of inspections of oil and gas wells and associated facilities	31,000
(b) Outcome:	Number of abandoned oil and gas wells properly plugged	51

(6) Program leadership and support:

The purpose of the program leadership and support program is to provide leadership, set policy and provide support for every division in achieving their goals.

Appropriations:

(a) Personal services and employee benefits	2,940.6	893.3	687.8	4,521.7
(b) Contractual services	111.8	24.6	8.0	144.4
(c) Other		189.6	155.6	345.2
Subtotal				76,209.9

YOUTH CONSERVATION CORPS:

The purpose of the youth conservation corps is to provide funding for the employment of New Mexicans between the ages of fourteen and twenty-five to work on projects that will improve New Mexico's natural, cultural, historical and agricultural resources.

Appropriations:

(a) Personal services and employee benefits	251.8		251.8
(b) Contractual services	3,778.1		3,778.1
(c) Other	110.3		110.3
(d) Other financing uses	125.0		125.0

Performance measures:

(a) Output:	Number of youth employed annually	840
Subtotal		4,265.2

INTERTRIBAL CEREMONIAL OFFICE:

The purpose of the intertribal ceremonial office is to aid in the planning, coordination and development of a successful intertribal ceremonial event in coordination with the Native American population.

Appropriations:

(a) Personal services and employee benefits	75.0	75.0
(b) Contractual services	100.0	100.0
Subtotal		175.0

COMMISSIONER OF PUBLIC LANDS:

(1) Land trust stewardship:

The purpose of the land trust stewardship program is to generate sustainable revenue from state trust lands to support public education and other beneficiary institutions and to build partnerships with all New Mexicans to conserve, protect and maintain the highest level of stewardship for these lands so that they may be a significant legacy for generations to come.

Appropriations:

(a) Personal services and employee benefits	14,736.7	14,736.7
(b) Contractual services	2,937.8	2,937.8
(c) Other	1,906.1	1,906.1

The commissioner of public lands is authorized to hold in suspense amounts received pursuant to agreements entered into for the sale of state royalty interests that, as a result of the sale, became eligible for tax credits under Section 29 of the federal Internal Revenue Code, above those amounts required by law to be transferred to the land grant permanent fund. The commissioner may expend as much of the money so held in suspense, as well as additional money held in escrow accounts resulting from the sales and money held in fund balance, as is necessary to repurchase the royalty interests pursuant to the agreements.

Performance measures:

(a) Outcome:	Dollars generated through oil, natural gas and mineral audit activities, in millions	\$3
(b) Output:	Average income per acre from oil, natural gas and mining activities, in dollars	\$375
(c) Output:	Number of acres restored to desired conditions for future sustainability	25,000
Subtotal		19,580.6

STATE ENGINEER:

(1) Water resource allocation:

The purpose of the water resource allocation program is to provide for efficient use of the available surface and underground waters of the state so any person can maintain their quality of life and to provide safety inspections of all nonfederal dams within the state so owners and operators of such dams can operate the dams safely.

Appropriations:

(a) Personal services and employee benefits	12,306.9	511.2	109.7	12,927.8
(b) Contractual services			624.7	624.7
(c) Other	30.9	114.9	1,297.8	1,443.6

~~[The appropriations to the water resource allocation program of the state engineer include sufficient funding to develop and implement active water resource management regulations for the lower Rio Grande basin to support Rio Grande compact litigation.]~~ *LINE-ITEM VETO*

The internal service funds/interagency transfers appropriations to the water resource allocation program of the state engineer include one million eight hundred eighty-four thousand six hundred dollars (\$1,884,600) from the New Mexico irrigation works construction fund and one hundred forty-seven thousand six hundred dollars (\$147,600) from the improvement of the Rio Grande income fund.

Performance measures:

(a) Output:	Average number of unprotested new and pending applications processed per month	50
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(b) Outcome: Number of transactions abstracted annually into the 20,000 water administration technical engineering resource system database

(2) Interstate stream compact compliance and water development:

The purpose of the interstate stream compact compliance and water development program is to provide resolution of federal and interstate water issues and to develop water resources and stream systems for the people of New Mexico so they can have maximum sustained beneficial use of available water resources.

Appropriations:

(a) Personal services and employee benefits	2,143.3	79.0	2,550.7	4,773.0
(b) Contractual services		70.0	4,369.8	4,439.8
(c) Other		726.2	2,350.7	3,076.9

The internal service funds/interagency transfers appropriations to the interstate stream compact compliance and water development program of the state engineer include six hundred ninety-six thousand eight hundred dollars (\$696,800) from the New Mexico unit fund.

The internal service funds/interagency transfers appropriations to the interstate stream compact compliance and water development program include six million seven hundred forty-six thousand two hundred dollars (\$6,746,200) from the New Mexico irrigation works construction fund, nine hundred seventy-seven thousand nine hundred dollars (\$977,900) from the improvement of the Rio Grande income fund, one hundred thousand dollars (\$100,000) from the game protection fund for Ute dam operations and eighty-two thousand

three hundred dollars (\$82,300) from the game protection fund for Eagle Nest dam operations. Any unexpended balances remaining at the end of fiscal year 2021 from these appropriations shall revert to the appropriate fund.

Revenue from the sale of water to United States government agencies by New Mexico for the emergency drought water agreement and from contractual reimbursements associated with the interstate stream compact compliance and water development program of the state engineer is appropriated to the interstate stream compact compliance and water development program to be used per the agreement with the United States bureau of reclamation.

The interstate stream commission's authority to make loans for irrigation improvements includes five hundred thousand dollars (\$500,000) for loans to irrigation districts, conservancy districts and soil and water conservation districts for re-loan to farmers for implementation of water conservation improvements.

Performance measures:

- (a) Outcome: Cumulative state-line delivery credit per the Pecos >0
river compact and amended decree at the end of the
calendar year, in acre-feet
- (b) Outcome: Cumulative state-line delivery credit per the Rio >0
Grande compact at the end of the calendar year, in
acre-feet

(3) Litigation and adjudication:

The purpose of the litigation and adjudication program is to obtain a judicial determination and definition of water rights within each stream system and underground basin to effectively perform water rights administration and meet interstate stream obligations.

Appropriations:

(a) Personal services and employee benefits	2,509.7	1,805.6	1,014.8	5,330.1
(b) Contractual services			1,735.8	1,735.8
(c) Other			336.0	336.0
(d) Other financing uses		580.0		580.0

The internal service funds/interagency transfers appropriations to the litigation and adjudication program of the state engineer include two million five hundred forty-seven thousand eight hundred dollars (\$2,547,800) from the New Mexico irrigation works construction fund and five hundred thirty-eight thousand eight hundred dollars (\$538,800) from the improvement of the Rio Grande income fund.

The other state funds appropriations to the litigation and adjudication program of the state engineer include two million three hundred eighty-five thousand six hundred dollars (\$2,385,600) from the water project fund pursuant to Section 72-4A-9 NMSA 1978.

Performance measures:

(a) Outcome:	Number of offers to defendants in adjudications	325
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(b) Outcome:	Percent of all water rights with judicial determinations	74%
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(4) Program support:

The purpose of program support is to provide necessary administrative support to the agency programs so they may be successful in reaching their goals and objectives.

Appropriations:

(a) Personal services and employee benefits	3,516.6		3,516.6
(b) Contractual services	221.2		221.2
(c) Other	308.3	509.1	817.4

The internal service funds/interagency transfers appropriations to program support of the state engineer include four hundred thousand dollars (\$400,000) from the New Mexico irrigation works construction fund and one hundred thousand dollars (\$100,000) from the improvement of the Rio Grande income fund.

Subtotal				39,822.9
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TOTAL AGRICULTURE, ENERGY AND

NATURAL RESOURCES	80,372.9	93,902.7	17,170.5	40,790.6	232,236.7
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F. HEALTH, HOSPITALS AND HUMAN SERVICES

OFFICE OF AFRICAN AMERICAN AFFAIRS:

(1) Public awareness:

The purpose of the public awareness program is to provide information and advocacy services to all New Mexicans and to empower African Americans of New Mexico to improve their quality of life.

Appropriations:

(a) Personal services and employee benefits	579.5	579.5
(b) Contractual services	369.6	369.6
(c) Other	122.3	122.3
Subtotal		1,071.4

COMMISSION FOR DEAF AND HARD-OF-HEARING PERSONS:

(1) Deaf and hard-of-hearing:

The purpose of the deaf and hard-of-hearing program is to serve as a dynamic resource that will enhance the quality of life for deaf and hard-of-hearing citizens of New Mexico by being the recognized advocate on important issues impacting the deaf and hard-of-hearing community, the proactive provider of innovative programs and services and the statewide umbrella and information clearinghouse for interested individuals, organizations, agencies and institutions.

Appropriations:

(a) Personal services and employee benefits			1,193.8	1,193.8
(b) Contractual services	500.4	100.0	1,414.9	2,015.3
(c) Other			282.1	282.1
(d) Other financing uses			116.5	116.5

The general fund appropriation to the deaf and hard-of-hearing program of the commission for deaf and hard-of-hearing persons includes five hundred thousand four hundred dollars (\$500,400) for deaf and deaf-blind support service provider programs.

The internal service funds/interagency transfers appropriation to the deaf and hard-of-hearing program of the commission for deaf and hard-of-hearing persons in the other financing uses category includes ninety-one thousand five hundred dollars (\$91,500) to transfer to the rehabilitation services program of the division of vocational rehabilitation to match with federal funds to provide deaf and hard-of-hearing rehabilitation services and twenty-five thousand dollars (\$25,000) to transfer to the signed language interpreting practices board of the regulation and licensing department for interpreter licensure services.

Performance measures:

(a) Output:	Number of accessible technology equipment distributions	1,070
Subtotal		3,607.7

MARTIN LUTHER KING, JR. COMMISSION:

The purpose of the Martin Luther King, Jr. commission is to promote Martin Luther King, Jr.'s nonviolent principles and philosophy to the people of New Mexico through remembrance, celebration and action so that everyone gets involved in making a difference toward the improvement of interracial cooperation and reduction of youth violence in our communities.

Appropriations:

(a) Personal services and employee benefits	209.8	209.8
(b) Contractual services	25.4	25.4
(c) Other	121.3	121.3
Subtotal		356.5

COMMISSION FOR THE BLIND:

(1) Blind services:

The purpose of the blind services program is to assist blind or visually impaired citizens of New Mexico to achieve economic and social equality so they can have independence based on their personal interests and abilities.

Appropriations:

(a) Personal services and employee benefits	1,500.0	114.1	243.5	3,782.5	5,640.1
(b) Contractual services	42.2			117.0	159.2
(c) Other	750.3	5,430.9	100.0	1,521.2	7,802.4
(d) Other financing uses	107.1				107.1

The general fund appropriation to the blind services program of the commission for the blind in the other financing uses category includes one hundred seven thousand one hundred dollars (\$107,100) to transfer to the rehabilitation services program of the division of vocational rehabilitation to match with federal funds to provide rehabilitation services for the disabled.

The internal service funds/interagency transfers appropriations to the blind services program of the commission for the blind include two hundred thousand dollars (\$200,000) from the division of vocational rehabilitation to provide services to the blind or visually impaired citizens of New Mexico.

Any unexpended balances in the commission for the blind remaining at the end of fiscal year 2021 from appropriations made from the general fund shall not revert.

Performance measures:

(a) Outcome:	Average hourly wage for the blind or visually impaired person	\$16
(b) Outcome:	Number of people who avoided or delayed moving into a nursing home or assisted living facility as a result of receiving independent living services	125

Subtotal

13,708.8

INDIAN AFFAIRS DEPARTMENT:

(1) Indian affairs:

The purpose of the Indian affairs program is to coordinate intergovernmental and interagency programs concerning tribal governments and the state.

Appropriations:

(a) Personal services and employee benefits	1,421.3		1,421.3
(b) Contractual services	439.1	249.3	688.4
(c) Other	864.6	1,000.0	1,864.6

The internal service funds/interagency transfers appropriation to the Indian affairs program of the Indian affairs department includes two hundred forty-nine thousand three hundred dollars (\$249,300) from the tobacco settlement program fund for tobacco cessation and prevention programs for Native American communities throughout the state.

The internal service funds/interagency transfers appropriation to the Indian affairs program of the Indian affairs department includes one million dollars (\$1,000,000) from the general fund appropriation to the public education department for indigenous, multilingual, multicultural and special education, including for tribal departments of education, to develop early childhood culturally and linguistically relevant curriculum, to design culturally and linguistically relevant assessment tools and culturally

appropriate teacher and program evaluation instruments, to conduct needs assessments of early childhood education facilities and to develop plans for constructing needed facilities. Any unexpended funds remaining at the end of fiscal year 2021 shall revert to the public education department.

Subtotal 3,974.3

EARLY CHILDHOOD EDUCATION AND CARE DEPARTMENT:

(1) Support and intervention:

Appropriations:

(a) Personal services and employee benefits	483.4	475.1	500.0	607.6	2,066.1
(b) Contractual services	378.6	241.4		2,158.3	2,778.3
(c) Other	17,920.4	1,311.8		83.6	19,315.8
(d) Other financing uses	10,901.6				10,901.6

(2) Early childhood education and care:

Appropriations:

(a) Personal services and employee benefits	3,556.7			7,754.1	11,310.8
(b) Contractual services	64,911.1	1,184.8	19,100.0	20,204.2	105,400.1
(c) Other	54,371.5	1,600.0	41,527.5	104,268.2	201,767.2

The internal service funds/interagency transfers appropriations to the early childhood education and care program of the early childhood education and care department include sixty million six hundred twenty-seven thousand five hundred dollars (\$60,627,500) from the federal temporary assistance for needy families block grant: forty-one million five hundred twenty-seven thousand five hundred dollars (\$41,527,500) for child care, fourteen million one hundred thousand dollars (\$14,100,000) for prekindergarten and five million dollars (\$5,000,000) for home-visiting services.

Performance measures:

(a) Outcome:	Percent of licensed childcare providers participating in high-quality programs	43%
[(b) Outcome:	Percent of children receiving childcare assistance with substantiated abuse or neglect referrals during the childcare assistance participating period] <i>LINE-ITEM VETO</i>	1.3%]
(c) Outcome:	Percent of families receiving home-visiting services for at least six months that have one or more protective services substantiated abuse or neglect referrals during the participating period	3%
(d) Outcome:	Percent of parents participating in home visits who demonstrate progress in practicing positive parent-child interactions	50%
(e) Outcome:	Percent of children in prekindergarten funded by the children, youth and families department showing	95%

measurable progress on the school readiness fall-
preschool assessment tool

(3) Public pre-kindergarten:

Appropriations:

(a) Contractual services	3,164.0		3,164.0
(b) Other	45,536.0	3,500.0	49,036.0

The public pre-kindergarten program of the early childhood education and care department shall prioritize awards of pre-kindergarten programs at school districts or charter schools that provide kindergarten-five plus programs approved by the public education department.

~~[The public pre-kindergarten program of the early childhood education and care department shall not increase the total number of funded prekindergarten slots at public schools and shall only use increased appropriations to convert half-day prekindergarten slots to full-day prekindergarten slots.]~~ *LINE-ITEM VETO*

The internal service funds/interagency transfers appropriation to the public pre-kindergarten program of the early childhood education and care department includes three million five hundred thousand dollars (\$3,500,000) from the federal temporary assistance for needy families block grant for prekindergarten.

(4) Program support:

Appropriations:

(a) Personal services and employee benefits	3,396.9		200.0	3,596.9
(b) Contractual services	211.0			211.0
(c) Other	1,781.5		400.0	2,181.5
Subtotal				411,729.3

AGING AND LONG-TERM SERVICES DEPARTMENT:

(1) Consumer and elder rights:

The purpose of the consumer and elder rights program is to provide current information, assistance, counseling, education and support to older individuals and people with disabilities, residents of long-term care facilities and their families and caregivers that allow them to protect their rights and make informed choices about quality services.

Appropriations:

(a) Personal services and employee benefits	1,629.0	1,300.0	987.6	3,916.6
(b) Contractual services	107.0		441.1	548.1
(c) Other	120.2		530.1	650.3

Performance measures:

(a) Quality:	Percent of calls to the aging and disability resource center answered by a live operator	90%
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(b) Outcome: Percent of residents who remained in the community 90%
six months following a nursing home care transition

(2) Aging network:

The purpose of the aging network program is to provide supportive social and nutrition services for older individuals and persons with disabilities so they can remain independent and involved in their communities and to provide training, education and work experience to older individuals so they can enter or re-enter the workforce and receive appropriate income and benefits.

Appropriations:

(a) Personal services and employee benefits	459.3	34.9	555.3	1,049.5
(b) Contractual services	1,237.2	10.0		1,247.2
(c) Other	29,809.2	70.9	11,142.5	41,022.6

The general fund appropriation to the aging network program of the aging and long-term services department in the other category shall allow for an additional twelve and one-half percent distribution from the department of finance and administration for initial payments to aging network providers at the beginning of the fiscal year.

The general fund appropriation to the aging network program of the aging and long-term services department in the other category includes one million four hundred thousand dollars (\$1,400,000) for aging network provider rate increases.

Any unexpended balances remaining in the aging network from the conference on aging at the end of fiscal year 2021 from appropriations made from other state funds for the conference on aging shall not revert to the general fund.

Any unexpended balances remaining from the tax refund contribution senior fund, which provides for the provision of supplemental senior services throughout the state, at the end of fiscal year 2021 shall not revert to the general fund.

Performance measures:

(a) Outcome:	Number of hours of caregiver support provided	444,000
(b) Output:	Number of hours of service provided by senior volunteers, statewide	1,638,000

(3) Adult protective services:

The purpose of the adult protective services program is to investigate allegations of abuse, neglect and exploitation of seniors and adults with disabilities and provide in-home support services to adults at high risk of repeat neglect.

Appropriations:

(a) Personal services and employee benefits	10,066.9		10,066.9
(b) Contractual services	1,592.7	2,164.4	3,757.1
(c) Other	184.4	11.9	196.3

Performance measures:

(a) Outcome: Percent of emergency or priority one investigations >99%
in which a caseworker makes initial face-to-face
contact with the alleged victim within prescribed
timeframes

(4) Program support:

The purpose of program support is to provide clerical, record-keeping and administrative support in the areas of personnel, budget, procurement and contracting to agency staff, outside contractors and external control agencies to implement and manage programs.

Appropriations:

(a) Personal services and employee benefits	3,343.2	98.5	3,441.7
(b) Contractual services	186.8		186.8
(c) Other	1,845.6		1,845.6
Subtotal			67,928.7

HUMAN SERVICES DEPARTMENT:

(1) Medical assistance:

The purpose of the medical assistance program is to provide the necessary resources and information to enable low-income individuals to obtain either free or low-cost healthcare.

Appropriations:

(a) Personal services	5,337.4			8,558.3	13,895.7
and employee benefits					
(b) Contractual services	13,993.9	1,727.4	759.9	49,212.1	65,693.3
(c) Other	960,672.0	70,963.0	264,477.9	4,692,163.0	5,988,275.9

The appropriations to the medical assistance program of the human services department assume the state will receive an enhanced federal medical assistance percentage rate for those enrolled in the expansion adult category through fiscal year 2021 as provided for in the federal Patient Protection and Affordable Care Act, as amended by the Health Care and Education Reconciliation Act of 2010. Should the federal government reduce or rescind the federal medical assistance percentage rates established by the federal Patient Protection and Affordable Care Act, the human services department shall reduce or rescind eligibility for the expansion adult category.

The internal service funds/interagency transfers appropriations to the medical assistance program of the human services department include one million two hundred fifty-five thousand four hundred dollars (\$1,255,400) from the tobacco settlement program fund for the breast and cervical cancer treatment program and six million sixty-three thousand nine hundred dollars (\$6,063,900) from the tobacco settlement program fund for medicaid programs.

The internal service funds/interagency transfers appropriations to the medical assistance program of the human services department include thirty-nine million three hundred twelve thousand dollars (\$39,312,000) from the county-supported medicaid fund.

The general fund appropriation to the medical assistance program of the human services department in the other category includes five hundred thousand dollars (\$500,000) to increase medicaid physician provider rates [~~prioritizing increasing physician provider rates that were reduced in 2016~~] and two million three hundred thousand dollars (\$2,300,000) for [~~safety net care pool~~] hospitals [~~pursuant to the safety net care pool program~~]. The increased allocations shall be implemented through managed care directed payments and upper payment limit payments to sustain the economic viability of safety net care pool hospitals statewide.] *LINE-ITEM VETO*

Performance measures:

- | | | |
|------------------|--|-----|
| (a) Outcome: | Percent of children ages two to twenty years enrolled in medicaid managed care who had at least one dental visit during the measurement year | 72% |
| (b) Explanatory: | Percent of infants in medicaid managed care who had six or more well child visits with a primary care physician before the age of fifteen months | |
| (c) Outcome: | Average percent of children and youth ages twelve months to nineteen years in medicaid managed care who received one or more well-child visits with a primary care physician during the measurement year | 88% |
| (d) Outcome: | Percent of hospital readmissions for adults in medicaid managed care, age eighteen and over, within thirty days of discharge | <8% |

(e) Outcome: Rate per one thousand members of emergency room use 0.45
categorized as nonemergent care

(2) Medicaid behavioral health:

The purpose of the medicaid behavioral health program is to provide the necessary resources and information to enable low-income individuals to obtain either free or low-cost behavioral healthcare.

Appropriations:

(a) Other 113,163.0 432,418.0 545,581.0

The general fund appropriation to the medicaid behavioral health program of the human services department includes fifty thousand dollars (\$50,000) to transfer to the administrative hearings office to support medicaid hearing officers.

Performance measures:

(a) Outcome: Percent of readmissions to same level of care or 5%
higher for children or youth discharged from
residential treatment centers and inpatient care

(b) Output: Number of individuals served annually in substance 175,000
abuse or mental health programs administered
through the behavioral health collaborative and
medicaid programs

(c) Outcome: Percent of adults with mental illness or substance use disorders receiving medicaid behavioral health services who have housing needs who receive assistance with their housing needs 50%

(3) Income support:

The purpose of the income support program is to provide cash assistance and supportive services to eligible low-income families so they can achieve self-sufficiency. Eligibility requirements are established by state law within broad federal statutory guidelines.

Appropriations:

(a) Personal services and employee benefits	20,742.3	294.9	39,635.3	60,672.5
(b) Contractual services	12,141.6	135.2	42,258.6	54,535.4
(c) Other	19,924.8	47.2	817,588.6	837,560.6

The federal funds appropriations to the income support program of the human services department include eleven million five hundred seven thousand seven hundred dollars (\$11,507,700) from the federal temporary assistance for needy families block grant for administration of the New Mexico Works Act.

The appropriations to the income support program of the human services department include eighty-seven thousand one hundred dollars (\$87,100) from the general fund and forty-six million nine hundred sixty-six thousand six hundred dollars (\$46,966,600) from the federal temporary assistance for needy families block grant to provide cash assistance grants to participants as defined in the New Mexico Works Act, including

wage subsidies for participants, two clothing allowances per year, diversion payments and state-funded payments to aliens.

The federal funds appropriations to the income support program of the human services department include eighteen million sixty-five thousand two hundred dollars (\$18,065,200) from the federal temporary assistance for needy families block grant for job training and placement and job-related transportation services, employment-related costs and a transitional employment program. The funds for the transitional employment program and the wage subsidy program may be used interchangeably.

The federal funds appropriations to the income support program of the human services department include forty-one million five hundred twenty-seven thousand five hundred dollars (\$41,527,500) from the federal temporary assistance for needy families block grant for transfer to the early childhood education and care department for childcare programs, five million dollars (\$5,000,000) for home-visiting programs and seventeen million six hundred thousand dollars (\$17,600,000) for prekindergarten.

The federal funds appropriations to the income support program of the human services department include nine hundred thousand dollars (\$900,000) from the federal temporary assistance for needy families block grant for transfer to the children, youth and families department for a supportive housing project.

The federal funds appropriations to the income support program of the human services department include two hundred thousand dollars (\$200,000) from the federal temporary assistance for needy families block grant for transfer to the public education department for the graduation, reality and dual-role skills program.

The appropriations to the income support program of the human services department include seven million two hundred twenty thousand dollars (\$7,220,000) from the general fund and three million eighty thousand three hundred dollars (\$3,080,300) from federal funds for general assistance.

Any unexpended balances remaining at the end of fiscal year 2021 from the other state funds appropriations derived from reimbursements received from the social security administration for the general assistance program shall not revert.

Performance measures:

- | | | |
|--------------|--|-----|
| (a) Outcome: | Percent of parent participants who meet temporary assistance for needy families federal work participation requirements | 53% |
| (b) Outcome: | Percent of temporary assistance for needy families two-parent recipients meeting federal work participation requirements | 63% |

(4) Behavioral health services:

The purpose of the behavioral health services program is to lead and oversee the provision of an integrated and comprehensive behavioral health prevention and treatment system so the program fosters recovery and supports the health and resilience of all New Mexicans.

Appropriations:

(a) Personal services and employee benefits	3,374.7	959.3	4,334.0
(b) Contractual services	46,798.8	21,124.2	67,923.0
(c) Other	710.6	1,131.0	1,841.6

The general fund appropriation to the behavioral health services program of the human services department in the contractual services category includes two hundred twenty-five thousand dollars (\$225,000) for an Espanola homeless shelter program, three hundred thousand dollars (\$300,000) for homeless shelters and supportive housing programs in the city of Santa Fe, city of Gallup and Valencia county, one hundred fifty thousand dollars (\$150,000) to provide operational support for a homeless shelter and supportive housing program in the city of Santa Fe, two hundred thousand dollars (\$200,000) for supplemental security income and social security disability insurance outreach to people experiencing homelessness who have a disability and providing them access to disability benefits and two hundred thousand dollars (\$200,000) to ~~design~~ ~~and~~ implement a ~~comprehensive~~ community-based mental health system in communities throughout the state.

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The appropriations to the behavioral health services program of the human services department in the contractual services category include four hundred thirteen thousand dollars (\$413,000) from the general fund and one million two hundred thirty-nine thousand dollars (\$1,239,000) from federal funds for youth homeless demonstration programs ~~[to be matched with federal funds]~~. *LINE-ITEM VETO*

Performance measures:

(a) Outcome:	Percent of individuals discharged from inpatient facilities who receive follow-up services at thirty days	70%
(b) Outcome:	Percent of people with a diagnosis of alcohol or drug dependency who initiated treatment and receive two or more additional services within thirty days of the initial visit	35%
(c) Outcome:	Percent reduction in number of incidents from the first to last day of the school year in classrooms participating in the pax good behavior games, as measured by the spleem instrument	50%

(5) Child support enforcement:

The purpose of the child support enforcement program is to provide location, establishment and collection services for custodial parents and their children; to ensure that all court orders for support payments are being met to maximize child support collections; and to reduce public assistance rolls.

Appropriations:

(a) Personal services and employee benefits	5,129.5	1,829.9	13,283.1	20,242.5
(b) Contractual services	1,907.7	680.5	4,939.9	7,528.1
(c) Other	1,420.8	506.0	3,678.4	5,605.2

Performance measures:

(a) Outcome:	Amount of child support collected, in millions	\$145
(b) Outcome:	Percent of current support owed that is collected	60%
(c) Outcome:	Percent of cases with support orders	85%
(d) Outcome:	Percent of noncustodial parents paying support to total cases with support orders	58%

(6) Program support:

The purpose of program support is to provide overall leadership, direction and administrative support to each agency program and to assist it in achieving its programmatic goals.

Appropriations:

(a) Personal services and employee benefits	4,706.3	574.6	14,265.6	19,546.5
(b) Contractual services	8,795.5	23.0	20,586.3	29,404.8
(c) Other	5,679.1	113.8	10,071.7	15,864.6
Subtotal				7,738,504.7

WORKFORCE SOLUTIONS DEPARTMENT:

(1) Unemployment insurance:

The purpose of the unemployment insurance program is to administer an array of demand-driven workforce development services to prepare New Mexicans to meet the needs of business.

Appropriations:

(a) Personal services and employee benefits	1,331.1	892.2	5,124.3	7,347.6
(b) Contractual services		21.4	327.1	348.5
(c) Other		55.1	1,311.8	1,366.9

The internal service funds/interagency transfers appropriations to the unemployment insurance program of the workforce solutions department include one hundred fifty thousand five hundred dollars (\$150,500) from the workers' compensation administration fund of the workers' compensation administration.

Performance measures:

(a) Output:	Percent of eligible unemployment insurance claims issued a determination within twenty-one days from the date of claim	89%
(b) Output:	Average wait time to speak to a customer service agent in the unemployment insurance operation center to file a new unemployment insurance claim, in minutes	18
(c) Output:	Average wait time to speak to a customer service agent in the unemployment insurance operation center to file a weekly certification, in minutes	15

(2) Labor relations:

The purpose of the labor relations program is to provide employment rights information and other work-site-based assistance to employers and employees.

Appropriations:

(a) Personal services and employee benefits	2,016.4	490.1	4.7	2,511.2
(b) Contractual services		20.7	21.0	41.7
(c) Other		1,953.3	281.0	2,234.3

The internal service funds/interagency transfers appropriations to the labor relations program of the workforce solutions department include eight hundred forty-nine thousand five hundred dollars (\$849,500) from the workers' compensation administration fund of the workers' compensation administration.

Performance measures:

(a) Output:	Percent of discrimination claims investigated and issued a determination within two-hundred days	75%
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(3) Workforce technology:

The purpose of the workforce technology program is to provide and maintain customer-focused, effective and innovative information technology services for the department and its service providers.

Appropriations:

(a) Personal services and employee benefits	663.8	67.0	3,240.8	3,971.6
(b) Contractual services	3,434.8	1,505.0	2,563.6	7,503.4
(c) Other	1,412.4	665.5	1,776.1	3,854.0

Performance measures:

(a) Outcome:	Percent of time the unemployment framework for automated claims and tax services are available during scheduled uptime	99%
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(4) Employment services:

The purpose of the employment services program is to provide standardized business solution strategies and labor market information through the New Mexico public workforce system that is responsive to the needs of New Mexico businesses.

Appropriations:

(a) Personal services and employee benefits	818.9		6,295.9	7,114.8
(b) Contractual services	9.1		1,197.1	1,206.2
(c) Other	57.5		5,497.7	5,555.2

Performance measures:

(a) Outcome:	Percent of unemployed individuals employed after receiving employment services in a connections office	55%
(b) Outcome:	Average six-month earnings of individuals entering employment after receiving employment services in a connection office	\$13,700
(c) Output:	Percent of audited apprenticeship programs deemed compliant	50%

(5) Program support:

The purpose of program support is to provide overall leadership, direction and administrative support to each agency program to achieve organizational goals and objectives.

Appropriations:

(a) Personal services and employee benefits	463.6	10.3	6,928.0	7,401.9
(b) Contractual services	10.7	91.4	807.2	909.3
(c) Other	51.5	210.4	29,112.7	29,374.6
Subtotal				80,741.2

WORKERS' COMPENSATION ADMINISTRATION:

(1) Workers' compensation administration:

The purpose of the workers' compensation administration program is to assure the quick and efficient delivery of indemnity and medical benefits to injured and disabled workers at a reasonable cost to employers.

Appropriations:

(a) Personal services and employee benefits	8,727.2	8,727.2
(b) Contractual services	376.1	376.1
(c) Other	1,405.8	1,405.8
(d) Other financing uses	1,000.0	1,000.0

The other state funds appropriation to the workers' compensation administration program of the workers' compensation administration in the other financing uses category includes one hundred fifty thousand five hundred dollars (\$150,500) from the workers' compensation administration fund for the unemployment insurance program of the workforce solutions department and eight hundred forty-nine thousand five hundred dollars (\$849,500) from the workers' compensation administration fund for the labor relations program of the workforce solutions department.

Performance measures:

(a) Outcome:	Rate of serious injuries and illnesses caused by workplace conditions per one hundred workers	≤0.6
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(b) Outcome: Percent of employers determined to be in compliance with insurance requirements of the Workers' Compensation Act after initial investigations ≥95%

(2) Uninsured employers' fund:

Appropriations:

(a) Personal services and employee benefits	354.3	354.3
(b) Contractual services	105.5	105.5
(c) Other	460.5	460.5
Subtotal		12,429.4

DIVISION OF VOCATIONAL REHABILITATION:

(1) Rehabilitation services:

The purpose of the rehabilitation services program is to promote opportunities for people with disabilities to become more independent and productive by empowering individuals with disabilities so they may maximize their employment, economic self-sufficiency, independence and inclusion and integration into society.

Appropriations:

(a) Personal services and employee benefits	10,268.7	10,268.7
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(b) Contractual services			4,195.5	4,195.5
(c) Other	5,998.6	191.5	6,424.3	12,614.4
(d) Other financing uses			200.0	200.0

The general fund appropriation to the rehabilitation services program of the division of vocational rehabilitation in the other category includes five hundred thousand dollars (\$500,000) [~~excluded from state match for federal funds~~] to provide adult vocational rehabilitation services. *LINE-ITEM VETO*

The internal service funds/interagency transfers appropriation to the rehabilitation services program of the division of vocational rehabilitation in the other category includes one hundred thousand dollars (\$100,000) from the commission for the blind to match with federal funds to provide rehabilitation services to blind or visually impaired New Mexicans.

The internal service funds/interagency transfers appropriation to the rehabilitation services program of the division of vocational rehabilitation in the other category includes ninety-one thousand five hundred dollars (\$91,500) to match with federal funds to support and enhance deaf and hard-of-hearing rehabilitation services.

The federal funds appropriation to the rehabilitation services program of the division of vocational rehabilitation in the other financing uses category includes two hundred thousand dollars (\$200,000) for the independent living program of the commission for the blind to provide services to blind or visually impaired New Mexicans.

Performance measures:

- (a) Outcome: Number of clients achieving suitable employment for a minimum of ninety days 830
- (b) Outcome: Percent of clients achieving suitable employment outcomes of all cases closed after receiving planned services 45%

(2) Independent living services:

The purpose of the independent living services program is to increase access for individuals with disabilities to technologies and services needed for various applications in learning, working and home management.

Appropriations:

(a) Contractual services			51.5	51.5
(b) Other	676.0	7.1	277.7	960.8
(c) Other financing uses			63.5	63.5

The internal service funds/interagency transfers appropriation to the independent living services program of the division of vocational rehabilitation in the other category includes seven thousand one hundred dollars (\$7,100) from the commission for the blind to match with federal funds to provide independent living services to blind or visually impaired New Mexicans.

The federal funds appropriation to the independent living services program of the division of vocational rehabilitation in the other financing uses category includes sixty-three thousand five hundred

dollars (\$63,500) for the independent living program of the commission for the blind to provide services to blind or visually impaired New Mexicans.

Performance measures:

(a) Output:	Number of independent living plans developed	650
(b) Output:	Number of individuals served for independent living	700

(3) Disability determination:

The purpose of the disability determination program is to produce accurate and timely eligibility determinations to social security disability applicants so they may receive benefits.

Appropriations:

(a) Personal services and employee benefits	7,618.3	7,618.3
(b) Contractual services	3,902.3	3,902.3
(c) Other	4,979.4	4,979.4

Performance measures:

(a) Efficiency:	Average number of days for completing an initial disability claim	100
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(4) Administrative services:

The purpose of the administration services program is to provide leadership, policy development, financial analysis, budgetary control, information technology services, administrative support and legal services to the division of vocational rehabilitation. The administration services program function is to ensure the division of vocational rehabilitation achieves a high level of accountability and excellence in services provided to the people of New Mexico.

Appropriations:

(a) Personal services and employee benefits	3,458.2	3,458.2
(b) Contractual services	457.9	457.9
(c) Other	1,021.5	1,021.5

Any unexpended balances in the division of vocational rehabilitation remaining at the end of fiscal year 2021 from appropriations made from the general fund shall not revert and may be expended in fiscal year 2022.

Subtotal		49,792.0
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GOVERNOR'S COMMISSION ON DISABILITY:

(1) Governor's commission on disability:

The purpose of the governor's commission on disability program is to promote policies and programs that focus on common issues faced by New Mexicans with disabilities, regardless of type of disability, age or other factors. The commission educates state administrators, legislators and the general public on the

issues facing New Mexicans with disabilities, especially as they relate to federal Americans with Disabilities Act directives, building codes, disability technologies and disability culture so they can improve the quality of life of New Mexicans with disabilities.

Appropriations:

(a) Personal services and employee benefits	712.8		323.7	1,036.5
(b) Contractual services	51.0		100.0	151.0
(c) Other	445.7	100.0	102.4	648.1

Performance measures:

(a) Outcome: Percent of requested architectural plan reviews and site inspections completed ≥98%

(2) Brain injury advisory council:

The purpose of the brain injury advisory council program is to provide guidance on the use and implementation of programs provided through the human services department's brain injury services fund so the department may align service delivery with needs identified by the brain injury community.

Appropriations:

(a) Personal services and employee benefits	73.3			73.3
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(b) Contractual services	50.1		50.1
(c) Other	78.9		78.9
Subtotal			2,037.9

DEVELOPMENTAL DISABILITIES PLANNING COUNCIL:

(1) Developmental disabilities planning council:

The purpose of the developmental disabilities planning council program is to provide and produce opportunities for persons with disabilities so they may realize their dreams and potential and become integrated members of society.

Appropriations:

(a) Personal services and employee benefits	432.3		252.0	684.3
(b) Contractual services	64.1		245.0	309.1
(c) Other	317.5	75.0		392.5

(2) Office of guardianship:

The purpose of the office of guardianship is to enter into, monitor and enforce guardianship contracts for income-eligible persons and to help file, investigate and resolve complaints about guardianship services provided by contractors to maintain the dignity, safety and security of the indigent and incapacitated adults of the state.

Appropriations:

(a) Personal services and employee benefits	752.9	150.0		902.9
(b) Contractual services	3,726.9	350.0	550.0	4,626.9
(c) Other	152.5			152.5

Performance measures:

(a) Outcome:	Average amount of time spent on wait list	6 months
(b) Outcome:	Number of guardianship investigations completed	20
Subtotal		7,068.2

MINERS' HOSPITAL OF NEW MEXICO:

(1) Healthcare:

The purpose of the healthcare program is to provide quality acute care, long-term care and related health services to the beneficiaries of the miners' trust fund of New Mexico and the people of the region so they can maintain optimal health and quality of life.

Appropriations:

(a) Personal services and employee benefits	10,490.1	3,756.7	5,418.7	19,665.5
(b) Contractual services	4,056.7	1,452.7	2,095.5	7,604.9
(c) Other	3,883.2	1,390.6	2,005.8	7,279.6

The internal service funds/interagency transfers appropriations to the healthcare program of miners' hospital of New Mexico include six million six hundred thousand dollars (\$6,600,000) from the miners' trust fund.

Performance measures:

(a) Quality:	Percent of patients readmitted to the hospital within thirty days with the same or similar diagnosis	<1%
Subtotal		34,550.0

DEPARTMENT OF HEALTH:

(1) Public health:

The purpose of the public health program is to provide a coordinated system of community-based public health services focusing on disease prevention and health promotion to improve health status, reduce disparities and ensure timely access to quality, culturally competent healthcare.

Appropriations:

(a) Personal services and employee benefits	22,349.5	4,581.7	2,689.1	25,107.1	54,727.4
(b) Contractual services	18,443.6	3,783.3	12,528.7	9,514.6	44,270.2
(c) Other	11,353.3	31,057.2	336.8	26,714.8	69,462.1
(d) Other financing uses	462.3				462.3

The internal service funds/interagency transfers appropriations to the public health program of the department of health include five million four hundred thirty-five thousand two hundred dollars (\$5,435,200) from the tobacco settlement program fund for smoking cessation and prevention programs, seven hundred fifteen thousand five hundred dollars (\$715,500) from the tobacco settlement program fund for diabetes prevention and control services, two hundred ninety-three thousand dollars (\$293,000) from the tobacco settlement program fund for HIV/AIDS prevention services and medicine, and one hundred twenty-eight thousand six hundred dollars (\$128,600) from the tobacco settlement program fund for breast and cervical cancer screening.

The general fund appropriation to the public health program of the department of health in the other category includes one hundred fifty thousand dollars (\$150,000) for community data support activities related to public health.

The general fund appropriation to the public health program of the department of health in the contractual services category includes fifty thousand dollars (\$50,000) to extend a school-based health center's operating hours to improve access to healthcare in underserved communities.

The general fund appropriation to the public health program of the department of health in the contractual services category includes four hundred thousand dollars (\$400,000) for cancer survivor services.

Performance measures:

(a) Quality:	Percent of female New Mexico department of health's public health office family planning clients, ages	≥62.5%
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	fifteen to nineteen, who were provided most or moderately effective contraceptives	
(b) Quality:	Percent of school-based health centers funded by the department of health that demonstrate improvement in their primary care or behavioral healthcare focus area	≥95%
(c) Outcome:	Percent of preschoolers ages nineteen to thirty-five months indicated as being fully immunized	≥65%

(2) Epidemiology and response:

The purpose of the epidemiology and response program is to monitor health, provide health information, prevent disease and injury, promote health and healthy behaviors, respond to public health events, prepare for health emergencies and provide emergency medical and vital registration services to New Mexicans.

Appropriations:

(a) Personal services and employee benefits	5,150.5	127.2	400.6	9,528.0	15,206.3
(b) Contractual services	1,299.8	252.6	33.3	6,886.1	8,471.8
(c) Other	4,680.0	100.7	80.3	2,029.9	6,890.9

Performance measures:

- (a) Explanatory: Drug overdose death rate per one hundred thousand population
- (b) Explanatory: Alcohol-related death rate per one hundred thousand population
- (c) Outcome: Percent of retail pharmacies that dispense naloxone 85%
- (d) Outcome: Percent of opioid patients also prescribed benzodiazepines ≤5%

(3) Laboratory services:

The purpose of the laboratory services program is to provide laboratory analysis and scientific expertise for policy development for tax-supported public health, environment and toxicology programs in the state of New Mexico and to provide timely identification of threats to the health of New Mexicans.

Appropriations:

(a) Personal services and employee benefits	5,679.0	1,272.5	119.1	1,543.0	8,613.6
(b) Contractual services	169.3	30.0	34.5	61.2	295.0
(c) Other	2,293.2	497.5	582.9	1,551.3	4,924.9

(4) Facilities management:

The purpose of the facilities management program is to provide oversight for department of health facilities that provide health and behavioral healthcare services, including mental health, substance

abuse, nursing home and rehabilitation programs in both facility- and community-based settings, and serve as the safety net for the citizens of New Mexico.

Appropriations:

(a) Personal services and employee benefits	49,043.9	54,304.0	738.6	7,739.0	111,825.5
(b) Contractual services	3,096.6	8,285.7	618.7	808.8	12,809.8
(c) Other	10,187.2	12,852.0	2,648.5	1,474.8	27,162.5

Performance measures:

(a) Efficiency:	Percent of eligible third-party revenue collected at all agency facilities	≥93%
(b) Quality:	Percent of long-term care residents experiencing one or more major falls with injury	<4%
(c) Quality:	Number of significant medication errors per one hundred patients	≤2

(5) Developmental disabilities support:

The purpose of the developmental disabilities support program is to administer a statewide system of community-based services and support to improve the quality of life and increase the independence and interdependence of individuals with developmental disabilities and children with or at risk for developmental delay or disability and their families.

Appropriations:

(a) Personal services and employee benefits	7,953.3		6,427.7	14,381.0
(b) Contractual services	9,900.8	25.0	1,451.3	11,377.1
(c) Other	9,277.9	180.0	1,670.9	11,128.8
(d) Other financing uses	143,943.3			143,943.3

The general fund appropriation to the developmental disabilities support program of the department of health in the contractual services category includes two hundred thousand dollars (\$200,000) for the establishment and operations of a regional office on autism spectrum disorder at New Mexico state university.

Performance measures:

(a) Explanatory: Number of individuals receiving developmental disabilities

waiver services

(b) Explanatory: Number of individuals on the developmental disabilities

waiver waiting list

(6) Health certification, licensing and oversight:

The purpose of the health certification, licensing and oversight program is to provide health facility licensing and certification surveys, community-based oversight and contract compliance surveys and a

statewide incident management system so that people in New Mexico have access to quality healthcare and that vulnerable populations are safe from abuse, neglect and exploitation.

Appropriations:

(a) Personal services and employee benefits	4,968.9	1,782.7	4,398.7	1,847.9	12,998.2
(b) Contractual services	683.5	153.2	175.8	70.6	1,083.1
(c) Other	403.7	110.8	498.6	493.5	1,506.6

Performance measures:

(a) Explanatory:	Abuse rate for developmental disability waiver and mi via waiver clients	
(b) Explanatory:	Re-abuse rate for developmental disabilities waiver and mi via waiver clients	
(c) Quality:	Percent of abuse, neglect and exploitation investigations completed according to established timelines	86%

(7) Medical cannabis:

The purpose of the medical cannabis program is to provide qualified patients with the means to legally and beneficially consume medical cannabis in a regulated system for alleviating symptoms caused by debilitating medical conditions and their medical treatments and to regulate a system of production and distribution of medical cannabis to ensure an adequate supply.

Appropriations:

(a) Personal services and employee benefits	1,938.8	1,938.8
(b) Contractual services	780.7	780.7
(c) Other	545.5	545.5

(8) Administration:

The purpose of the administration program is to provide leadership, policy development, information technology, administrative and legal support to the department of health so it achieves a high level of accountability and excellence in services provided to the people of New Mexico.

Appropriations:

(a) Personal services and employee benefits	6,261.3	700.0	5,529.6	12,490.9
(b) Contractual services	138.5	1,154.2	811.6	2,104.3
(c) Other	411.0	104.6	1,086.6	1,602.2
Subtotal				581,002.8

DEPARTMENT OF ENVIRONMENT:

(1) Resource protection:

The purpose of the resource protection program is to monitor and provide regulatory oversight of the generation, storage, transportation and disposal of wastes in New Mexico. The program also oversees the

investigation and cleanup of environmental contamination covered by the Resource Conservation and Recovery Act.

Appropriations:

(a) Personal services and employee benefits	1,500.9	7,124.0	2,666.2	11,291.1
(b) Contractual services	311.6	712.6	1,160.7	2,184.9
(c) Other	430.9	925.2	689.9	2,046.0

Performance measures:

(a) Outcome:	Percent of solid waste facilities and infectious waste generators not in compliance with New Mexico solid waste rules	5
(b) Outcome:	Percent of underground storage tank facilities not in compliance with release prevention and release detection requirements	15

(2) Water protection:

The purpose of the water protection program is to protect and preserve the ground, surface and drinking water resources of the state for present and future generations. The program also helps New Mexico communities develop sustainable and secure water, waste water and solid waste infrastructure through funding, technical assistance and project oversight.

Appropriations:

(a) Personal services and employee benefits	2,199.3	100.0	5,018.0	10,671.1	17,988.4
(b) Contractual services	790.3		2,219.1	3,073.5	6,082.9
(c) Other	440.3		1,541.7	3,199.7	5,181.7

Performance measures:

(a) Output:	Percent of facilities operating under a groundwater discharge permit inspected each year	66%
(b) Outcome:	Percent of assessed stream and river miles meeting water quality standards	50%

(3) Environmental protection:

The purpose of the environmental protection program is to ensure New Mexicans breathe healthy air, to protect public health and the environment through specific programs that provide regulatory oversight of food service and food processing facilities, on-site treatment and disposal of liquid wastes, public swimming pools and baths and medical radiation and radiological technologists certification and to ensure every employee has safe and healthful working conditions.

Appropriations:

(a) Personal services and employee benefits	3,873.3		12,026.3	2,147.6	18,047.2
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(b) Contractual services	117.7	946.0	455.1	1,518.8
(c) Other	1,656.1	1,837.8	1,477.6	4,971.5

Performance measures:

(a) Outcome:	Percent of serious worker health and safety violations corrected within the timeframes designated on issued citations	96%
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(4) Resource management:

The purpose of the resource management program is to provide overall leadership, administrative, legal and information management support to all programs within the department. This support allows the department to operate in the most responsible, efficient and effective manner so the public can receive the information it needs to hold the department accountable.

Appropriations:

(a) Personal services and employee benefits	2,240.0	0.1	2,538.7	1,805.9	6,584.7
(b) Contractual services	177.3	21.0	107.7	181.7	487.7
(c) Other	333.6	78.9	341.1	398.7	1,152.3

(5) Special revenue funds:

Appropriations:

(a) Contractual services	4,220.0	4,220.0
(b) Other	10,650.0	10,650.0
(c) Other financing uses	34,381.3	34,381.3
Subtotal		126,788.5

OFFICE OF THE NATURAL RESOURCES TRUSTEE:

(1) Natural resource damage assessment and restoration:

The purpose of the natural resources trustee program is to restore or replace natural resources injured or lost due to releases of hazardous substances or oil into the environment.

Appropriations:

(a) Personal services and employee benefits	463.4	23.4	486.8
(b) Contractual services		2,008.5	2,008.5
(c) Other		25.1	25.1
Subtotal			2,520.4

VETERANS' SERVICES DEPARTMENT:

(1) Veterans' services:

The purpose of the veterans' services program is to carry out the mandates of the New Mexico legislature and the governor to provide information and assistance to veterans and their eligible dependents to obtain the benefits to which they are entitled to improve their quality of life.

Appropriations:

(a) Personal services and employee benefits	4,271.5	25.0	318.3	4,614.8
(b) Contractual services	372.8	100.0	136.7	609.5
(c) Other	795.0	25.0	140.0	960.0

Performance measures:

(a) Quality:	Percent of veterans surveyed who rate the services provided by the agency as satisfactory or above	95%
(b) Outcome:	Percent of eligible deceased veterans and family members interred in a regional state veterans' cemetery	10%

Subtotal 6,184.3

CHILDREN, YOUTH AND FAMILIES DEPARTMENT:

(1) Juvenile justice facilities:

The purpose of the juvenile justice facilities program is to provide rehabilitative services to youth committed to the department, including medical, educational, mental health and other services that will support their rehabilitation.

Appropriations:

(a) Personal services and employee benefits	53,502.9	1,742.5			55,245.4
(b) Contractual services	11,440.1	1,052.4	423.9	380.0	13,296.4
(c) Other	5,824.5	26.0		20.0	5,870.5

The general fund appropriation to the juvenile justice facilities program of the children youth and families department in the contractual services category includes fifty thousand dollars (\$50,000) for mentorship and guidance programs for at-risk youth.

Performance measures:

(a) Outcome:	Recidivism rate for youth discharged from active field supervision	12%
(b) Outcome:	Recidivism rate for youth discharged from commitment	40%
(c) Outcome:	Percent of juvenile justice division facility clients age eighteen and older who enter adult corrections within two years after discharge from a juvenile justice facility	10%
(d) Output:	Number of physical assaults in juvenile justice facilities	<285

(2) Protective services:

The purpose of the protective services program is to receive and investigate referrals of child abuse and neglect and provide family preservation and treatment and legal services to vulnerable children and their families to ensure their safety and well-being.

Appropriations:

(a) Personal services and employee benefits	53,756.9		1,151.6	13,941.3	68,849.8
(b) Contractual services	11,719.0	167.2	900.0	13,118.1	25,904.3
(c) Other	36,885.9	1,643.2	237.8	42,396.2	81,163.1

The internal service funds/interagency transfers appropriations to the protective services program of the children, youth and families department include nine hundred thousand dollars (\$900,000) from the federal temporary assistance for needy families block grant to New Mexico for supportive housing.

Performance measures:

(a) Output:	Turnover rate for protective service workers	20%
(b) Outcome:	Percent of children who are not the subject of substantiated maltreatment within six months of a prior determination of substantiated maltreatment	95%
(c) Outcome:	Percent of children in foster care for more than eight days who achieve permanency within twelve months of entry into foster care	40.5%

(d) Outcome:	Rate of maltreatment victimizations per one hundred thousand days in foster care	<8.5%
(e) Outcome:	Percent of children in foster care for twenty-four months at the start of a twelve month period who achieve permanency within that twelve months	32%
(f) Outcome:	Percent of children in foster care for twelve to twenty-three months at the start of a twelve-month period who achieve permanency within that twelve months	44%
(g) Outcome:	Percent of children who were victims of a substantiated maltreatment report during a twelve-month period who were victims of another substantiated maltreatment allegation within twelve months of their initial report	<9.1%

(3) Behavioral health services:

The purpose of the behavioral health services program is to provide coordination and management of behavioral health policy, programs and services for children.

Appropriations:

(a) Personal services and employee benefits	7,532.6	406.4	304.8	8,243.8	
(b) Contractual services	27,405.4	425.0	31.7	2,546.4	30,408.5

(c) Other	905.3		59.4	964.7
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Performance measures:

(a) Outcome:	Percent of infants served by infant mental health teams with a team recommendation for unification who have not had additional referrals to protective services			95%
(b) Output:	Percent of children, youth and families department children and youth involved in the estimated target population who are receiving services from community behavioral health clinicians			75%

(4) Program support:

The purpose of program support is to provide the direct services divisions with functional and administrative support so they may provide client services consistent with the department's mission and also support the development and professionalism of employees.

Appropriations:

(a) Personal services and employee benefits	10,714.3		2,513.4	13,227.7
(b) Contractual services	1,294.5	71.5	247.1	1,613.1
(c) Other	2,631.5		1,001.5	3,633.0

Subtotal						308,420.3
TOTAL HEALTH, HOSPITALS AND HUMAN SERVICES	2,074,284.8	298,304.5	427,301.7	6,652,525.4		9,452,416.4

G. PUBLIC SAFETY

DEPARTMENT OF MILITARY AFFAIRS:

(1) National guard support:

The purpose of the national guard support program is to provide administrative, fiscal, personnel, facility construction and maintenance support to the New Mexico national guard in maintaining a high degree of readiness to respond to state and federal missions and to supply an experienced force to protect the public, provide direction for youth and improve the quality of life for New Mexicans.

Appropriations:

(a) Personal services and employee benefits	3,918.9			7,358.4	11,277.3
(b) Contractual services	425.6	10.9	146.9	2,999.3	3,582.7
(c) Other	3,145.5	108.4		9,809.5	13,063.4

Performance measures:

(a) Outcome:	Percent of strength of the New Mexico national guard	97%
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(b) Output:	Percent of New Mexico national guard youth challenge academy cadets who earn their high school equivalency annually	69%
Subtotal		27,923.4

PAROLE BOARD:

(1) Adult parole:

The purpose of the adult parole program is to provide and establish parole conditions and guidelines for inmates and parolees so they may reintegrate back into the community as law-abiding citizens.

Appropriations:

(a) Personal services and employee benefits	454.0	454.0
(b) Contractual services	8.6	8.6
(c) Other	153.1	153.1

Performance measures:

(a) Efficiency:	Percent of revocation hearings held within thirty days of a parolee's return to the corrections department	90%
Subtotal		615.7

JUVENILE PUBLIC SAFETY ADVISORY BOARD:

The purpose of the juvenile public safety advisory board is to monitor each youth's rehabilitative process through therapy and support services to assure a low risk for reoffending or revictimizing the community.

Appropriations:

(a) Other				8.3
Subtotal				8.3

CORRECTIONS DEPARTMENT:

(1) Inmate management and control:

The purpose of the inmate management and control program is to incarcerate in a humane, professionally sound manner offenders sentenced to prison and to provide safe and secure prison operations. This includes quality hiring and in-service training of correctional officers, protecting the public from escape risks and protecting prison staff, contractors and inmates from violence exposure to the extent possible within budgetary resources.

Appropriations:

(a) Personal services and employee benefits	119,014.2	2,473.1	16,444.8	137,932.1
(b) Contractual services	63,572.5			63,572.5
(c) Other	108,651.0	297.1		108,948.1

The general fund appropriation to the inmate management and control program of the corrections department in the personal services and employee benefits category includes two million one hundred six thousand four hundred dollars (\$2,106,400) to increase compensation for public correctional officers.

The general fund appropriation to the inmate management and control program of the corrections department in the other category includes one million one hundred twenty-one thousand nine hundred dollars (\$1,121,900) to increase per diem rates for private prisons.

Performance measures:

(a) Outcome:	Vacancy rate of correctional officers in public facilities	20%
(b) Outcome:	Vacancy rate of correctional officers in private facilities	20%
(c) Output:	Number of inmate-on-inmate assaults with serious injury	15
(d) Output:	Number of inmate-on-staff assaults with serious injury	0
(e) Output:	Percent of eligible inmates who earn a high school equivalency credential	80%
(f) Explanatory:	Percent of participating inmates who have completed adult basic education	
(g) Outcome:	Percent of prisoners reincarcerated within thirty-six months due to new charges or pending charges	17%

(h) Explanatory:	Percent of residential drug abuse program graduates reincarcerated within thirty-six months of release	
i) Outcome:	Percent of sex offenders reincarcerated on a new sex offense conviction within thirty-six months of release on the previous sex offense conviction	15%
(j) Outcome:	Percent of release-eligible women incarcerated past their scheduled release date	6%
(k) Outcome:	Percent of release-eligible men still incarcerated past their scheduled release date	6%
(l) Outcome:	Percent of prisoners reincarcerated within thirty-six months	45%
(m) Outcome:	Percent of eligible inmates enrolled in educational, cognitive, vocational and college programs	68%
(n) Output:	Number of inmates who earn a high school equivalency credential	150

(2) Corrections industries:

The purpose of the corrections industries program is to provide training and work experience opportunities for inmates to instill a quality work ethic and to prepare them to perform effectively in an employment position and to reduce idle time of inmates while in prison.

Appropriations:

(a) Personal services and employee benefits	2,190.6	2,190.6
(b) Contractual services	51.4	51.4
(c) Other	8,734.6	8,734.6

Performance measures:

(a) Output:	Percent of inmates receiving vocational or educational training assigned to corrections industries	23%
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(3) Community offender management:

The purpose of the community offender management program is to provide programming and supervision to offenders on probation and parole, with emphasis on high-risk offenders, to better ensure the probability of them becoming law-abiding citizens, to protect the public from undue risk and to provide intermediate sanctions and post-incarceration support services as a cost-effective alternative to incarceration.

Appropriations:

(a) Personal services and employee benefits	23,218.1		23,218.1
(b) Contractual services	11,012.5		11,012.5
(c) Other	4,027.2	3,196.4	7,223.6

The general fund appropriation to the community offender management program of the corrections department in the personal services and employee benefits category includes seven hundred fifty thousand dollars (\$750,000) to administer [~~biannual~~] risk-needs assessments to all offenders under supervision. *LINE-ITEM VETO*

The general fund appropriation to the community offender management program of the corrections department in the contractual services category includes one million dollars (\$1,000,000) to implement highest-rated, evidence-based programming through community corrections.

Performance measures:

(a) Outcome:	Percent of prisoners reincarcerated within thirty-six months due to technical parole violations	14%
(b) Outcome:	Percent of contacts per month made with high-risk offenders in the community	97%
(c) Quality:	Average standard caseload per probation and parole officer	103
(d) Output:	Percent of offenders who graduate from the men's recovery center and are reincarcerated within thirty-six months	23%
(e) Output:	Percent of offenders who graduate from the women's recovery center and are reincarcerated within thirty-six months	19%
(f) Outcome:	Vacancy rate of probation and parole officers	20%

(4) Program support:

The purpose of program support is to provide quality administrative support and oversight to the department operating units to ensure a clean audit, effective budget, personnel management and cost-effective management information system services.

Appropriations:

(a) Personal services and employee benefits	11,140.3		11,140.3
(b) Contractual services	359.6	200.0	559.6
(c) Other	2,023.8	154.8	2,178.6
Subtotal			376,762.0

CRIME VICTIMS REPARATION COMMISSION:

(1) Victim compensation:

The purpose of the victim compensation program is to provide financial assistance and information to victims of violent crime in New Mexico so they can receive services to restore their lives.

Appropriations:

(a) Personal services and employee benefits	1,298.5		1,298.5
(b) Contractual services	4,531.7		4,531.7

(c) Other	1,099.1	1,248.0	2,347.1
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The general fund appropriation to the victim compensation program of the crime victims reparation commission in the contractual services category includes four hundred fifty thousand dollars (\$450,000) for services for victims of sexual assault.

Performance measures:

(a) Outcome:	Percent of payment for care and support paid to individual victims	100%
(b) Explanatory:	Number of sexual assault service provider programs funded throughout New Mexico	

(2) Federal grant administration:

The purpose of the federal grant administration program is to provide funding and training to nonprofit providers and public agencies so they can provide services to victims of crime.

Appropriations:

(a) Personal services and employee benefits	763.7	763.7
(b) Contractual services	53.8	53.8
(c) Other	16,521.7	16,521.7

Performance measures:

(a) Efficiency:	Percent of subgrantees who receive compliance monitoring via desk audits	95%
(b) Efficiency:	Percent of subgrantees that receive site visits	40%
Subtotal		25,516.5

DEPARTMENT OF PUBLIC SAFETY:

(1) Law enforcement:

The purpose of the law enforcement program is to provide the highest quality of law enforcement services to the public and ensure a safer state.

Appropriations:

(a) Personal services and employee benefits	93,850.4	995.0	3,527.9	5,002.7	103,376.0
(b) Contractual services	1,307.6	70.0	100.0	1,290.5	2,768.1
(c) Other	21,973.3	1,745.0	2,413.3	1,597.7	27,729.3

The internal service funds/interagency transfers appropriations to the law enforcement program of the department of public safety include ninety-four thousand five hundred dollars (\$94,500) from the weight distance tax identification permit fund. Any unexpended balances in the motor transportation bureau of the law enforcement program of the department of public safety remaining at the end of fiscal year 2021 from appropriations made from the weight distance tax identification permit fund shall revert to the weight distance tax identification permit fund.

Performance measures:

(a) Explanatory:	Graduation rate of the New Mexico state police recruit school	
(b) Explanatory:	Commissioned state police officer turnover rate	
(c) Explanatory:	Commissioned state police officer vacancy rate	
(d) Output:	Number of commercial motor vehicle safety inspections conducted	95,000

(2) Statewide law enforcement support program:

The purpose of the statewide law enforcement support program is to promote a safe and secure environment for the state of New Mexico through intelligently led policing practices, vital scientific and technical support, current and relevant training and innovative leadership for the law enforcement community.

Appropriations:

(a) Personal services and employee benefits	9,567.4	2,097.3	220.0	874.7	12,759.4
(b) Contractual services	896.0	849.0	70.0	814.3	2,629.3
(c) Other	3,090.7	3,087.7	370.0	584.0	7,132.4

Performance measures:

(a) Outcome:	Number of sexual assault examination kits not completed within 180 days of receipt of the kits in the forensic laboratory	0
(b) Outcome:	Percent of forensic firearm and toolmark cases completed	90%
(c) Outcome:	Percent of forensic latent fingerprint cases completed	100%
(d) Outcome:	Percent of forensic chemistry cases completed	90%

(3) Program support:

The purpose of program support is to manage the agency's financial resources, assist in attracting and retaining a quality workforce and provide sound legal advice and a clean, pleasant working environment.

Appropriations:

(a) Personal services and employee benefits	3,769.0	130.2	518.2	4,417.4
(b) Contractual services	147.3	5.0		152.3
(c) Other	390.3	6.7	3,036.0	3,433.0
Subtotal				164,397.2

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT:

(1) Homeland security and emergency management program:

The purpose of the homeland security and emergency management program is to provide for and coordinate an integrated, statewide, comprehensive emergency management system for New Mexico, including all agencies, branches and levels of government for the citizens of New Mexico.

Appropriations:

(a) Personal services and employee benefits	2,624.7	32.4	103.0	3,130.1	5,890.2
(b) Contractual services	61.8			811.6	873.4
(c) Other	720.8	22.6	67.0	21,227.7	22,038.1

Performance measures:

(a) Outcome:	Percent compliance with federal grant monitoring requirements				100%
Subtotal					28,801.7
TOTAL PUBLIC SAFETY	496,461.8	27,364.3	23,804.8	76,393.9	624,024.8

H. TRANSPORTATION

DEPARTMENT OF TRANSPORTATION:

(1) Project design and construction:

The purpose of the project design and construction program is to provide improvements and additions to the state's highway infrastructure to serve the interest of the general public. These improvements include

those activities directly related to highway planning, design and construction necessary for a complete system of highways in the state.

Appropriations:

(a) Personal services and employee benefits	24,523.8	1,881.0	26,404.8
(b) Contractual services	152,059.5	250,264.7	402,324.2
(c) Other	76,873.6	113,987.3	190,860.9

Notwithstanding the provisions of Paragraph (1) of Subsection B of Section 6-21-6.8 NMSA 1978, or other substantive law, any funds received by the New Mexico finance authority from the department of transportation in fiscal year 2021 as an annual administrative fee for issuing state transportation bonds pursuant to Sections 67-3-59.3 and 67-3-59.4 NMSA 1978 shall not be deposited into the local transportation infrastructure fund.

The other state funds appropriations to the project design and construction program of the department of transportation include sixteen million one hundred eighty thousand dollars (\$16,180,000) for maintenance, reconstruction and related construction costs of state-managed highways.

Performance measures:

(a) Outcome:	Percent of projects in production let to bid as scheduled	>67%
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(b) Quality:	Percent of final cost-over-bid amount, less gross receipts tax, on highway construction projects	<3%
(c) Outcome:	Percent of projects completed according to schedule	>88%

(2) Highway operations:

The purpose of the highway operations program is to maintain and provide improvements to the state's highway infrastructure to serve the interest of the general public. These improvements include those activities directly related to preserving roadway integrity and maintaining open highway access throughout the state system.

Appropriations:

(a) Personal services and employee benefits	106,630.8	3,000.0	109,630.8
(b) Contractual services	56,874.4		56,874.4
(c) Other	84,377.4		84,377.4

Performance measures:

(a) Output:	Number of statewide pavement lane miles preserved	>3,000
(b) Outcome:	Number of combined systemwide lane miles in poor condition	<6,925
(c) Outcome:	Percent of bridges in fair, or better, condition based on deck area	>90%

(3) Program support:

The purpose of program support is to provide management and administration of financial and human resources, custody and maintenance of information and property and the management of construction and maintenance projects.

Appropriations:

(a) Personal services and employee benefits	25,698.5			25,698.5
(b) Contractual services	5,425.4			5,425.4
(c) Other	13,482.8			13,482.8

Performance measures:

(a) Explanatory: Vacancy rate of all programs

(4) Modal:

The purpose of the modal program is to provide federal grants management and oversight of programs with dedicated revenues, including transit and rail, traffic safety and aviation.

Appropriations:

(a) Personal services and employee benefits	3,572.4	3,371.9	1,361.2	8,305.5
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(b) Contractual services	20,360.4	2,000.0	11,827.3	34,187.7
(c) Other	8,942.0	1,000.0	21,816.0	31,758.0

The internal service funds/interagency transfers appropriations to the modal program of the department of transportation include six million seventy-one thousand nine hundred dollars (\$6,071,900) from the weight distance tax identification fund.

Performance measures:

(a) Outcome:	Number of traffic fatalities	<357
(b) Outcome:	Number of alcohol-related traffic fatalities	<125
Subtotal		989,330.4
TOTAL TRANSPORTATION	578,821.0 6,371.9	404,137.5 989,330.4

I. OTHER EDUCATION

PUBLIC EDUCATION DEPARTMENT:

The purpose of the public education department is to provide a public education to all students. The secretary of public education is responsible to the governor for the operation of the department. It is the secretary's duty to manage all operations of the department and to administer and enforce the laws with which the secretary or the department is charged. To do this, the department is focusing on leadership and support, productivity, building capacity, accountability, communication and fiscal responsibility.

Appropriations:

(a) Personal services and employee benefits	12,324.6	3,282.0	45.0	7,213.2	22,864.8
(b) Contractual services	1,606.4	720.4		19,631.9	21,958.7
(c) Other	988.0	372.0		3,572.1	4,932.1

Performance measures:

(a) Output:	Number of local education agencies audited for funding formula components and program compliance	30
(b) Explanatory:	Number of eligible children served in state-funded prekindergarten	
(c) Explanatory:	Number of eligible children served in K-5 plus	
(d) Outcome:	Percent of students in K-5 plus meeting benchmark on early reading skills	75%
Subtotal		49,755.6

REGIONAL EDUCATION COOPERATIVES:

Appropriations:

(a) Northwest	110.0	5,797.3	17.9	120.3	6,045.5
(b) Northeast	110.0	432.4		831.8	1,374.2
(c) Lea county	110.0	4,237.2	100.0	1,577.9	6,025.1
(d) Pecos valley	110.0	680.0	107.0		897.0
(e) Southwest	110.0	6,500.0	38.0	525.0	7,173.0

(f) Central	110.0	9,191.2	33.5	1,220.0	10,554.7
(g) High plains	110.0	7,293.7		376.2	7,779.9
(h) Clovis	110.0	2,300.0			2,410.0
(i) Ruidoso	110.0	10,440.6		2,384.2	12,934.8
(j) Four corners	110.0	500.0			610.0
Subtotal					55,804.2

PUBLIC EDUCATION DEPARTMENT SPECIAL APPROPRIATIONS:

Appropriations:

(a) Early literacy and reading support	2,000.0				2,000.0
(b) Career technical education education fund	3,000.0				3,000.0
(c) Community school initiatives	4,000.0				4,000.0
(d) Indigenous, multilingual, multicultural and special education	5,500.0				5,500.0
(e) Feminine hygiene products	170.0				170.0
(f) Teaching pathways coordinator	50.0				50.0

(g) Principals professional development	3,000.0		3,000.0
(h) Mathematics, engineering, science achievement program	75.0		75.0
(i) School lunch copayments	650.0		650.0
(j) Teachers professional development	3,455.0		3,455.0
(k) Breakfast for elementary students	1,600.0		1,600.0
(l) Graduation, reality and dual-role skills program	500.0	200.0	700.0
(m) Advanced placement test assistance	1,500.0		1,500.0
(n) New Mexico grown fresh fruits and vegetables	400.0		400.0
(o) College and career readiness	100.0		100.0
(p) Science, technology, engineering, arts and math initiatives	5,000.0		5,000.0
(q) Accountability and regional support systems		1,000.0	1,000.0

(r) Computer science	200.0	200.0
professional development		

A school district or charter school may submit an application to the public education department for an allocation from the early literacy and reading support appropriation to support literacy interventions for students in kindergarten through second grade. The public education department shall prioritize awards to school districts or charter schools that budget the portion of the state equalization guarantee distribution attributable to providing evidence-based literacy interventions and developing literacy collaborative models for purposes of improving the reading and writing achievement of students in kindergarten through second grade. The public education department shall not make an award to a school district or charter school that does not submit an approved educational plan pursuant to Section 22-8-6 NMSA 1978 or an approved teacher mentorship program report pursuant to Section 22-10A-9 NMSA 1978.

The general fund appropriation to the career technical education fund, as established in Section 22-1-13 NMSA 1978, includes three million dollars (\$3,000,000) for the public education department to support high-quality career technical education pilot programs pursuant to Section 22-1-12 NMSA 1978.

The general fund appropriation to the public education department for community school initiatives shall be used to establish or expand community school initiatives pursuant to Section 22-32-4 NMSA 1978.

The general fund appropriation to the public education department for indigenous, multilingual, multicultural and special education includes one million six hundred fifty thousand dollars (\$1,650,000) to monitor and ensure public schools and educators provide appropriate, evidence-based instruction for students with disabilities.

The general fund appropriation to the public education department for indigenous, multilingual, multicultural and special education includes one million dollars (\$1,000,000) to the Indian affairs department for tribal departments of education to develop early childhood culturally and linguistically relevant curriculum, to design culturally and linguistically relevant assessment tools and culturally appropriate teacher and program evaluation instruments, to conduct needs assessments of early childhood education facilities and to develop plans for constructing needed facilities.

A school district or charter school may submit an application to the public education department for an allocation from the teachers professional development appropriation to support mentorship and professional development for teachers. The public education department shall prioritize awards to school districts or charter schools that budget the portion of the state equalization guarantee distribution attributable to meeting requirements of Section 22-10A-9 NMSA 1978 and providing targeted and ongoing professional development for purposes of new teacher mentorship, case management, tutoring, data-guided instruction, coaching or other evidence-based practices that improve student outcomes. The public education department shall not make an award to a school district or charter school that does not submit an approved educational plan pursuant to Section 22-8-6 NMSA 1978 or an approved teacher mentorship program pursuant to Section 22-10A-9 NMSA 1978.

The general fund appropriation to the public education department for teachers professional development shall be used to improve teacher preparation, recruitment, mentorship, professional development, evaluation and retention.

The general fund appropriation to the public education department for teachers professional development includes five hundred thousand dollars (\$500,000) to a school district or charter school that works with a nonprofit organization that recruits recent college graduates and professionals who have

demonstrated a record of achievement to teach in low-income urban and rural public schools with a demonstrated success of recruiting teachers in districts with a historic difficulty in recruiting and retaining highly qualified teachers.

The internal service funds/interagency transfers appropriation to the graduation, reality and dual-role skills program of the public education department is from the federal temporary assistance for needy families block grant to New Mexico.

The general fund appropriation to the public education department for college and career readiness shall be used to contract with an organization to address long-term economic development throughout the state through increased college and career readiness by providing proven kindergarten through twelfth grade research-based college and career readiness systems that have a long history of a successful track record in New Mexico of serving low-income, Hispanic and Native American students and other generationally underserved populations statewide.

A school district or charter school may submit an application to the public education department for an allocation from the science, technology, engineering, arts and math initiatives appropriation to develop, in consultation with industry or community partners, programs to improve the pipeline of graduates into high-demand science, technology, engineering, arts or math careers.

The other state funds appropriation to the public education department for accountability and regional support systems is from the public education reform fund and shall be used to improve regional fiscal and programmatic oversight of public school operations.

Any unexpended balances in the special appropriations to the public education department remaining at the end of fiscal year 2021 from appropriations made from the general fund shall revert to the general fund.

Subtotal					32,400.0
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PUBLIC SCHOOL FACILITIES AUTHORITY:

The purpose of the public school facilities oversight program is to oversee public school facilities in all eighty-nine school districts ensuring correct and prudent planning, building and maintenance using state funds and ensuring adequacy of all facilities in accordance with public education department approved educational programs.

Appropriations:

(a) Personal services and employee benefits		4,302.6			4,302.6
(b) Contractual services		144.0			144.0
(c) Other		1,257.9			1,257.9

The other state funds appropriation to the public school facilities authority includes five million seven hundred four thousand five hundred dollars (\$5,704,500) from the public school capital outlay fund less any amount in excess of the limitation established in Section 22-24-4(G) NMSA 1978.

Subtotal					5,704.5
TOTAL OTHER EDUCATION	47,219.0	58,451.3	541.4	37,452.6	143,664.3

J. HIGHER EDUCATION

On approval of the higher education department, the state budget division of the department of finance and administration may approve increases in budgets of agencies in this subsection, with the exception of the policy development and institutional financial oversight program of the higher education department, whose other state funds exceed amounts specified. In approving budget increases, the director of the state budget division shall advise the legislature through its officers and appropriate committees, in writing, of the justification for the approval.

The department of finance and administration shall, as directed by the secretary of higher education, withhold from an educational institution or program that the higher education department places under an enhanced fiscal oversight program a portion, up to ten percent, of the institution's or program's general fund allotments. On written notice by the secretary of higher education that the institution or program has made sufficient progress toward satisfying the requirements imposed by the higher education department under the enhanced fiscal oversight program, the department of finance and administration shall release the withheld allotments. Money withheld in accordance with this provision and not released at the end of fiscal year 2021 shall revert to the general fund. The secretary of the department of finance and administration shall advise the legislature through its officers and appropriate committees, in writing, of the status of all withheld allotments.

Except as otherwise provided, any unexpended balances remaining at the end of fiscal year 2021 shall not revert to the general fund.

HIGHER EDUCATION DEPARTMENT:

(1) Policy development and institutional financial oversight:

The purpose of the policy development and institutional financial oversight program is to provide a continuous process of statewide planning and oversight within the department's statutory authority for the state higher education system and to ensure both the efficient use of state resources and progress in implementing a statewide agenda.

Appropriations:

(a) Personal services and employee benefits	3,153.1	300.5	43.3	404.2	3,901.1
(b) Contractual services	1,278.0	99.6		347.0	1,724.6
(c) Other	11,719.9	114.6	292.4	3,838.1	15,965.0

The general fund appropriation to the policy development and institutional financial oversight program of the higher education department in the other category includes eight million two hundred thirty-five thousand nine hundred dollars (\$8,235,900) to provide adults with education services and materials and access to high school equivalency tests, one hundred thirty-eight thousand three hundred dollars (\$138,300) for workforce development programs at community colleges that primarily educate and retrain recently displaced workers, four hundred sixty-one thousand one hundred dollars (\$461,100) for the high skills program, one hundred forty-two thousand six hundred dollars (\$142,600) for English-learner teacher preparation, and two hundred sixty-three thousand nine hundred dollars (\$263,900) to the tribal college dual-credit program fund.

The general fund appropriation to the policy development and institutional financial oversight program of the higher education department in the contractual services category includes seven hundred forty-six thousand one hundred dollars (\$746,100) for an adult literacy program.

Any unexpended balances in the policy development and institutional financial oversight program of the higher education department remaining at the end of fiscal year 2021 from appropriations made from the general fund shall revert to the general fund.

The secretary of higher education shall not approve the operating budget of a higher education institution or special school that does not prioritize salary increases for faculty and staff or that disproportionately allocates salary increases for high-level administrators, provided that higher education institutions and special schools are encouraged to allocate average salary increase for all institution staff based upon performance and merit. The higher education institutions and special schools shall also submit a compensation salary plan with the operating budget to the legislative finance committee, the department of finance and administration and the higher education department.

Performance measures:

(a) Outcome:	Percent of unemployed adult education students obtaining employment two quarters after exit	40%
(b) Outcome:	Percent of adult education high school equivalency test-takers who earn a high school equivalency credential	80%
(c) Outcome:	Percent of high-school-equivalency graduates entering postsecondary degree or certificate programs	45%

(2) Student financial aid:

The purpose of the student financial aid program is to provide access, affordability and opportunities for success in higher education to students and their families so all New Mexicans may benefit from postsecondary education and training beyond high school.

Appropriations:

(a) Other	20,343.2	7,150.0	44,230.0	300.0	72,023.2
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The general fund appropriation to the student financial aid program of the higher education department includes two hundred fifty thousand dollars (\$250,000) for New Mexico students enrolled in an optometry program offered by the professional student exchange program of the western interstate commission for higher education.

The other state funds appropriation to the student financial aid program of the higher education department in the other category includes five million dollars (\$5,000,000) for the teacher preparation affordability scholarship program and two million dollars (\$2,000,000) for the teacher loan repayment program.

The internal service funds/interagency transfers appropriation to the student financial aid program of the higher education department in the other category includes three million dollars (\$3,000,000) from the college affordability fund.

(3) Opportunity scholarship:

Appropriations:

The purpose of the instruction and general program is to provide education services designed to meet the intellectual, educational and quality of life goals associated with the ability to enter the workforce, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a) Other		139,534.2		140,809.3	280,343.5
(b) Instruction and general purposes	199,385.7	180,004.1		3,807.0	383,196.8
(c) Athletics	4,018.0	28,008.9		30.6	32,057.5
(d) Educational television	1,113.8	7,044.8			8,158.6

The general fund appropriation and the other state funds appropriation to the athletics department of the university of New Mexico shall not be used to repay the athletics department budget deficit reduction plan with the board of regents of the university of New Mexico.

The general fund appropriation to the athletics department of the university of New Mexico includes two hundred twenty-five thousand dollars (\$225,000) for behavioral health programs for student athletes.

Performance measures:

(a) Outcome:	Percent of a cohort of first-time, full-time, degree-seeking freshmen who complete a baccalaureate program within one hundred fifty percent of standard graduation time	54%
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(b) Outcome:	Percent of first-time, full-time freshmen retained to the third semester	80%
(c) Output:	Number of unduplicated awards conferred in the most recent academic year	5,736
(d) Output:	Number of credit hours delivered	594,708
(e) Output:	Number of unduplicated baccalaureate degrees awarded	3,971
(f) Output:	Number of students enrolled, by headcount	30,000
(g) Output:	Number of first-time freshmen enrolled, who graduated from a New Mexico high school by headcount	200

(2) Gallup branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other		1,502.0	824.0	2,326.0
(b) Instruction and general purposes	8,997.2	6,227.0	410.0	15,634.2
(c) Dual-credit adjustment	6.2			6.2

Performance measures:

(a) Outcome:	Percent of first-time, full-time freshmen retained to the third semester	65.5%
(b) Output:	Number of first-time freshmen enrolled, who graduated from a New Mexico high school, by headcount	325
(c) Output:	Number of students enrolled, by headcount	2,890
(d) Output:	Number of unduplicated awards conferred in the most recent academic year	340
(e) Outcome:	Percent of a cohort of first-time, full-time, degree-seeking freshmen who complete an associate's program within one hundred fifty percent of standard graduation time	15%
(f) Output:	Number of credit hours delivered	41,023

(3) Los Alamos branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other	381.0	356.0	737.0
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(b) Instruction and general purposes	1,927.6	2,717.0	481.0	5,125.6
(c) Dual-credit adjustment	26.1			26.1

Performance measures:

a) Outcome:	Percent of a cohort of first-time, full-time, degree- or certificate-seeking community college students who complete an academic program within one hundred fifty percent of standard graduation time	11%
(b) Outcome:	Percent of first-time, full-time freshmen retained to the third semester	57.5%
(c) Output:	Number of students enrolled, by headcount	930
(d) Output:	Number of first-time freshmen enrolled, who graduated from a New Mexico high school, by headcount	100
e) Output:	Number of unduplicated awards conferred in the most recent academic year	110
(f) Output:	Number of credit hours delivered	14,500

(4) Valencia branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other		840.3	1,975.6	2,815.9
(b) Instruction and general purposes	5,838.4	5,004.4	430.7	11,273.5
(c) Dual-credit adjustment	112.9			112.9

Performance measures:

(a) Outcome:	Percent of a cohort of first-time, full-time, degree-seeking freshmen students who complete an associate program within one hundred fifty percent of standard graduation time	18%
(b) Outcome:	Percent of first-time, full-time freshmen retained to the third semester	65%
(c) Output:	Number of certificates and associate degrees awarded within the most recent academic year	225
(d) Output:	Number of awards conferred to students in high-demand fields in the most recent academic year	16
(e) Output:	Number of credit hours delivered	27,856

(f) Output:	Number of first-time freshmen enrolled, who graduated from a New Mexico high school, by headcount	256
(g) Output:	Number of students enrolled, by headcount	3,750

(5) Taos branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other		1,196.0	1,462.0	2,658.0
(b) Instruction and general purposes	3,837.0	3,235.0	838.0	7,910.0
(c) Dual-credit adjustment	90.8			90.8

Performance measures:

(a) Outcome:	Percent of a cohort of first-time, full-time, degree- or certificate-seeking community college students who complete an academic program within one hundred fifty percent of standard graduation time	15%
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(b) Outcome:	Percent of first-time, full-time freshmen retained to the third semester	50%
(c) Output:	Number of students enrolled, by headcount	1,200
(d) Output:	Number of unduplicated awards conferred in the most recent academic year	135
(e) Output:	Number of credit hours delivered	12,591

(6) Research and public service projects:

Appropriations:

(a) Chicano and chicana studies	100.0	100.0
(b) Career soft skills and technical education	500.0	500.0
(c) African American student services	50.0	50.0
(d) Native American studies	200.0	200.0
(e) Judicial selection	52.1	52.1
(f) Judicial education center	400.0	400.0
(g) Southwest research center	800.0	800.0
(h) Substance abuse program	71.7	71.7

(i) Resource geographic information system	64.2	64.2
(j) Southwest Indian law clinic	200.5	200.5
(k) Geospatial and population studies/bureau of business and economic research	374.3	374.3
(l) New Mexico historical review	45.5	45.5
(m) Ibero-American education	85.5	85.5
(n) Manufacturing engineering program	537.0	537.0
(o) Wildlife law education	93.0	93.0
(p) Morrissey hall programs	194.2	194.2
(q) Africana studies	300.0	300.0
(r) Disabled student services	176.1	176.1
(s) Minority student services	706.6	706.6
(t) Community-based education	545.4	545.4
(u) Corrine Wolfe children's law center	165.0	165.0

(v) Mock trials program	125.0	125.0
(w) Utton transboundary resources center	430.8	430.8
(x) Student mentoring program	280.5	280.5
(y) Land grant studies	124.9	124.9
(z) Veterans center	250.0	250.0
(aa) Gallup branch - nurse expansion	192.1	192.1
(bb) Valencia branch - nurse expansion	155.8	155.8
(cc) Taos branch - nurse expansion	223.8	223.8
(dd) Gallup branch - workforce development programs	200.0	200.0
(ee) University of New Mexico press	150.0	150.0
(ff) Grow your own teachers network	400.0	400.0

(7) Health sciences center:

The purpose of the instruction and general program of the university of New Mexico health sciences center is to provide educational, clinical and research support for the advancement of the health of all New Mexicans.

Appropriations:

(a) Other		388,000.0	94,900.0	482,900.0
(b) Instruction and general purposes	63,148.0	62,551.9	4,000.0	129,699.9

The other state funds appropriation to the health sciences center of the university of New Mexico in the instruction and general purposes category includes five hundred eighty-one thousand five hundred dollars (\$581,500) from the tobacco settlement program fund.

Performance measures:

(a) Output:	Pass rate of medical school students on United States medical licensing examination, step two clinical skills exam, on first attempt	96%
(b) Outcome:	Percent of nursing graduates passing the requisite licensure exam on first attempt	80%

(8) Health sciences center research and public service projects:

Appropriations:

(a) New Mexico bioscience authority	313.0	62.0		375.0
(b) Financial aid for medical school	200.0			200.0
(c) Graduate medical education/residencies	2,161.9			2,161.9
(d) Office of medical investigator	5,539.3	4,700.8		10,240.1
(e) Native American suicide prevention	95.4			95.4
(f) Minority student services	182.9			182.9
(g) Children's psychiatric hospital	7,891.6	11,800.0		19,691.6
(h) Carrie Tingley hospital	5,880.1	16,501.4		22,381.5
(i) Newborn intensive care	3,270.7	50.0	190.3	3,511.0
(j) Pediatric oncology	1,272.3	250.0		1,522.3
(k) Poison and drug information center	1,572.0	600.0	150.0	2,322.0
(l) Nurse expansion	1,012.3			1,012.3
(m) Medical residents		34,394.8	6,969.7	41,364.5
(n) Cancer center	5,953.2	5,733.9	13,200.0	24,887.1

(o) Genomics, biocomputing and environmental health research		1,300.0	6,000.0	7,300.0
(p) Trauma specialty education		250.0		250.0
(q) Pediatrics specialty education		250.0		250.0
(r) Native American health center	261.3			261.3
(s) Graduate nurse education	1,758.6			1,758.6
(t) Child abuse evaluation center	150.0			150.0
(u) Hepatitis community health outcomes	2,756.0	557.0		3,313.0
(v) Comprehensive movement disorders clinic	300.0			300.0
(w) New Mexico nursing education consortium	250.0			250.0
(x) Office of medical investigator grief services	220.0	150.0		370.0
(y) Physician assistant program and nurse practitioners	373.8			373.8

The general fund appropriation to the cancer center of the health sciences center research and public service projects program of the university of New Mexico includes two hundred fifty thousand dollars (\$250,000) for cervical cancer research.

The other state funds appropriations to the health sciences center research and public service projects program of the university of New Mexico include two million two hundred seventy-seven thousand six hundred dollars (\$2,277,600) from the tobacco settlement program fund.

Subtotal 1,517,790.8

NEW MEXICO STATE UNIVERSITY:

(1) Main campus:

The purpose of the instruction and general program is to provide education services designed to meet the intellectual, educational and quality of life goals associated with the ability to enter the workforce, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a) Other		62,700.0	77,600.0	140,300.0
(b) Instruction and general purposes	122,313.9	110,200.0	2,200.0	234,713.9
(c) Athletics	3,949.1	13,300.0		17,249.1
(d) Educational television	1,054.3	1,000.0		2,054.3

The general fund appropriation and the other state funds appropriation to the athletics department of New Mexico state university shall not be used to repay the athletics department budget deficit reduction plan with the board of regents of New Mexico state university.

The general fund appropriation to the athletics department of New Mexico state university includes two hundred twenty-five thousand dollars (\$225,000) for behavioral health programs for student athletes.

The college of agriculture, consumer and environmental sciences of New Mexico state university shall transfer the staff position and funding for the rodeo coach to the athletics department.

Performance measures:

(a) Outcome:	Percent of a cohort of first-time, full-time, degree-seeking freshmen who complete a baccalaureate program within one hundred fifty percent of standard graduation time	49%
(b) Output:	Number of unduplicated degree awards in the most recent academic year, reported by baccalaureate, masters and doctorate degrees	3,300
(c) Outcome:	Percent of first-time, full-time freshmen retained to the third semester	76%
(d) Output:	Number of students enrolled, by headcount	15,000
(e) Output:	Number of first-time freshmen enrolled, who graduated from a New Mexico high school, by headcount	1,600

(f) Output:	Number of credit hours delivered	167,000
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(2) Alamogordo branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other		700.0	1,574.0	2,274.0
(b) Instruction and general purposes	7,374.9	3,600.0	400.0	11,374.9
(c) Dual-credit adjustment	34.6			34.6

Performance measures:

(a) Outcome:	Percent of a cohort of first-time, full-time, degree- or certificate-seeking community college students who complete an academic program within one hundred fifty percent of standard graduation time	14%
(b) Outcome:	Percent of first-time, full-time freshmen retained to the third semester	55%

(c) Output:	Number of certificates and associate degrees awarded within the most recent academic year	150
(d) Output:	Number of first-time freshmen enrolled, who graduated from a New Mexico high school, by headcount	150
(e) Output:	Number of credit hours delivered	24,000
(f) Output:	Number of students enrolled reported, by headcount	3,115

(3) Carlsbad branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other		600.0	1,500.0	2,100.0
(b) Instruction and general purposes	4,342.3	14,000.0	600.0	18,942.3
(c) Dual-credit adjustment	83.8			83.8

Performance measures:

(a) Output:	Number of first-time freshmen enrolled, who graduated from a New Mexico high school, by headcount	150
(b) Output:	Number of students enrolled, by headcount	3,150
(c) Outcome:	Percent of a cohort of first-time, full-time, degree- or certificate-seeking community college students who complete an academic program within one hundred fifty percent of standard graduation time	18%
(d) Outcome:	Percent of first-time, full-time freshmen retained to the third semester	53.1%
(e) Output:	Number of awards conferred within the most recent academic year	180
(f) Output:	Number of credit hours delivered	27,050

(4) Dona Ana branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other	3,400.0	13,000.0	16,400.0
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(b) Instruction and general purposes	24,106.4	18,200.0	1,200.0	43,506.4
(c) Dual-credit adjustment	202.2			202.2

Performance measures:

(a) Outcome:	Percent of a cohort of first-time, full-time, degree-seeking freshman students who complete an associate within one hundred fifty percent of standard graduation time	15%
(b) Outcome:	Percent of first-time, full-time freshmen retained to the third semester	62%
(c) Output:	Number of first-time freshmen enrolled, who graduated from a New Mexico high school, by headcount	1,350
(d) Output:	Number of students enrolled, by headcount	10,550
(e) Output:	Number of credit hours delivered	140,000

(5) Grants branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other		400.0	1,700.0	2,100.0
(b) Instruction and general purposes	3,568.1	1,500.0	1,200.0	6,268.1
(c) Dual-credit adjustment	51.0			51.0

Performance measures:

(a) Outcome:	Percent of a cohort of first-time, full-time, degree-seeking freshman students who complete an associate program within one hundred fifty percent of standard graduation time	20%
(b) Outcome:	Percent of first-time, full-time freshmen retained to the third semester	53%
(c) Output:	Number of first-time freshmen enrolled, who graduated from a New Mexico high school, by headcount	70
(d) Output:	Number of students enrolled, by headcount	1,625
(e) Output:	Number of unduplicated awards conferred in the most recent academic year	75
(f) Output:	Number of credit hours delivered	1,648

(6) Department of agriculture:

Appropriations:

(a) Department of agriculture	12,596.2	5,300.0	2,900.0	20,796.2
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The general fund appropriation to the department of agriculture includes one hundred thousand dollars (\$100,000) for veterinary student externships, two hundred thousand dollars (\$200,000) for soil and water conservation districts, and one hundred fifty thousand dollars (\$150,000) for marketing agriculture products in new markets.

(7) Agricultural experiment station:

Appropriations:

(a) Agricultural experiment station	15,148.6	4,800.0	14,250.0	34,198.6
(b) Sustainable agriculture center of excellence	250.0			250.0

The general fund appropriation to the agricultural experiment station of New Mexico state university includes two hundred thousand dollars (\$200,000) for operational funding to maintain agricultural experiment stations located throughout the state.

(8) Cooperative extension service:

Appropriations:

(a) Cooperative extension service	13,735.3	4,800.0	9,100.0	27,635.3
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(9) Research and public service projects:

Appropriations:

(a) Autism program	614.0			614.0
(b) Sunspot solar observatory consortium	273.0			273.0
(c) STEM alliance for minority participation	318.0			318.0
(d) Mental health nurse practitioner	1,000.0			1,000.0
(e) Water resource research institute	1,131.9			1,131.9
(f) Indian resources development	277.9	1,700.0		1,977.9
(g) Manufacturing sector development program	674.6			674.6
(h) Arrowhead center for business development	343.9		1,300.0	1,643.9
(i) Viticulture program		1,300.0		1,300.0
(j) Nurse expansion	900.2			900.2

(k) Alliance teaching and learning advancement	155.9	155.9
(l) College assistance migrant program	205.8	205.8
(m) Veterans center	50.0	50.0
(n) Carlsbad branch - manufacturing sector development program	232.9	232.9
(o) Carlsbad branch - nurse expansion	108.9	108.9
(p) Dona Ana branch - dental hygiene program	306.0	306.0
(q) Dona Ana branch - nurse expansion	293.5	293.5
(r) Anna age eight institute		592,595.2
Subtotal		

NEW MEXICO HIGHLANDS UNIVERSITY:

(1) Main campus:

The purpose of the instruction and general program is to provide education services designed to meet the intellectual, educational and quality of life goals associated with the ability to enter the workforce, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a) Other		13,500.0	9,500.0	23,000.0
(b) Instruction and general purposes	29,320.6	12,216.7	172.5	41,709.8
(c) Athletics	2,376.9	500.0		2,876.9
(d) Dual-credit adjustment	22.2			22.2

Performance measures:

(a) Output:	Percent of a cohort of first-time, full-time, degree-seeking freshmen who complete a baccalaureate program within one hundred fifty percent of standard graduation time	22%
(b) Output:	Number of unduplicated degree awards in the most recent academic year, reported by baccalaureate, masters and doctorate degrees	825
(c) Outcome:	Percent of first-time, full-time freshmen retained to the third semester	53%
(d) Output:	Number of credit hours delivered	60,000
(e) Output:	Number of first-time freshmen enrolled, who graduated from a New Mexico high school, by headcount	230
(f) Output:	Number of students enrolled, by headcount	4,100

(2) Research and public service projects:

Appropriations:

(a) Native American social work institute	175.0	175.0
(b) Advanced placement test assistance	216.9	216.9
(c) Minority student services	530.6	530.6
(d) Forest and watershed institute	304.6	304.6
(e) Nurse expansion	212.5	212.5
(f) Acequia and land grant education	50.0	50.0
(g) Doctor of nurse practitioner expansion	170.0	170.0
(h) Center for professional development and career readiness	175.0	175.0
Subtotal		69,443.5

WESTERN NEW MEXICO UNIVERSITY:

(1) Main campus:

The purpose of the instruction and general program is to provide education services designed to meet the intellectual, educational and quality of life goals associated with the ability to enter the workforce, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a) Other		6,600.0	7,000.0	13,600.0
(b) Instruction and general purposes	18,905.3	13,202.0	200.0	32,307.3
(c) Athletics	2,313.9	800.0		3,113.9
(d) Dual-credit adjustment	193.1			193.1

Performance measures:

(a) Output:	Number of unduplicated degree awards in the most recent academic year, reported by baccalaureate and masters degrees	550
(b) Outcome:	Percent of first-time, full-time freshmen retained to the third semester	59%
(c) Output:	Number of first-time freshmen enrolled, who graduated from a New Mexico high school, by headcount	200
(d) Output:	Number of students enrolled, by headcount	5,000
(e) Output:	Number of credit hours delivered	45,500

(f) Output:	Percent of a cohort of first-time, full-time, degree-seeking freshmen who complete a baccalaureate program within one hundred fifty percent of standard graduation time	30%
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(2) Research and public service projects:

Appropriations:

(a) Instructional television	72.4	72.4
(b) Truth or Consequences and Deming nurse expansion	300.0	300.0
(c) Pharmacy and phlebotomy programs	100.0	100.0
(d) Web-based teacher licensure	129.2	129.2
(e) Child development center	305.2	305.2
(f) Nurse expansion	957.8	957.8
Subtotal		51,078.9

EASTERN NEW MEXICO UNIVERSITY:

(1) Main campus:

The purpose of the instruction and general program is to provide education services designed to meet the intellectual, educational and quality of life goals associated with the ability to enter the workforce, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a) Other		14,000.0	27,000.0	41,000.0
(b) Instruction and general purposes	30,171.6	21,500.0	2,700.0	54,371.6
(c) Athletics	2,352.1	2,200.0	12.0	4,564.1
(d) Educational television	1,071.7	1,300.0	25.0	2,396.7
(e) Dual-credit adjustment	184.4			184.4

Performance measures:

(a) Output:	Number of unduplicated degree awards in the most recent academic year, reported by baccalaureate, masters and doctorate degrees	1,050
(b) Outcome:	Percent of first-time, full-time freshmen retained to the third semester	64%
(c) Output:	Number of credit hours delivered	105,500
(d) Output:	Number of first-time freshmen enrolled, who graduated from a New Mexico high school, by headcount	390
(e) Output:	Number of students enrolled, by headcount	5,637

(f) Output:	Percent of a cohort of first-time, full-time, degree-seeking freshmen who complete a baccalaureate program within one hundred fifty percent of standard graduation time	34%
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(2) Roswell branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other	3,700.0	6,000.0	9,700.0
(b) Instruction and general purposes	12,082.9	6,500.0	1,400.0
(c) Dual-credit adjustment	153.3		153.3

Performance measures:

(a) Outcome:	Percent of a cohort of first-time, full-time, degree- or certificate-seeking community college students who complete an academic program within one hundred fifty percent of standard graduation time	30%
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(b) Outcome:	Percent of first-time, full-time freshmen retained to the third semester	55%
(c) Output:	Number of unduplicated awards conferred in the most recent academic year	650
(d) Output:	Number of students enrolled, by headcount	3,000
(e) Output:	Number of credit hours delivered	47,000
(f) Output:	Number of first-time freshmen enrolled, who graduated from a New Mexico high school, by headcount	225

(3) Ruidoso branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other		31.2	1,500.0	1,531.2
(b) Instruction and general purposes	2,134.3	1,800.0	700.0	4,634.3
(c) Dual-credit adjustment	30.5			30.5

Performance measures:

(a) Outcome:	Percent of a cohort of first-time, full-time, degree- or certificate-seeking community college students who complete an academic program within one hundred fifty percent of standard graduation time	26%
(b) Outcome:	Percent of first-time, full-time freshmen retained to the third semester	41%
(c) Output:	Number of certificates and associate degrees awarded within the most recent academic year	126
(d) Output:	Number of students enrolled, by headcount	901
(e) Output:	Number of first-time degree-seeking freshmen enrolled, by headcount	95
(f) Output:	Number of credit hours delivered	8,361

(4) Research and public service projects:

Appropriations:

(a) Blackwater draw site and museum	92.9	42.0	134.9
(b) Student success programs	417.0		417.0
(c) Nurse expansion	328.0		328.0
(d) At-risk student tutoring	224.6		224.6
(e) Allied health	142.4		142.4

(f) Roswell branch - nurse expansion	270.0	270.0
(g) Roswell branch - airframe mechanics	75.1	75.1
(h) Roswell branch - special services program	118.6	118.6
(i) Teacher education preparation program	200.0	200.0
(j) Greyhound promise	100.0	100.0
(k) Youth challenge	100.0	100.0
(l) Nursing program	190.0	190.0
Subtotal		140,849.6

NEW MEXICO INSTITUTE OF MINING AND TECHNOLOGY:

(1) Main campus:

The purpose of the instruction and general program is to provide education services designed to meet the intellectual, educational and quality of life goals associated with the ability to enter the workforce, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a) Other	18,000.0	21,095.0	39,095.0
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(b) Formula funding adjustment	0.3		0.3
(c) Instruction and general purposes	28,891.2	23,126.0	52,017.2

Performance measures:

(a) Output:	Percent of a cohort of first-time, full-time, degree-seeking freshmen who complete a baccalaureate program within one hundred fifty percent of standard graduation time	50%
(b) Outcome:	Retention of first-time, full-time freshmen to the third semester	80%
(c) Output:	Number of students enrolled, by headcount	1,900
(d) Output:	Number of first-time freshmen enrolled, who graduated from a New Mexico high school, by headcount	300
(e) Output:	Number of credit hours delivered	45,000
(f) Output:	Number of unduplicated awards conferred in the most recent academic year	335

(2) Bureau of mine safety:

Appropriations:

(a) Bureau of mine safety	321.1		300.0	621.1
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(3) Bureau of geology and mineral resources:

Appropriations:

(a) Bureau of geology and mineral resources	4,437.7	1,035.0	330.0	5,802.7
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The general fund appropriation to the bureau of geology and mineral resources program of the New Mexico institute of mining and technology includes one hundred thousand dollars (\$100,000) from federal Mineral Leasing Act receipts.

(4) Petroleum recovery research center:

Appropriations:

(a) Petroleum recovery research center	1,912.0	636.0	4,600.0	7,148.0
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(5) Geophysical research center:

Appropriations:

(a) Geophysical research center	1,125.0	1,100.0	1,900.0	4,125.0
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(6) Research and public service projects:

Appropriations:

(a) Cybersecurity education and research center	150.0			150.0
(b) Energetic materials research center	811.5	4,300.0	28,500.0	33,611.5
(c) Science and engineering fair	207.5			207.5
(d) Institute for complex additive systems analysis	1,000.0	1,014.0	1,000.0	3,014.0
(e) Cave and karst research	365.7	62.0		427.7
(f) Homeland security center	531.4		2,187.0	2,718.4
(g) Cybersecurity center of excellence	250.0			250.0
(h) Rural economic development	25.0			25.0
(i) Chemical engineering student assistanceships	87.0			87.0
Subtotal				149,300.4

NORTHERN NEW MEXICO COLLEGE:

(1) Main campus:

The purpose of the instruction and general program is to provide education services designed to meet the intellectual, educational and quality of life goals associated with the ability to enter the workforce, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a) Other		2,900.0	4,700.0	7,600.0
(b) Instruction and general purposes	10,525.3	5,000.0	4,200.0	19,725.3
(c) Athletics	570.7	200.0		770.7
(d) Dual-credit adjustment	56.0			56.0

Performance measures:

(a) Output:	Percent of a cohort of first-time, full-time, degree-seeking freshmen who complete a baccalaureate program within one hundred fifty percent of standard graduation time	25%
(b) Output:	Number of unduplicated degree awards in the most recent academic year, reported by baccalaureate, masters and doctorate degrees	80
(c) Outcome:	Percent of first-time, full-time freshmen retained to the third semester	66.5%
(d) Output:	Number of students enrolled, by headcount	1,400

(e) Output:	Number of first-time freshmen enrolled, who graduated from a New Mexico high school, by headcount	210
(f) Output:	Number of credit hours delivered	23,700

(2) Research and public service projects:

Appropriations:

(a) Nurse expansion	400.0	400.0
(b) Science, technology, engineering, arts and math initiatives	137.3	137.3
(c) Veterans center	127.5	127.5
(d) Academic program evaluation	50.0	50.0
Subtotal		28,866.8

SANTA FE COMMUNITY COLLEGE:

(1) Main campus:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other		1,374.0	15,477.0	16,851.0
(b) Instruction and general purposes	10,670.8	26,473.0	3,300.0	40,443.8
(c) Dual-credit adjustment	74.9			74.9

Performance measures:

(a) Outcome:	Percent of a cohort of first-time, full-time, degree- or certificate-seeking community college students who complete an academic program within one hundred fifty percent of standard graduation time	10%
(b) Outcome:	Percent of first-time, full-time freshmen retained to the third semester	60%
(c) Output:	Total number of certificates and associate degrees awarded within the most recent academic year	750
(d) Output:	Number of students enrolled, by headcount	7,240
(e) Output:	Number of credit hours delivered	59,900

(2) Research and public service projects:

Appropriations:

(a) First born, home visiting and technical assistance	150.0			150.0
(b) Teacher education expansion	150.0			150.0
(c) Small business development centers	4,161.3		2,600.0	6,761.3
(d) Nurse expansion	353.9			353.9
(e) EMS mental health resiliency pilot	100.0			100.0
Subtotal				64,884.9

CENTRAL NEW MEXICO COMMUNITY COLLEGE:

(1) Main campus:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other		6,100.0		19,800.0	25,900.0
(b) Instruction and general purposes	61,594.0	87,000.0		3,500.0	152,094.0

(c) Dual-credit adjustment	397.5	397.5
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Performance measures:

(a) Outcome:	Percent of a cohort of first-time, full-time, degree- or certificate-seeking community college students who complete an academic program within one hundred fifty percent of standard graduation time	28%
(b) Outcome:	Percent of first-time, full-time freshmen retained to the third semester	63.5%
(c) Output:	Number of certificates and associate degrees awarded within the most recent academic year	8,000
(d) Output:	Number of students enrolled, by headcount	32,500
(e) Output:	Number of first-time freshmen enrolled, who graduated from a New Mexico high school, by headcount	4,720
(f) Output:	Number of credit hours delivered	355,215

(2) Research and public service projects:

Appropriations:

(a) Nurse expansion	179.6	179.6
Subtotal		178,571.1

LUNA COMMUNITY COLLEGE:

(1) Main campus:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other		1,808.3	58.3	1,866.6
(b) Instruction and general purposes	7,063.5	87.1	182.1	7,332.7
(c) Athletics	497.0			497.0
(d) Dual-credit adjustment	21.6			21.6

Performance measures:

(a) Outcome:	Percent of a cohort of first-time, full-time, degree- or certificate-seeking community college students who complete an academic program within one hundred fifty percent of standard graduation time	37%
(b) Outcome:	Percent of first-time, full-time freshmen retained to the third semester	50%

(c) Output:	Number of certificates and associate degrees awarded within the most recent academic year	154
(d) Output:	Number of students enrolled, by headcount	1,807
(e) Output:	Number of first-time freshmen enrolled, who graduated from a New Mexico high school, by headcount	118
(f) Output:	Number of credit hours delivered	18,122

(2) Research and public service projects:

Appropriations:

(a) Nurse expansion	267.0	267.0
(b) Student retention and completion	530.6	530.6
Subtotal		10,515.5

MESALANDS COMMUNITY COLLEGE:

(1) Main campus:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other		600.0	700.0	1,300.0
(b) Instruction and general purposes	4,236.9	962.0	550.0	5,748.9
(c) Athletics	229.8			229.8
(d) Dual-credit adjustment	35.0			35.0

Performance measures:

(a) Outcome:	Percent of a cohort of first-time, full-time, degree- or certificate-seeking community college students who complete an academic program within one hundred fifty percent of standard graduation time	41%
(b) Outcome:	Percent of first-time, full-time freshmen retained to the third semester	65%
(c) Output:	Number of certificates and associate degrees awarded within the most recent academic year	300
(d) Output:	Number of students enrolled, by headcount	1,525
(e) Output:	Number of first-time freshmen enrolled, who graduated from a New Mexico high school, by headcount	10
(f) Output:	Number of credit hours delivered	6,500

(2) Research and public service projects:

Appropriations:

(a) Wind training center	113.4		113.4
Subtotal			7,427.1

NEW MEXICO JUNIOR COLLEGE:

(1) Main campus:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other		3,600.0	2,000.0	5,600.0
(b) Instruction and general purposes	5,833.7	15,000.0	450.0	21,283.7
(c) Athletics	569.7			569.7
(d) Dual-credit adjustment	54.8			54.8

Performance measures:

(a) Outcome:	Percent of a cohort of first-time, full-time, degree- or certificate-seeking community college students who complete an academic program within	36%
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	one hundred fifty percent of standard graduation time	
(b) Outcome:	Percent of first-time, full-time freshmen retained to the third semester	60%
(c) Output:	Number of certificates and associate degrees awarded within the most recent academic year	350
(d) Output:	Number of students enrolled, by headcount	3,500
(e) Output:	Number of first-time freshmen enrolled, who graduated from a New Mexico high school, by headcount	500
(f) Output:	Number of credit hours delivered	50,000

(2) Research and public service projects:

Appropriations:

(a) Oil and gas management program	171.3	171.3
(b) Nurse expansion	299.9	299.9
(c) Lea county distance education consortium	29.2	29.2
Subtotal		28,008.6

SAN JUAN COLLEGE:

(1) Main campus:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other		14,000.0	22,000.0	36,000.0
(b) Instruction and general purposes	25,029.4	34,000.0	6,000.0	65,029.4
(c) Dual-credit adjustment	107.9			107.9

Performance measures:

(a) Outcome:	Percent of a cohort of first-time, full-time, degree- or certificate-seeking community college students who complete an academic program within one hundred fifty percent of standard graduation time	26%
(b) Outcome:	Percent of first-time, full-time freshmen retained to the third semester	61%
(c) Output:	Number of certificates and associate degrees awarded within the most recent academic year	1,475
(d) Output:	Number of students enrolled, by headcount	10,500

(e) Output:	Number of first-time freshmen enrolled, who graduated from a New Mexico high school, by headcount	730
(f) Output:	Number of credit hours delivered	130,000

(2) Research and public service projects:

Appropriations:

(a) Dental hygiene program	175.0	175.0
(b) Nurse expansion	250.0	250.0
(c) Renewable energy center of excellence	250.0	250.0
Subtotal		101,812.3

CLOVIS COMMUNITY COLLEGE:

(1) Main campus:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit postsecondary education and training opportunities to New Mexicans so they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Other	500.0	5,900.0	6,400.0
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(b) Instruction and general purposes	10,012.1	5,500.0	1,200.0	16,712.1
(c) Dual-credit adjustment	97.1			97.1

Performance measures:

(a) Outcome:	Percent of a cohort of first-time, full-time, degree- or certificate-seeking community college students who complete an academic program within one hundred fifty percent of standard graduation time	35%
(b) Outcome:	Percent of first-time, full-time freshmen retained to the third semester	63%
(c) Output:	Number of certificates and associate degrees awarded within the most recent academic year	550
(d) Output:	Number of students enrolled, by headcount	5,200
(e) Output:	Number of first-time freshmen enrolled, who graduated from a New Mexico high school, by headcount	260
(f) Output:	Number of credit hours delivered	48,000

(2) Research and public service projects:

Appropriations:

(a) Nurse expansion	272.9		272.9
Subtotal			23,482.1

NEW MEXICO MILITARY INSTITUTE:

(1) Main campus:

The purpose of the New Mexico military institute program is to provide college-preparatory instruction for students in a residential, military environment culminating in a high school diploma or associates degree.

Appropriations:

(a) Other		7,800.0	1,140.0	8,940.0
(b) Instruction and general purposes	1,373.6	26,800.0	233.0	28,406.6
(c) Athletics	353.2	435.0		788.2

Performance measures:

(a) Outcome:	Average American college testing composite score for graduating high school seniors	22
(b) Outcome:	Proficiency profile reading scores for graduating college sophomores	115

(2) Research and public service projects:

Appropriations:

(a) Knowles legislative scholarship program	1,484.7			1,484.7
Subtotal				39,619.5

NEW MEXICO SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED:

(1) Main campus:

The purpose of the New Mexico school for the blind and visually impaired program is to provide the training, support and resources necessary to prepare blind and visually impaired children of New Mexico to participate fully in their families, communities and workforce and to lead independent, productive lives.

Appropriations:

(a) Instruction and general purposes	1,072.4	16,261.0	237.5	17,570.9
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Performance measures:

(a) Output:	Number of New Mexico teachers who complete a personnel preparation program to become a teacher of the visually impaired	12
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(2) Research and public service projects:

Appropriations:

(a) Early childhood center	361.9			361.9
(b) Low vision clinic	111.1			111.1
programs				
Subtotal				18,043.9

NEW MEXICO SCHOOL FOR THE DEAF:

(1) Main campus:

The purpose of the New Mexico school for the deaf program is to provide a school-based comprehensive, fully accessible and language-rich learning environment for its students who are deaf and hard-of-hearing and to work collaboratively with families, agencies and communities throughout the state to meet the unique communication, language and learning needs of children and youth who are deaf and hard-of-hearing.

Appropriations:

(a) Instruction and general purposes	4,151.8	12,100.0	300.0	16,551.8
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Performance measures:

(a) Outcome:	Rate of transition to postsecondary education, vocational-technical training school, junior colleges, work training or employment for graduates based on a three-year rolling average	100%
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(b) Outcome:	Percent of first-year signers who demonstrate improvement in American sign language based on fall or spring assessments	100%
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(2) Research and public service projects:

Appropriations:

(a) Statewide outreach services	236.6				236.6
Subtotal					16,788.4

TOTAL HIGHER EDUCATION	905,553.4	1,573,676.5	44,565.7	620,896.9	3,144,692.5
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K. PUBLIC SCHOOL SUPPORT

Except as otherwise provided, unexpended balances of appropriations made in this subsection shall not revert at the end of fiscal year 2021.

PUBLIC SCHOOL SUPPORT:

(1) State equalization guarantee distribution:

The purpose of public school support is to carry out the mandate to establish and maintain a uniform system of free public schools sufficient for the education of, and open to, all the children of school age in the state.

district or charter school that does not provide an average four percent salary increase for all school personnel, other than licensed teachers whose primary duty is classroom instruction.

The general fund appropriation to the state equalization guarantee distribution includes fifty million one hundred fifty-two thousand one hundred dollars (\$50,152,100) contingent on enactment of a bill in the second session of the fifty-fourth legislature amending the Public School Finance Act to increase the at-risk index multiplier to three-tenths.

The general fund appropriation to the state equalization guarantee distribution includes seventy-one million three hundred ninety-four thousand one hundred dollars (\$71,394,100) for extended learning time programs pursuant to Section 22-8-23.10 NMSA 1978. The secretary of public education shall consider those extended learning time programs eligible for state financial support and the amount of state funding available for extended learning time programs and determine, in consultation with the department of finance and administration, legislative finance committee and legislative education study committee, the programs and consequent numbers of students in extended learning time programs that will be used to calculate the number of additional program units for extended learning time programs. Any amount of the seventy-one million three hundred ninety-four thousand one hundred dollar (\$71,394,100) appropriation that is not distributed through the extended learning time program factor, calculated by multiplying the final program unit value set for the 2020-2021 school year by the total extended learning time program units and subtracting that product from seventy-one million three hundred ninety-four thousand one hundred dollars (\$71,394,100), shall be transferred to the public education reform fund.

The general fund appropriation to the state equalization guarantee distribution includes one hundred nineteen million eight hundred ninety-five thousand nine hundred dollars (\$119,895,900) for K-5 plus programs pursuant to the K-5 Plus Act. The secretary of public education shall consider those K-5 plus

programs eligible for state financial support and the amount of state funding available for K-5 plus programs and determine, in consultation with the department of finance and administration, legislative finance committee and legislative education study committee, the programs and consequent numbers of students in K-5 plus programs that will be used to calculate the number of additional program units for K-5 plus programs. Any amount of the one hundred nineteen million eight hundred ninety-five thousand nine hundred dollars (\$119,895,900) appropriation that is not distributed through the K-5 plus program factor, calculated by multiplying the final program unit value set for the 2020-2021 school year by the total K-5 plus program units and subtracting that product from one hundred nineteen million eight hundred ninety-five thousand nine hundred dollars (\$119,895,900), shall be transferred to the public education reform fund.

For fiscal year 2021, in approving schools for participation in the K-5 plus program, the public education department shall prioritize approval for school districts or charter schools that provide the program to all elementary students. A school district or charter school that provides a department-approved K-5 plus program as defined in Section 22-13D-2.B. NMSA 1978 to all elementary school students in the school district or charter school in fiscal year 2021 shall be eligible to generate K-5 plus program units using the total average number of elementary school students enrolled on the second and third reporting date of the 2019-2020 school year multiplied by the cost differential factor of three-tenths as established in Section 22-8-23.11 NMSA 1978.

For fiscal year 2021, if the general fund appropriation to the state equalization guarantee distribution for extended learning time programs is insufficient to meet the level of state support required for department-approved extended learning time programs and the secretary of public education certifies to the department of finance and administration, legislative finance committee and legislative education study committee that sufficient funds are available for department-approved K-5 plus programs, up

to thirty-five million dollars (\$35,000,000) of the general fund appropriation to the state equalization guarantee distribution for K-5 plus programs may be used for extended learning time programs.

For fiscal year 2021, the secretary of public education may allow an elementary school [~~starting a new K-5 plus program~~] with at least eighty percent of students that participate in the K-5 plus program staying with the same teacher and cohort of students during the regular school year to be eligible for K-5 plus program units in fiscal year 2021, provided the elementary school shall meet all requirements of Subsection B of Section 22-13D-2.B. NMSA 1978 by fiscal year 2022. *LINE-ITEM VETO*

For fiscal year 2021, if the program cost made available is insufficient to meet the level of state support required by the special education maintenance of effort requirements of Part B of the federal Individuals with Disabilities Education Act, the public education department shall reduce the program cost in an amount that equals the projected shortfall and distribute that amount to school districts and charter schools in the same manner and on the same basis as the state equalization guarantee distribution to meet the level of support required by Part B of the federal Individuals with Disabilities Education Act for fiscal year 2021 [~~and shall reduce the final unit value to account for the reduction~~]. *LINE-ITEM VETO*

The general fund appropriation to the state equalization guarantee distribution includes six million dollars (\$6,000,000) for elementary physical education programs. After considering those elementary physical education programs eligible for state financial support and the amount of state funding available for elementary physical education, the secretary of public education shall annually determine the programs and the consequent numbers of students in elementary physical education that will be used to calculate the number of elementary physical education program units, provided that no school district or charter school shall generate elementary physical education program units in fiscal year 2021 in excess of the total average number of elementary school students enrolled on the second and third reporting date of the 2019-

2020 school year multiplied by the cost differential factor of six one-hundredths as established in Section 22-8-23.7 NMSA 1978.

The public education department shall monitor and evaluate the ways in which school districts and individual schools use funding distributed for at-risk program units, bilingual and multicultural education program units, extended learning time program units, K-5 plus program units, special education program units, instructional materials, new teacher mentorship and classroom instruction in fiscal year 2021 and report its findings and recommendations to the governor, legislative education study committee and legislative finance committee on or before November 1, 2020.

The general fund appropriation to the state equalization guarantee distribution includes thirty million dollars (\$30,000,000) for school districts and charter schools to purchase culturally and linguistically appropriate instructional materials for eligible students. A school district or charter school that does not use the allocation for instructional materials shall provide the public education department a description of how the allocation was used and demonstrate that budgeted spending levels for instructional materials are sufficient to provide a free and appropriate public education to all students.

The public education department shall monitor and evaluate the extent to which schools purchase and use instructional materials relevant to the cultures, languages, history and experiences of culturally and linguistically diverse students and report its findings and recommendations to the governor, legislative education study committee and legislative finance committee on or before November 1, 2020.

The general fund appropriation to the state equalization guarantee distribution includes eleven million dollars (\$11,000,000) for school districts and charter schools to meet requirements of Section 22-10A-9 NMSA 1978, create an educational plan pursuant to Section 22-8-6 NMSA 1978 and provide targeted and ongoing

professional development focused on case management, tutoring, data-guided instruction, coaching or other evidence-based practices that improve student outcomes. The public education department shall monitor and evaluate the ways in which school districts and individual schools use funding for mentorship and professional development and report its findings and recommendations to the governor, legislative education study committee and legislative finance committee on or before November 1, 2020.

The general fund appropriation to the state equalization guarantee distribution includes ten million dollars (\$10,000,000) for school districts and charter schools to provide evidence-based structured literacy interventions and develop literacy collaborative models that lead to improved reading and writing achievement of students in kindergarten through second grade. The public education department shall monitor and evaluate the ways in which school districts and individual schools use funding distributed for early literacy interventions and collaborative models and report its findings and recommendations to the governor, legislative education study committee and legislative finance committee on or before November 1, 2020.

The public education department shall not approve the operating budget of any school district or charter school to operate a four-day school week during the 2020-2021 school year that did not provide a four-day school week during the 2019-2020 school year.

The public education department shall not approve the operating budget of any school district or charter school with less than fifty thousand students that spends less than one standard deviation below the average expenditure rate of comparable school districts and charter schools on instruction, student support services and instructional support services unless that school district or charter school demonstrates the budgeted spending level for instruction, student support services and instructional

support services is an increase from the prior year and is sufficient to provide a free and appropriate public education to all students.

The public education department shall not approve the operating budget of any school district or charter school with greater than or equal to fifty thousand students that spends less than eighty percent of general fund appropriations on instruction, student support services and instructional support services unless that school district or charter school demonstrates the budgeted spending level for instruction, student support services and instructional support services is an increase from the prior year and is sufficient to provide a free and appropriate public education to all students.

Funds appropriated from the general fund to the state equalization guarantee distribution or any cash balances derived from appropriations from the general fund to the state equalization guarantee distribution in any year shall not be used to fund any litigation against the state unless or until a court issues a final decision in favor of a plaintiff school district or charter school and all legal remedies have been exhausted.

The general fund appropriation to the public school fund shall be reduced by the amounts transferred to the public school fund from the current school fund and from federal Mineral Leasing Act receipts otherwise unappropriated.

The general fund appropriation to the state equalization guarantee distribution reflects the deduction of federal revenue pursuant to Paragraph (2) of Subsection C of Section 22-8-25 NMSA 1978 that includes payments to school districts and charter schools commonly known as "impact aid funds" pursuant to 20 U.S.C. 7701 et seq., and formerly known as "PL874 funds."

The other state funds appropriation is from the balances received by the public education department pursuant to Section 66-5-44 NMSA 1978.

~~[Within thirty calendar days of initial submission, the secretary of public education shall process and pay each request for reimbursement submitted to the public education department by a school district or charter school.]~~ *LINE-ITEM VETO*

The department of finance and administration may adjust a school district's or charter school's monthly state equalization guarantee progress payment to provide flexibility to meet cash flow needs, provided that no school district or charter school shall receive an annual state equalization guarantee distribution that is more than their proportionate fiscal year 2021 share.

Any unexpended balances in the authorized distributions remaining at the end of fiscal year 2021 from appropriations made from the general fund shall revert to the general fund.

Performance measures:

- | | | |
|--------------|--|-----|
| (a) Outcome: | Percent of fourth-grade students who achieve proficiency or above on the standards-based assessment in reading | 34% |
| (b) Outcome: | Percent of fourth-grade students who achieve proficiency or above on the standards-based assessment in mathematics | 34% |

(c) Outcome:	Percent of eighth-grade students who achieve proficiency or above on the standards-based assessment in reading	34%
(d) Outcome:	Percent of eighth-grade students who achieve proficiency or above on the standards-based assessment in mathematics	34%
(e) Quality:	Current four-year cohort graduation rate using shared accountability	75%
(f) Outcome:	Percent of dollars budgeted by districts with fewer than 750 members for instructional support, budget categories 1000, 2100 and 2200	65%
(g) Outcome:	Percent of dollars budgeted by districts with 750 members or greater for instructional support, budget categories 1000, 2100 and 2200	75%
(h) Outcome:	Percent of dollars budgeted by charter schools for instructional support, budget categories 1000, 2100 and 2200	68%
(i) Outcome:	Percent of economically disadvantaged eighth-grade students who achieve proficiency or above on the standards-based assessment in mathematics	34%
(j) Outcome:	Percent of economically disadvantaged eighth-grade students who achieve proficiency or above on the standards-based assessment in reading	34%

(k) Outcome:	Percent of economically disadvantaged fourth-grade students who achieve proficiency or above on the standards-based assessment in reading	34%
(l) Outcome:	Percent of economically disadvantaged fourth-grade students who achieve proficiency or above on the standards-based assessment in mathematics	34%
(m) Explanatory:	Percent of funds generated by the at-risk index associated with at-risk services	
(n) Outcome:	Chronic absenteeism rate among students in middle school	<10%
(o) Outcome:	Chronic absenteeism rate among students in high school	<10%
(p) Outcome:	Chronic absenteeism rate among students in elementary school	<10%

(2) Transportation distribution:

Appropriations:	116,013.5	116,013.5
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The general fund appropriation to the transportation distribution includes three million seven hundred seven thousand three hundred dollars (\$3,707,300) for transportation of students to extended learning time programs. If a school district or state-chartered charter school does not transport students to extended learning time programs, the school district's or state-chartered charter school's proportionate share of the three million seven hundred seven thousand three hundred dollar (\$3,707,300) appropriation to the

transportation distribution for extended learning time programs shall be transferred to the public education reform fund.

The general fund appropriation to the transportation distribution includes three million eight hundred eighteen thousand nine hundred dollars (\$3,818,900) for transportation of students to K-5 plus programs. If a school district or state-chartered charter school does not transport students to K-5 plus programs, the school district's or state-chartered charter school's proportionate share of the three million eight hundred eighteen thousand nine hundred dollar (\$3,818,900) appropriation to the transportation distribution for K-5 plus programs shall be transferred to the public education reform fund.

The general fund appropriation to the transportation distribution includes one million five hundred ninety-four thousand dollars (\$1,594,000) to provide an average four percent salary increase for all public school transportation personnel. The secretary of public education shall not approve the operating budget of a school district or charter school that does not provide an average four percent salary increase for public school transportation personnel.

(3) Supplemental distribution:

Appropriations:

(a) Out-of-state tuition	285.0	285.0
(b) Emergency supplemental	2,000.0	2,000.0

The secretary of public education shall not distribute any emergency supplemental funds to a school district or charter school that is not in compliance with the Audit Act or that has cash and invested

reserves, or other resources or any combination thereof, equaling five percent or more of their operating budget.

Any unexpended balances in the supplemental distribution of the public education department remaining at the end of fiscal year 2021 from appropriations made from the general fund shall revert to the general fund.

Subtotal		3,362,621.8
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FEDERAL FLOW THROUGH:

Appropriations:		486,300.0	486,300.0
Subtotal			486,300.0

INSTRUCTIONAL MATERIALS:

(1) Dual-credit instructional materials:

Appropriations:	1,500.0	1,500.0
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The general fund appropriation to the public education department for dual-credit instructional materials shall be used by the department to reimburse school districts, charter schools, state-supported schools and bureau of Indian education high schools in New Mexico for the cost of required textbooks and other course supplies for students enrolled in the dual-credit program to the extent of the available funds.

Any unexpended balances in the dual-credit instructional materials appropriation remaining at the end of fiscal year 2021 from appropriations made from the general fund shall revert to the general fund.

Subtotal 1,500.0

INDIAN EDUCATION FUND:

Appropriations: 6,000.0 6,000.0

Subtotal 6,000.0

STANDARDS-BASED ASSESSMENTS:

Appropriations: 8,000.0 8,000.0

Any unexpended balances in the standards-based assessments appropriation remaining at the end of fiscal year 2021 from appropriations made from the general fund shall revert to the general fund.

Subtotal 8,000.0

TOTAL PUBLIC SCHOOL SUPPORT 3,371,121.8 7,000.0 486,300.0 3,864,421.8

GRAND TOTAL FISCAL YEAR 2021

APPROPRIATIONS 7,538,069.8 4,258,348.9 751,966.1 8,341,080.5 20,889,465.3

Chapter 83 Section 5 Laws 2020

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Section 5. SPECIAL APPROPRIATIONS.--The following amounts are appropriated from the general fund or other funds as indicated for the purposes specified. Unless otherwise indicated, the appropriation may be expended in fiscal years 2020 and 2021. Unless otherwise indicated, any unexpended balances of the appropriations remaining at the end of fiscal year 2021 shall revert to the appropriate fund.

(1)	LEGISLATURE		1,500.0		1,500.0
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For redistricting expenses. Any unexpended balances remaining at the end of fiscal year 2021 from this appropriation shall not revert and shall be expended in fiscal year 2022 for the same purpose. The other state funds appropriation is from legislative cash balances.

(2)	LEGISLATURE		200.0		200.0
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For the capitol buildings planning commission for master planning and statewide inventory purposes. The other state funds appropriation is from legislative cash balances.

(3)	NEW MEXICO COMPILATION COMMISSION	100.0			100.0
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To add additional content to New Mexico OneSource, the free public access website.

(4)	ADMINISTRATIVE OFFICE OF THE COURTS	500.0	500.0
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To upgrade information technology systems at district courts.

(5)	ADMINISTRATIVE OFFICE OF THE COURTS	200.0	200.0
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For a unified appropriation to the administrative office of the courts for equipment and vehicles at the district courts.

(6)	ADMINISTRATIVE OFFICE OF THE COURTS		
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The period of time for expending the one million eight hundred thousand dollars (\$1,800,000) appropriated from other state funds in Subsection 8 of Section 5 of Chapter 271 of Laws 2019 to redact personally identifiable information from historical court case filings is extended through fiscal year 2021. The other state funds appropriation is from the electronic services fund.

(7)	ADMINISTRATIVE OFFICE OF THE COURTS	100.0	100.0
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For a pro tem judge in McKinley county to clear driving-while-intoxicated case backlog.

(8) ADMINISTRATIVE OFFICE OF THE 1,000.0 1,000.0
COURTS

To purchase and install furniture and equipment and convert permanent and long-term retention case files to digitization at magistrate courts.

(9) ADMINISTRATIVE OFFICE OF THE 1,000.0 1,000.0
COURTS

For a unified appropriation for magistrate court security personnel.

(10) ADMINISTRATIVE OFFICE OF THE 400.0 400.0
COURTS

To implement a statewide information management system for problem-solving courts.

(11) ADMINISTRATIVE OFFICE OF THE 80.0 80.0
COURTS

For temporary relocation and renovation costs for the magistrate court in Grant county.

(12) ADMINISTRATIVE OFFICE OF THE
COURTS

The period of time for expending one million dollars (\$1,000,000) appropriated from the general fund in Subsection 5 of Section 5 of Chapter 73 of Laws 2018 for reforming the New Mexico guardianship system is extended through fiscal year 2021.

(13)	ADMINISTRATIVE OFFICE OF THE COURTS	564.0	934.0	1,498.0
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For moving and related costs. The other state funds appropriation is from the consumer settlement fund at the office of the attorney general.

(14)	FIRST JUDICIAL DISTRICT COURT	19.2		19.2
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To digitize human resource records.

(15)	FIRST JUDICIAL DISTRICT COURT	100.0		100.0
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To purchase and install network switches.

(16)	FIRST JUDICIAL DISTRICT COURT	50.0		50.0
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To upgrade magistrate court phone systems.

(17)	FIRST JUDICIAL DISTRICT COURT	10.0		10.0
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To upgrade the court voicemail system.

(18)	BERNALILLO COUNTY	299.0	299.0
	METROPOLITAN COURT		

To pay an approved emergency loan from the board of finance to purchase the lot adjacent to the north of the court.

(19)	FIRST JUDICIAL DISTRICT	100.0	100.0
	ATTORNEY		

To purchase office furniture and telephones.

(20)	SECOND JUDICIAL DISTRICT		
	ATTORNEY		

The period of time for expending the six hundred thousand dollars (\$600,000) appropriated from the general fund and five hundred thousand dollars (\$500,000) appropriated from the ignition interlock fund in Subsection 13 of Section 5 of Chapter 73 of Laws 2018 for a data-driven prosecution pilot program, the six hundred thousand dollars (\$600,000) appropriated from the general fund in Subsection 14 of Section 5 of Chapter 73 of Laws 2018 for case prosecution, and the eight hundred thousand dollars (\$800,000) appropriated from the general fund in Subsection 15 of Section 5 of Chapter 73 of Laws 2018 to address case backlog is extended through fiscal year 2021 and may be used for other purposes.

(21)	ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS		
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Any unexpended balances remaining at the end of fiscal year 2020 from revenues received in fiscal year 2020 and prior years by a district attorney or the administrative office of the district attorneys from the

United States department of justice pursuant to the southwest border prosecution initiative shall not revert and shall remain with the recipient district attorney's office for expenditure in fiscal year 2021. Prior to November 1, 2020, the administrative office of the district attorneys shall provide to the department of finance and administration and the legislative finance committee a detailed report documenting the amount of all southwest border prosecution initiative funds that do not revert at the end of fiscal year 2020 for each of the district attorneys and the administrative office of the district attorneys.

(22) ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS

Any unexpended balances remaining at the end of fiscal year 2020 from revenues received in fiscal year 2020 and prior years by a district attorney from any Native American tribe, pueblo or political subdivision pursuant to a contract, memorandum of understanding, joint powers agreement or grant shall not revert and shall remain with the recipient district attorney's office for expenditure in fiscal year 2021. Prior to November 1, 2020, the administrative office of the district attorneys shall provide to the department of finance and administration and the legislative finance committee a detailed report documenting the amount of all funds received from Native American tribes, pueblos and political subdivisions pursuant to a contract, memorandum of understanding, joint powers agreement or grant that do not revert at the end of fiscal year 2020 for each of the district attorneys and the administrative office of the district attorneys.

(23) PUBLIC DEFENDER DEPARTMENT

49.7

49.7

To purchase legal software for discovery research.

(24) PUBLIC DEFENDER DEPARTMENT	160.0	160.0
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To purchase vehicles.

(25) ATTORNEY GENERAL	450.0	450.0
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For warrant round up initiative. The internal service funds/interagency transfers appropriation is from the consumer settlement fund.

(26) ATTORNEY GENERAL	4,500.0	4,500.0
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For interstate water litigation costs. The internal service funds/interagency transfers appropriation is from the consumer settlement fund.

(27) ATTORNEY GENERAL	300.0	300.0
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For tobacco litigation. The internal service funds/interagency transfers appropriation is from the consumer settlement fund.

(28) ATTORNEY GENERAL	1,000.0	1,000.0
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For extraordinary litigation expenses, including litigation regarding the tobacco master settlement and the investigation and prosecution of clergy abuse in New Mexico. The internal service funds/interagency transfers appropriation is from the consumer settlement fund.

(29) TAXATION AND REVENUE		
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DEPARTMENT

On certification by the secretary of the department of finance and administration that enactment of legislation in the second session of the fifty-fourth legislature resulted in significant changes to the tax code and that no other funding is available to implement the changes, the state board of finance may approve a transfer from the appropriation contingency fund to the taxation and revenue department up to five million dollars (\$5,000,000) in fiscal year 2021.

(30) DEPARTMENT OF FINANCE

AND ADMINISTRATION

The period of time for expending the five hundred thousand dollars (\$500,000) appropriated from the general fund in Subsection 42 of Section 5 of Chapter 271 of Laws 2019 for a comprehensive review and reengineering of the existing state chart of accounts is extended through fiscal year 2021.

(31)	DEPARTMENT OF FINANCE AND	75.0	75.0
	ADMINISTRATION		

For a youth symphony music program and concerts in Roswell, New Mexico.

(32)	DEPARTMENT OF FINANCE AND	250.0	250.0
	ADMINISTRATION		

For disbursement to the renewable energy transmission authority for operating costs. The renewable energy transmission authority shall report to the New Mexico finance authority oversight committee on the status of the agency's operating budget.

(33)	DEPARTMENT OF FINANCE AND ADMINISTRATION	50.0	50.0
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For the civil legal services fund. Any unexpended balances remaining at the end of fiscal year 2021 shall not revert and may be expended in subsequent fiscal years.

(34)	DEPARTMENT OF FINANCE AND ADMINISTRATION	100.0	100.0
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For the local government division to work with Los Lunas to plan for a new hospital.

[(35)	DEPARTMENT OF FINANCE AND ADMINISTRATION	150.0	150.0
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~~For the planning and design of a route 66 west central center on history and low-rider culture in Albuquerque, New Mexico.] LINE-ITEM VETO~~

[(36)	DEPARTMENT OF FINANCE AND ADMINISTRATION	100.0	100.0
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~~To install solar panels at the Abe Montoya recreation center in Las Vegas, New Mexico.] LINE-ITEM VETO~~

(37) GENERAL SERVICES DEPARTMENT 3,000.0

3,000.0

To purchase vehicles.

(38) EDUCATIONAL RETIREMENT BOARD

The period of time for expending the one million five hundred forty-five thousand nine hundred dollars (\$1,545,900) appropriated from other state funds in Subsection 44 of Section 5 of Chapter 271 of Laws 2019 for expenditures required to implement and conduct a data cleanse project is extended through fiscal year 2021. The other state funds appropriation is from the educational retirement fund.

~~[(39) NEW MEXICO SENTENCING~~

~~COMMISSION~~

~~The period of time for expending the five hundred ten thousand dollars (\$510,000) appropriated from the general fund in Section 41 of Chapter 279 of Laws 2019 to support data governance structure is extended through fiscal year 2021.] LINE-ITEM VETO~~

~~[(40) NEW MEXICO SENTENCING~~

~~COMMISSION~~

~~The period of time for expending the one hundred seventy eight thousand five hundred dollars (\$178,500) appropriated from the general fund in Section 40 of Chapter 278 of Laws 2019 to award grants to support a criminal justice data sharing network is extended through fiscal year 2021.] LINE-ITEM VETO~~

The period of time for expending the six hundred thousand dollars (\$600,000) appropriated from the general fund in Subsection 51 of Section 5 of Chapter 271 of Laws 2019 for the marketing and promotion of the inaugural Virgin Galactic flight in New Mexico is extended through fiscal year 2021.

(47) ECONOMIC DEVELOPMENT

DEPARTMENT	300.0	300.0
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For a twenty-year, statewide economic development plan.

(48) ECONOMIC DEVELOPMENT

DEPARTMENT	10,000.0	10,000.0
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For economic development projects in Cibola and McKinley counties including nine million dollars (\$9,000,000) pursuant to the Local Economic Development Act, five hundred thousand dollars (\$500,000) to the New Mexico institute of mining and technology, and five hundred thousand dollars (\$500,000) to New Mexico state university for education and retraining workers currently or formerly employed by an operating coal-fueled electricity generating facility that is owned by a noninvestor-owned electric utility or a coal-fueled electric generating facility that is owned by a noninvestor-owned electric utility and has been or is in the process of being retired. This appropriation is contingent on certification by the secretary of the department of finance and administration that the operator of the coal-fueled electric generating facility has committed five million dollars (\$5,000,000) to complement this appropriation. Any unexpended balances remaining at the end of the fiscal year 2021 shall not revert and may be expended in future fiscal years.

(49) ECONOMIC DEVELOPMENT 15,000.0 15,000.0
DEPARTMENT

For economic development projects pursuant to the Local Economic Development Act. Any unexpended balances remaining at the end of the fiscal year 2021 shall not revert and may be expended in future fiscal years.

(50) ECONOMIC DEVELOPMENT DEPARTMENT

Any unexpended balances remaining from appropriations and extensions to appropriations made from the general fund in Section 5 of Chapter 271 of Laws 2019, any unexpended balances remaining from appropriations made from the mortgage regulatory fund in Section 70 of Chapter 3 of Laws 2015 in the first special session of 2015 and any unexpended balances remaining from the rural infrastructure revolving loan fund in Section 77 of Chapter 3 of Laws 2015 in the first special session of 2015 shall not revert and shall be available for expenditure in future fiscal years.

(51) ECONOMIC DEVELOPMENT 4,000.0 4,000.0
DEPARTMENT

To the development training fund for the job training incentive program.

(52) REGULATION AND LICENSING 400.0 400.0
DEPARTMENT

To purchase vehicles.

(53) REGULATION AND LICENSING 265.4 265.4
DEPARTMENT

To upgrade alcoholic beverage control licensing software. The appropriation is contingent on the regulation and licensing department following the project certification process described in Section 7 of this act.

(54) OFFICE OF THE SUPERINTENDENT 89.0 89.0
OF INSURANCE

For actuarial studies.

(55) OFFICE OF THE SUPERINTENDENT 42.0 42.0
OF INSURANCE

For information technology security.

(56) OFFICE OF MILITARY BASE PLANNING AND SUPPORT

On certification of the secretary of the department of finance and administration that federal legislation initiated a base realignment closure process, the state board of finance may approve a transfer of five hundred thousand dollars (\$500,000) from the appropriation contingency fund to the office of military base planning.

(57) CULTURAL AFFAIRS DEPARTMENT

The balance of the general fund appropriation in Subsection 66 of Section 5 of Chapter 271 of Laws 2019 for design, site preparation, construction and equipment for storage expansion at the center for New Mexico

archaeology in Santa Fe county shall not be expended for the original purpose but is appropriated to expand storage for the cultural affairs department.

(58) CULTURAL AFFAIRS DEPARTMENT

The period of time for expending the two hundred thousand dollars (\$200,000) appropriated from the general fund to the cultural affairs department in Subsection 67 of Section 5 of Chapter 271 of Laws 2019 for planning and initiation of operations at the contemporary art space in the Santa Fe railyard building owned by the cultural affairs department, the New Mexico museum of art Vladem contemporary, is extended through fiscal year 2021.

~~[-(59) DEPARTMENT OF GAME AND FISH 500.0 500.0~~

~~For the management and protection of threatened and endangered species. The other state funds appropriation is from the game protection fund.] LINE-ITEM VETO~~

(60) ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

The appropriation to the energy, minerals and natural resources department for the Carlsbad brine well remediation fund in Subsection 67 of Section 5 of Chapter 73 of Laws 2018 for expenditure in fiscal year 2021 may be expended in fiscal years 2020 and 2021.

(61) ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT 2,000.0 2,000.0

For the Carlsbad brine well remediation fund for expenditure in fiscal years 2020 and 2021 contingent on one million six hundred thousand dollars (\$1,600,000) of matching funds from the city of Carlsbad, Eddy county or other sources. The other state funds appropriation is from the corrective action fund.

(62)	ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT	500.0	500.0
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To promote cost effective investments in clean energy production and management for the purposes of growing the economy.

(63)	INTERTRIBAL CEREMONIAL OFFICE	100.0	100.0
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For event production and strategic development of the intertribal ceremonial event.

(64)	INTERTRIBAL CEREMONIAL OFFICE	50.0	50.0
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To inventory, appraise and secure Native cultural artifacts.

(65)	STATE ENGINEER	225.0	225.0
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For initiation and planning phase to improve or replace the water rights adjudication tracking system.

(66)	STATE ENGINEER	1,000.0	1,000.0
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For statewide dam projects.

(67) STATE ENGINEER 17,000.0 17,000.0

For the interstate stream compact compliance and water development program to develop and fund a water management pilot project for the Lower Rio Grande for fiscal years 2020 through 2023. No more than two million dollars (\$2,000,000) from this appropriation may be expended for startup costs in fiscal years 2020 and 2021 and no more than five million dollars (\$5,000,000) from this appropriation may be expended in each fiscal year from fiscal years 2021 through 2023. Local entities shall be responsible for cost-share contributions beginning in fiscal year 2021.

(68) STATE ENGINEER 250.0 250.0

For litigation, settlement and compliance activities related to the Pecos river compact.

(69) STATE ENGINEER 3,500.0 1,000.0 4,500.0

For litigation, settlement and compliance activities related to the Rio Grande compact. The other state funds appropriation is from the consumer settlement fund.

(70) STATE ENGINEER

The period of time for expending the three hundred fifty thousand dollars (\$350,000) appropriated from the general fund in Subsection 71 of Section 5 of Chapter 273 of Laws 2019 for salt basin project development matching funds, contingent on matching federal funds secured by the United States bureau of reclamation, is extended through fiscal year 2021.

(71) STATE ENGINEER 140.0 140.0

For a pilot operation and maintenance program for aging water measurement and metering stations.

(72) COMMISSION ON THE STATUS OF WOMEN

The period of time for expending the one hundred thousand dollars (\$100,000) appropriated from the general fund in Section 17 of Chapter 278 of Laws 2019 to fund the commission on the status of women pursuant to Section 28-3-2 NMSA 1978, the fifty thousand dollars (\$50,000) appropriated from the general fund in Section 58 of Chapter 278 of Laws 2019 for operational expenses, the fifty-five thousand dollars (\$55,000) appropriated from the general fund in Section 13 of Chapter 279 of Laws 2019 for operational expenses and the eighty thousand dollars (\$80,000) appropriated from the general fund in Section 48 of Chapter 279 of Laws 2019 for operational expenses is extended through fiscal year 2021.

(73)	COMMISSION FOR DEAF AND HARD-OF-HEARING PERSONS	500.0	500.0	1,000.0
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For operational and service funding to supplement telecommunications relay service fund collections contingent on revenue collections shortfall. The other state funds appropriation is from cash balances.

(74)	INDIAN AFFAIRS DEPARTMENT	100.0		100.0
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To support urban Native Americans.

(75)	INDIAN AFFAIRS DEPARTMENT	75.0		75.0
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For the missing and murdered indigenous women task force.

(76) INDIAN AFFAIRS DEPARTMENT 100.0 100.0

To preserve and protect the records, documents, transcripts, photos, recordings and news accounts related to the return of blue lake to the Taos pueblo and for the development of a documentary and education programs and materials.

(77) EARLY CHILDHOOD EDUCATION AND CARE DEPARTMENT

The period of time for expending the one million two hundred fifty thousand dollars (\$1,250,000) appropriated from the general fund in Subsection 38 of Section 5 of Chapter 271 of Laws 2019 for establishing the early childhood education and care department is extended through fiscal year 2021.

(78) EARLY CHILDHOOD EDUCATION 500.0 500.0
AND CARE DEPARTMENT

For risk and other assessments, agency audit services, lease of office space and other operational needs.

(79) AGING AND LONG-TERM SERVICES 808.0 808.0
DEPARTMENT

For current and projected shortfalls in the other costs category to provide adequate funding for area agencies on aging and providers.

(80) AGING AND LONG-TERM SERVICES 600.0 600.0
DEPARTMENT

For a reserve for emergency advancements in the aging network.

(81) AGING AND LONG-TERM SERVICES 7,300.0 7,300.0
DEPARTMENT

For the Kiki Saavedra senior dignity fund contingent on enactment of House Bill 225 or similar legislation in the second session of the fifty-fourth legislature.

(82) HUMAN SERVICES DEPARTMENT 500.0 500.0

To assist food banks in meeting the needs of food insecure New Mexicans.

(83) DEVELOPMENTAL DISABILITIES 24.0 24.0
PLANNING COUNCIL

To replace information technology equipment.

(84) DEVELOPMENTAL DISABILITIES PLANNING COUNCIL

Any unexpended balances in the office of guardianship program of the developmental disabilities planning council remaining at the end of fiscal year 2020 from appropriations made from the general fund and internal service funds/interagency transfers shall not revert.

(85) DEVELOPMENTAL DISABILITIES
PLANNING COUNCIL 60.0 60.0

For a consultant to assess and propose improvements to the database for the office of guardianship. The other state funds appropriation is from fund balances.

(86) DEVELOPMENTAL DISABILITIES 60.0 60.0
PLANNING COUNCIL

For a rate study to determine appropriate fees for legal professional, professional guardian and treatment guardian contractors.

(87) DEPARTMENT OF HEALTH

Any unexpended balances in the health certification and licensing division remaining at the end of fiscal year 2020 from appropriations made from all funds shall not revert and shall be expended in fiscal year 2021 for receivership services.

(88) DEPARTMENT OF HEALTH

Any unexpended balances in the administrative program in all categories remaining at the end of fiscal year 2020 from appropriations made from federal indirect funds shall not revert and shall be expended in fiscal year 2021 to support the administrative services division to ensure adequate staffing is available to support all business areas of the department of health.

(89) DEPARTMENT OF HEALTH

Any unexpended balances in the developmental disabilities support program of the department of health remaining at the end of fiscal year 2020 from appropriations made from all funds shall not revert and shall be expended in fiscal year 2021 to support the developmental disabilities waiver and support waiver.

(90) DEPARTMENT OF HEALTH 300.0 300.0

For planning, designing, applying for and implementing a wholesale drug importation program for New Mexico contingent on enactment of Senate Bill 1 or similar legislation in the second session of the fifty-fourth legislature.

(91)	DEPARTMENT OF HEALTH	800.0	800.0
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To continue the long-acting reversible contraception mentorship program.

(92)	DEPARTMENT OF HEALTH	750.0	750.0
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To provide naloxone for local law enforcement agencies.

(93)	DEPARTMENT OF HEALTH	400.0	400.0
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For master planning assessments for five department of health hospitals.

(94)	DEPARTMENT OF HEALTH	5,451.2	5,451.2
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For past and projected shortfalls in the personal services and employee benefit costs category in the facilities management program for the New Mexico veterans home.

(95)	DEPARTMENT OF HEALTH		
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The period of time for expending the two million dollars (\$2,000,000) appropriated from the general fund in Subsection 85 of Section 5 of Chapter 271 of Laws 2019 for Jackson lawsuit trial expenses is extended through fiscal year 2021.

(96) DEPARTMENT OF HEALTH

Any unexpended balances in the vital records and health statistics bureau of the epidemiology and response program remaining at the end of fiscal year 2020 from appropriations made from the general fund and federal funds shall not revert and shall be expended in fiscal year 2021.

(97) DEPARTMENT OF ENVIRONMENT 100.0 100.0

For a well testing program for signs of contaminated drinking and agricultural water resources in Curry and Roosevelt counties.

(98) DEPARTMENT OF ENVIRONMENT 1,000.0 1,000.0

For ongoing litigation and protection planning related to the release of per- and poly-fluorinated alkyl substances by the United States department of defense in New Mexico.

(99) DEPARTMENT OF ENVIRONMENT 200.0 200.0

For a cost share for clean up of the Pecos mine and El Molino operable units.

(100) DEPARTMENT OF ENVIRONMENT 700.0 700.0

For personal services and employee benefits costs.

(101) OFFICE OF THE NATURAL RESOURCES TRUSTEE 2,500.0 2,500.0

For the natural resources trustee fund.

(102)	CHILDREN, YOUTH AND FAMILIES	1,000.0		1,000.0
	DEPARTMENT			

For new behavioral health programs.

(103)	CORRECTIONS DEPARTMENT		200.0	200.0
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For a recidivism-reduction programming plan and supplies for programs to reduce recidivism. The corrections department shall present the recidivism-reduction programming plan for fiscal years 2023 through 2025, including a current program inventory, program capacity and enrollment, number of inmates whose risk-needs assessments indicate they should participate in each program but are not enrolled, incentives for participation, program cost and metrics of program effectiveness to the legislative finance committee and the department of finance and administration by September 1, 2021. The other state funds appropriation is from the penitentiary income fund.

(104)	CORRECTIONS DEPARTMENT	3,000.0	22,000.0	25,000.0
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For hepatitis c treatment and planning. The corrections department shall report to the legislative finance committee and the department of finance and administration quarterly on the number of inmates infected with and treated for hepatitis c, the rate of treatment success, expenditures from all funding sources for hepatitis c drugs and other treatment costs and anticipated future hepatitis c treatment needs. The corrections department shall coordinate with the human services department to prioritize medicaid-funded treatment for individuals incarcerated in county jails likely to enter the prison system. The other state

funds appropriation is from the penitentiary income fund. Any unexpended balances from this appropriation remaining at the end of fiscal year 2021 shall not revert and may be expended through fiscal year 2022.

~~[(105) CORRECTIONS DEPARTMENT 100.0 100.0~~

~~For a pilot program with the taxation and revenue department to provide inmates near release with valid state identification. The other state funds appropriation is from the penitentiary income fund.] LINE-ITEM VETO~~

(106) CORRECTIONS DEPARTMENT 300.0 300.0

To pilot ~~[and study]~~ re-entry programming, including employment counseling, housing assistance and case management, with a randomized control trial in at least two counties. The corrections department shall report to the legislative finance committee and the department of finance and administration ~~[by October 1, 2020 on the proposed design of the study, and]~~ by October 1, 2022 on the results of the study including the impact of programming on one-year recidivism rates ~~[among study participants]~~. LINE-ITEM VETO

(107) CORRECTIONS DEPARTMENT 350.0 350.0

For independent validation of the correctional offender management profiling for alternative sanctions risk-needs assessment tool and to pilot risk-needs assessments for all inmates within one year of release. The other state funds appropriation is from the penitentiary income fund.

(108) CORRECTIONS DEPARTMENT 240.0 240.0

To pilot satellite training academies statewide. The other state funds appropriation is from the penitentiary income fund.

(109) DEPARTMENT OF PUBLIC SAFETY 411.0 411.0

To purchase a robot for the New Mexico state police bomb squad.

(110) DEPARTMENT OF PUBLIC SAFETY 250.0 250.0

For computer-aided dispatch information technology hardware.

(111) DEPARTMENT OF PUBLIC SAFETY 350.0 350.0

For a data-sharing project with the administrative office of the courts.

(112) DEPARTMENT OF PUBLIC SAFETY

The period of time to expend the one hundred thousand dollars (\$100,000) appropriated from the general fund in Subsection 98 of Section 5 of Chapter 73 of Laws 2018 to maintain a flash roll for criminal investigations by the New Mexico state police is extended through fiscal year 2021.

(113) DEPARTMENT OF PUBLIC SAFETY 5,100.0 5,100.0

To purchase and equip law enforcement vehicles.

(114) HOMELAND SECURITY AND 1,350.0 1,350.0
EMERGENCY MANAGEMENT

For border security, public health and communications including one hundred thousand dollars (\$100,000) for distribution to law enforcement agencies in border counties.

(115)	HOMELAND SECURITY AND EMERGENCY MANAGEMENT	500.0	500.0
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For information technology hardware and software.

(116)	HOMELAND SECURITY AND EMERGENCY MANAGEMENT	68.6	68.6
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For office furniture.

(117)	HOMELAND SECURITY AND EMERGENCY MANAGEMENT	950.0	950.0
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To purchase vehicles.

(118) DEPARTMENT OF TRANSPORTATION

Any unexpended balances in the project design and construction program, the highway operations program and the modal program of the department of transportation remaining at the end of fiscal year 2020 from appropriations made from other state funds shall not revert and shall be expended in fiscal year 2021.

(119)	PUBLIC EDUCATION DEPARTMENT	2,000.0	2,000.0
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For career technical education programs that support targeted online learning experiences that integrate algebra and geometry into career technical education coursework and develop career pathways and career readiness and career technical education programming, including work-based learning, professional development and apprenticeships. The other state funds appropriation is from the public education reform fund.

(120)	PUBLIC EDUCATION DEPARTMENT	9,000.0	9,000.0
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To develop culturally and linguistically appropriate instructional materials and curricula. The other state funds appropriation is from the public education reform fund.

(121)	PUBLIC EDUCATION DEPARTMENT	500.0	500.0
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For cybersecurity and data systems upgrades. The other state funds appropriation is from the public education reform fund.

(122)	PUBLIC EDUCATION DEPARTMENT	875.0	875.0
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For an early literacy summer professional development program and other early literacy initiatives. The other state funds appropriation is from the public education reform fund.

(123)	PUBLIC EDUCATION DEPARTMENT	100.0	100.0
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For a biliteracy framework study.

(124)	PUBLIC EDUCATION DEPARTMENT	3,000.0	3,000.0
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For a school budget transparency website contingent on enactment of Senate Bill 96 or similar legislation in the second session the fifty-fourth legislature. The other state funds appropriation is from the public education reform fund.

(125)	PUBLIC EDUCATION DEPARTMENT	1,000.0	1,000.0
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For an educator evaluation system. The other state funds appropriation is from the public education reform fund.

(126)	PUBLIC EDUCATION DEPARTMENT	500.0	500.0
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For national board certification grants contingent on enactment of House Bill 102 or similar legislation in the second session of the fifty-fourth legislature. The other state funds appropriation is from the public education reform fund.

(127)	PUBLIC EDUCATION DEPARTMENT	2,933.1	2,933.1
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For school improvement grants at public schools previously identified as a more rigorous intervention school by the public education department. The other state funds appropriation is from the public education reform fund.

(128)	PUBLIC EDUCATION DEPARTMENT	500.0	500.0
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For the grow your own teachers fund. The other state funds appropriation is from the public education reform fund.

(129) PUBLIC EDUCATION DEPARTMENT 750.0 750.0

For a statewide special education convening. The other state funds appropriation is from the public education reform fund.

(130) PUBLIC EDUCATION DEPARTMENT 750.0 750.0

For legal fees related to defending the state in Martinez v. state of New Mexico No. D-101-CV-2014-00793 and Yazzie v. state of New Mexico No. D-101-CV-2014-02224.

(131) PUBLIC EDUCATION DEPARTMENT 1,000.0 1,000.0

To place teachers in hard-to-staff schools and provide ongoing support and development. The other state funds appropriation is from the public education reform fund.

(132) PUBLIC EDUCATION DEPARTMENT 2,000.0 2,000.0

For teacher residencies contingent on enactment of a bill in the second session of the fifty-fourth legislature amending the Public School Code to establish a teacher residency pilot. The other state funds appropriation is from the public education reform fund.

(133) PUBLIC SCHOOL FACILITIES 18,867.0 18,867.0
AUTHORITY

For maintenance, repairs and other infrastructure expenditures in school districts and state-chartered charter schools that receive federal impact payments for students residing on Indian lands. The public school facilities authority shall allocate an amount to each school district and state-chartered charter

school that is proportionate to their share of federal revenue pursuant to Paragraph (2) of Subsection C of Section 22-8-25 NMSA 1978 for students residing on Indian lands. The other state funds appropriation is from the public school capital outlay fund.

(134)	PUBLIC SCHOOL FACILITIES	95.0	1,500.0	1,595.0
	AUTHORITY			

For safety and statewide deployment of mobile panic buttons at public schools. [~~The public school capital outlay council shall require a local match pursuant to Subsection B of Section 22-24-5 NMSA 1978 for any grants made from this appropriation.~~] The other state funds appropriation is from the public education reform fund. *LINE-ITEM VETO*

(135)	HIGHER EDUCATION DEPARTMENT	20,000.0		20,000.0
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For financial aid for low-income students. The appropriation includes nine million seven hundred thousand dollars (\$9,700,000) for the legislative lottery tuition fund, five million dollars (\$5,000,000) for the teacher preparation affordability scholarship fund, five million dollars (\$5,000,000) for the opportunity scholarship, and three hundred thousand dollars (\$300,000) for collaborative projects between the higher education department and public higher education institutions to increase student completion of the free application for federal student aid.

(136)	UNIVERSITY OF NEW MEXICO	1,250.0		1,250.0
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To the cancer center of the university of New Mexico health sciences center.

(137)	UNIVERSITY OF NEW MEXICO	100.0		100.0
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To the university of New Mexico bureau of business and economic research to conduct a study and present to taxation and revenue department and the revenue stabilization and tax policy committee no later than October 1, 2020.

(138) NEW MEXICO STATE UNIVERSITY 1,800.0 1,800.0

To the New Mexico department of agriculture for the soil and water conservation commission for a pilot agricultural and natural resources grant program. No more than six hundred thousand dollars (\$600,000) from this appropriation may be expended in each fiscal year from fiscal years 2021 through 2023.

(139) COMPUTER SYSTEM ENHANCEMENT 51,663.8 51,663.8
FUND

For transfer to the computer systems enhancement fund for system replacements or enhancements.

(140) PUBLIC SCHOOL SUPPORT 5,000.0 5,000.0

To pilot summer extended learning opportunities in historically defined Indian impacted school districts or charter schools and school districts with a membership of fewer than two hundred, including early childhood education full-time-equivalent membership. The secretary of public education [~~shall ensure summer extended learning opportunities include a minimum of twenty-five days of instruction and~~] shall prioritize awards to historically defined Indian impacted school districts or charter schools that conduct a needs assessment pursuant to Section 22-23A-9 NMSA 1978. The public education department shall monitor and evaluate the efficacy of summer extended learning opportunities on improving student academic outcomes and report its findings and recommendations to the governor, legislative education study committee and legislative finance

committee on or before November 1, 2020. The other state funds appropriation is from the public education reform fund. *LINE-ITEM VETO*

(141)	PUBLIC SCHOOL SUPPORT	4,500.0	4,500.0
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For instructional materials. The public education department shall distribute an amount to each school district and charter school that is proportionate to each school district's and charter school's share of total program units computed pursuant to Section 22-8-18 NMSA 1978. The secretary of public education shall not make an award to a school district or charter school that does not provide a description of how the portion of the state equalization guarantee distribution attributable to instructional materials was used. The secretary of public education shall not make an award to a school district or charter school that demonstrates budgeted spending levels for instructional materials are sufficient to provide a free and appropriate public education to all students. The other state funds appropriation is from the public education reform fund.

(142)	PUBLIC SCHOOL SUPPORT	30,000.0	30,000.0
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To pilot K-12 plus programs and support public schools establishing partial K-5 plus programs that will ~~[fully]~~ comply with ~~[all provisions of]~~ the K-5 Plus Act by fiscal year 2023. The secretary of public education may permit a school district or charter school to pilot K-12 plus programs at elementary schools, middle schools and high schools, provided that students in a K-12 plus program receive no fewer than twenty-five additional instructional days beyond the regular school year, teachers in the K-12 plus program receive collaboration time to align K-12 plus programming to state standards ~~[and K-12 plus programs are implemented for an entire grade level]~~. The public education department shall monitor and evaluate the efficacy of K-12 plus pilot programs and partial K-5 plus programs on improving student academic outcomes

and report its findings and recommendations to the governor, legislative education study committee and legislative finance committee on or before November 1, 2020. The other state funds appropriation is from the public education reform fund. The public education department may use up to three hundred thousand dollars (\$300,000) of this appropriation for marketing activities to promote K-12 plus and extended learning opportunities. *LINE-ITEM VETO*

TOTAL SPECIAL APPROPRIATIONS	175,765.4	113,509.1	6,250.0		295,524.5
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Chapter 83 Section 6 Laws 2020

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Section 6. SUPPLEMENTAL AND DEFICIENCY APPROPRIATIONS.--The following amounts are appropriated from the general fund or other funds as indicated for expenditure in fiscal year 2020 for the purposes specified. Disbursement of these amounts shall be subject to certification by the agency to the department of finance and administration and the legislative finance committee that no other funds are available in fiscal year 2020 for the purpose specified and approval by the department of finance and administration. Any unexpended balances remaining at the end of fiscal year 2020 shall revert to the appropriate fund.

(1)	ADMINISTRATIVE OFFICE OF THE COURTS	100.0	100.0
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For a unified supplemental appropriation for shortfalls related to the consolidation of magistrate courts statewide.

(2)	TWELFTH JUDICIAL DISTRICT ATTORNEY	40.0	40.0
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For expert witness fees in capital trials.

(3)	TWELFTH JUDICIAL DISTRICT ATTORNEY	40.0	40.0
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To purchase vehicles.

(4)	LAW OFFICES OF THE PUBLIC DEFENDER	500.0	500.0
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For contract defense attorneys and expert litigation services.

(5)	DEPARTMENT OF FINANCE AND ADMINISTRATION	156.5	156.5
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For a unified supplemental appropriation for agencies with prior year budget deficits due to overreversions.

(6)	PUBLIC SCHOOL INSURANCE AUTHORITY	10,000.0	10,000.0
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To the public school insurance fund to pay insurance claims.

(7)	GENERAL SERVICES DEPARTMENT	2,044.5	2,044.5
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For prior year shortfalls in the other category of the employee group health benefits program. This appropriation is contingent on convening of the risk management advisory board and monthly reporting to the department of finance and administration and the legislative finance committee on risk and benefit program funds.

(8)	GENERAL SERVICES DEPARTMENT	8,000.0	8,000.0
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For projected shortfalls in the other category of the employee group health benefits program. This appropriation is contingent on convening of the risk management advisory board and monthly reporting to the department of finance and administration and the legislative finance committee on risk and benefit program funds.

(9)	GENERAL SERVICES DEPARTMENT	300.0	300.0
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To address a payroll deficiency at the child wellness center.

(10)	SECRETARY OF STATE	1,800.3	1,800.3
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For costs of conducting and administering the 2019 regular local election.

(11)	SECRETARY OF STATE	1,191.4	1,191.4
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For shortfalls in the 2020 elections program.

(12)	PUBLIC EMPLOYEE LABOR RELATIONS BOARD	1.5	1.5
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For past unpaid bills to the general services department for public liability, surety bond and workers compensation insurances.

(13)	ETHICS COMMISSION	200.0	200.0
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To hire staff and contractors, to purchase information technology and services, furniture, equipment and for other operating expenses.

(14)	REGULATION AND LICENSING DEPARTMENT	91.0	91.0
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For a shortfall in the personal services and employee benefits category.

(15)	STATE RACING COMMISSION	100.0	100.0
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For information technology equipment and supplies for equine testing.

(16)	STATE RACING COMMISSION	125.3	125.3
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For deficiencies as listed in audits from fiscal year 2017 and prior years related to sweeps of funds.

(17)	SPACEPORT AUTHORITY	250.0	1,221.0	1,471.0
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For shortfalls in the personal services and employee benefits and contractual services categories. The other state funds appropriation is from customer revenues.

(18)	NEW MEXICO LIVESTOCK BOARD	200.0		200.0
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For personal services and employee benefits costs.

(19)	INTERTRIBAL CEREMONIAL OFFICE	50.0		50.0
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For personal services and employee benefits costs for an agency director and part-time administrative assistant.

(20)	HUMAN SERVICES DEPARTMENT	1,200.0	2,461.9	3,661.9
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For modifications to the automated system program and eligibility network to comply with federal and Debra Hatten-Gonzales lawsuit requirements and meet the federal food and nutrition service requirements for state investment.

(21)	HUMAN SERVICES DEPARTMENT	10,000.0		10,000.0
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For litigation settlement with five behavioral health providers.

(22)	HUMAN SERVICES DEPARTMENT		31,666.8	76,252.6	107,919.4
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To implement the Health Care Quality Surcharge Act, contingent on certification by the department of finance and administration of adequate balances in the health care facility fund and disability health care facility fund. The internal service funds/interagency transfers appropriation is from the health care facility fund and the disability health care facility fund.

(23) DEVELOPMENTAL DISABILITIES

PLANNING COUNCIL	13.0	13.0
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For training and licensing of guardianship staff. The other state funds appropriation is from fund balances.

(24) DEPARTMENT OF HEALTH	200.0	200.0
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For shortfalls in the personal services and employee benefits category in the administration program.

(25) DEPARTMENT OF HEALTH	2,000.0	2,000.0
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For personal services and employee benefits costs in the facilities management program.

(26) DEPARTMENT OF HEALTH	500.0	500.0
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To address the projected increase in the number of children referred to and determined eligible for the family, infant, toddler program.

(27) DEPARTMENT OF HEALTH	385.8	385.8
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To replace hospital beds, mattresses and support equipment at the Fort Bayard medical center.

(28)	DEPARTMENT OF HEALTH	600.0	600.0
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For staff positions to expand the licensing and regulatory oversight to assisted living centers, boarding homes and crisis triage centers statewide.

(29)	DEPARTMENT OF HEALTH	500.0	500.0
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For shortfalls in the personal service and employee benefits, contractual services and other categories in the laboratory services program.

(30)	DEPARTMENT OF ENVIRONMENT	168.5	168.5
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For shortfalls in the environmental protection program.

(31)	DEPARTMENT OF ENVIRONMENT	125.0	125.0
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For water pollution prevention and control programs.

(32)	CORRECTIONS DEPARTMENT	2,600.0	2,600.0
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For a projected shortfall in operating costs in the inmate management and control program. The other state funds appropriation is from the penitentiary income fund.

(33)	CORRECTIONS DEPARTMENT	2,000.0	2,000.0
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For a projected shortfall in medical and pharmaceutical costs in the inmate management and control program.

(34)	HIGHER EDUCATION DEPARTMENT	1,100.0	1,100.0
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For the teacher loan repayment program. The other state funds appropriation is from the teacher loan repayment fund.

(35)	HIGHER EDUCATION DEPARTMENT	2,200.0	2,200.0
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For the teacher preparation affordability scholarship program. The other state funds appropriation is from the teacher preparation affordability scholarship fund.

(36)	PUBLIC SCHOOL SUPPORT		
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A school district or charter school that provides a department-approved K-5 plus program as defined in Section 22-13D-2.B. NMSA 1978 to all elementary school students in fiscal year 2020 shall be eligible to generate K-5 plus program units using the total average number of elementary school students enrolled on the second and third reporting date of the 2018-2019 school year multiplied by the cost differential factor of three-tenths as established in Section 22-8-23.11 NMSA 1978.

TOTAL SUPPLEMENTAL AND

DEFICIENCY APPROPRIATIONS	42,869.8	7,134.0	31,666.8	78,714.5	160,385.1
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Chapter 83 Section 7 Laws 2020

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Section 7. INFORMATION TECHNOLOGY APPROPRIATIONS.--The following amounts are appropriated from the computer systems enhancement fund, or other funds as indicated, for the purposes specified. Unless otherwise indicated, the appropriation may be expended in fiscal years 2020, 2021 and 2022. Unless otherwise indicated, any unexpended balances remaining at the end of fiscal year 2022 shall revert to the computer systems enhancement fund or other funds as indicated. For each executive branch agency project, the state chief information officer shall certify compliance with the project certification process prior to the allocation of fifty-one million six hundred sixty-three thousand eight hundred dollars (\$51,663,800) by the department of finance and administration from the funds for the purposes specified. The judicial information systems council shall certify compliance to the department of finance and administration for judicial branch projects. For executive branch agencies, all hardware and software purchases funded through appropriations made in Sections 4, 5, 6 and 7 of this act shall be procured using consolidated purchasing led by the state chief information officer and state purchasing division to achieve economies of scale and to provide the state with the best unit price.

(1)	ADMINISTRATIVE OFFICE OF THE COURTS		500.0		500.0
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To implement a statewide criminal justice data-sharing system.

(2) ADMINISTRATIVE OFFICE OF THE 112.6 112.6
COURTS

To implement an integrated electronic court notices solution for the court's case management system.

(3) PUBLIC DEFENDER DEPARTMENT 2,140.0 2,140.0

To implement an integrated document management system and a redundant storage system for digital archives.

(4) PUBLIC DEFENDER DEPARTMENT 355.0 355.0

To implement an employee access and security control system.

(5) TAXATION AND REVENUE 8,436.4 8,436.4
DEPARTMENT

To implement enhancements for combined reporting in the tax administration software system of the taxation and revenue department.

(6) TAXATION AND REVENUE DEPARTMENT

The period of time for expending the two million dollars (\$2,000,000) appropriated from the delinquent property tax fund in Subsection 6 of Section 7 of Chapter 11 of Laws 2016 as extended in Subsection 7 of Section 7 of Chapter 73 of Laws 2018 as extended in Subsection 8 of Section 7 of Chapter 271 of Laws 2019 to modernize the property tax business system is extended through fiscal year 2021.

(7) DEPARTMENT OF FINANCE AND ADMINISTRATION 500.0 500.0

To develop a web-based interface for the comprehensive annual financial report system software.

(8) DEPARTMENT OF FINANCE AND ADMINISTRATION

The period of time for expending the one million two hundred fifty thousand dollars (\$1,250,000) appropriated from the computer systems enhancement fund in Subsection 8 of Section 7 of Chapter 73 of Laws 2018 to implement an enterprise budgeting system is extended through fiscal year 2021.

(9) GENERAL SERVICES DEPARTMENT 1,900.0 1,900.0

To configure and implement the strategic sourcing module in the statewide human resource accounting and reporting system. The appropriation is contingent on the general services department's coordination with the department of information technology to ensure configuration meets the general services department's business requirements.

(10) SECRETARY OF STATE 1,000.0 1,000.0

For the initiation and planning phase to implement a commercial off-the-shelf business filing software solution.

(11) SECRETARY OF STATE

The period of time for expending the nine hundred eighty-five thousand dollars (\$985,000) appropriated from the computer systems enhancement fund in Subsection 14 of Section 7 of Chapter 73 of Laws 2018 to purchase and implement a campaign finance information system is extended through fiscal year 2021.

(12)	PERSONNEL BOARD	2,500.0	2,500.0
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To implement additional functionality in the human capital management module in the statewide human resource accounting and reporting system. The appropriation is contingent on the personnel board's coordination with the department of information technology to ensure configuration meets the personnel board's business requirements and providing the department of information technology, the department of finance and administration and the legislative finance committee quarterly project status reports, including an estimated completion date, estimated total costs and expected deliverables.

(13)	TOURISM DEPARTMENT	582.9	582.9
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To purchase and install interactive technology at four statewide visitor information centers.

(14)	REGULATION AND LICENSING DEPARTMENT	3,250.0	3,250.0
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To continue the modernization of the regulation and licensing permitting and inspection software. Two million dollars (\$2,000,000) of the other state funds appropriation is from fund balances. The appropriation is contingent on the regulation and licensing department's successful implementation of the pilot for manufactured housing division and the estimated completion date, estimated total costs and expected deliverables for phase two implementation of construction industries division and providing

quarterly project status reports to the department of information technology, the department of finance and administration and the legislative finance committee.

(15)	GAMING CONTROL BOARD	2,500.0	2,500.0
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To purchase and implement a gaming central monitoring system.

(16)	CULTURAL AFFAIRS DEPARTMENT	100.0	100.0
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To upgrade the cultural resources information system to include online payments, improve security and to meet payment card industry compliance. The other state funds appropriation is from fund balances.

(17)	CULTURAL AFFAIRS DEPARTMENT		
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The period of time for expending the three hundred fifty thousand dollars (\$350,000) appropriated from the computer systems enhancement fund in Subsection 17 of Section 7 of Chapter 73 of Laws 2018 to purchase and implement a commercial off-the-shelf ticketing and admission system is extended through fiscal year 2021.

(18)	COMMISSIONER OF PUBLIC LANDS	1,450.0	1,450.0
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To purchase and install hardware and software for satellite imagery analytics. The other state funds appropriation is from the state lands maintenance fund.

(19)	COMMISSIONER OF PUBLIC LANDS		
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The period of time for expending the five million dollars (\$5,000,000) appropriated from the state lands maintenance fund in Subsection 19 of Section 7 of Chapter 73 of Laws 2018 to continue the replacement of

the oil and natural gas administration revenue database royalty administration functionality is extended through fiscal year 2021.

(20)	COMMISSIONER OF PUBLIC LANDS	1,850.0		1,850.0
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To continue the replacement of the oil and natural gas administration revenue database royalty administration functionality. The other state funds appropriation is from the state lands maintenance fund.

(21)	AGING AND LONG-TERM SERVICES DEPARTMENT	280.3	2,291.6	2,571.9
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To consolidate and modernize information technology systems for integration with the human services department's medicaid management information system replacement project.

(22)	HUMAN SERVICES DEPARTMENT	2,832.5	5,498.4	8,330.9
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To continue to enhance or replace the current child support enforcement system.

(23)	HUMAN SERVICES DEPARTMENT	4,104.1	36,146.3	40,250.4
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To continue the implementation phase of the medicaid management information system replacement project.

(24)	HUMAN SERVICES DEPARTMENT			
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The period of time for expending the five million dollars (\$5,000,000) appropriated from the computer systems enhancement fund in Subsection 9 of Section 7 of Chapter 135 of Laws 2017 as extended in Subsection

19 of Section 7 of Chapter 271 of Laws 2019 for replacement of the medicaid management information system is extended through fiscal year 2021.

(25) HUMAN SERVICES DEPARTMENT

The period of time for expending the three million four hundred thousand dollars (\$3,400,000) appropriated from other state funds in Subsection 19 of Section 7 of Chapter 101 of Laws 2015 as extended in Subsection 8 of Section 7 of Chapter 135 of Laws 2017 as extended in Subsection 20 of Section 7 of Chapter 271 of Laws 2019 for the planning phase to enhance or replace the current child support enforcement system is extended through fiscal year 2021. The other state funds appropriation is from fund balances.

(26) HUMAN SERVICES DEPARTMENT

The period of time for expending the six million eight hundred one thousand nine hundred dollars (\$6,801,900) appropriated from the computer systems enhancement fund in Subsection 21 of Section 7 of Chapter 73 of Laws 2018 to continue the implementation of the medicaid management information system replacement project is extended through fiscal year 2021.

(27)	DEPARTMENT OF HEALTH	900.0	900.0
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To continue the implementation of a database for healthcare cost data.

(28)	DEPARTMENT OF HEALTH	3,500.0	3,500.0
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To continue the implementation of an enterprise electronic health records system.

(29) DEPARTMENT OF HEALTH

The period of time for expending the twenty thousand dollars (\$20,000) appropriated from the computer systems enhancement fund in Subsection 25 of Section 7 of Chapter 73 of Laws 2018 to purchase and implement a commercial off-the-shelf incident management system is extended through fiscal year 2021.

(30) DEPARTMENT OF HEALTH

The period of time for expending the twenty thousand dollars (\$20,000) appropriated from the computer systems enhancement fund in Subsection 22 of Section 7 of Chapter 73 of Laws 2018 to upgrade the children's medical services medicaid provider enrollment system to integrate with the human services department's medicaid management information system replacement project is extended through fiscal year 2021.

(31) DEPARTMENT OF HEALTH

The period of time for expending the thirty-five thousand dollars (\$35,000) appropriated from the computer systems enhancement fund in Subsection 23 of Section 7 of Chapter 73 of Laws 2018 to purchase hardware and software to implement a facilities licensing system is extended through fiscal year 2021.

(32) DEPARTMENT OF HEALTH

The period of time for expending the twenty-five thousand dollars (\$25,000) appropriated from the computer systems enhancement fund in Subsection 24 of Section 7 of Chapter 73 of Laws 2018 to integrate the families first medicaid eligibility system with the human services department's medicaid management information system replacement project is extended through fiscal year 2021.

(33) DEPARTMENT OF HEALTH

The period of time for expending the two million four hundred thousand dollars (\$2,400,000) appropriated from the computer systems enhancement fund in Subsection 10 of Section 7 of Chapter 135 of Laws 2017 as extended in Subsection 25 of Section 7 of Chapter 271 of Laws 2019 to continue the implementation of the developmental disabilities client management support system is extended through fiscal year 2021.

(34) DEPARTMENT OF HEALTH

The period of time for expending the two million seven hundred fifty thousand dollars (\$2,750,000) appropriated from the computer systems enhancement fund in Subsection 26 of Section 7 of Chapter 73 of Laws 2018 to purchase and implement an integrated document management system and upgrade the vital records database is extended through fiscal year 2021.

(35) DEPARTMENT OF ENVIRONMENT 1,581.0 1,581.0

To implement an enterprise environmental information system for the department of environment programs.

(36) CHILDREN, YOUTH AND FAMILIES DEPARTMENT

The balance of the computer systems enhancement fund appropriation in Subsection 28 of Section 7 of Chapter 271 of Laws 2019 to continue planning the modernization of the comprehensive child welfare information system shall not be expended for the original purpose but is appropriated for planning and implementation of the comprehensive child welfare information system.

(37) CHILDREN, YOUTH AND FAMILIES 7,000.0 10,900.0 17,900.0
DEPARTMENT

To continue the modernization of the comprehensive child welfare information system. [~~The appropriation is contingent on the children, youth and families department's successful implementation of the pilot and federal approval.~~] *LINE-ITEM VETO*

(38) CHILDREN, YOUTH AND FAMILIES DEPARTMENT

The period of time for expending the five hundred thousand dollars (\$500,000) appropriated from the computer systems enhancement fund in Subsection 27 of Section 7 of Chapter 73 of Laws 2018 to plan the modernization of the comprehensive child welfare information system is extended through fiscal year 2021.

(39) CORRECTIONS DEPARTMENT 750.0 750.0

For the initiation and planning phase to implement an electronic health records system with a commercial off-the-shelf solution.

(40) CORRECTIONS DEPARTMENT

The period of time for expending the two million two hundred ninety thousand dollars (\$2,290,000) appropriated from the computer systems enhancement fund in Subsection 29 of Section 7 of Chapter 73 of Laws 2018 to continue the implementation of the commercial off-the-shelf offender management system is extended through fiscal year 2021.

(41) DEPARTMENT OF PUBLIC SAFETY 3,000.0 3,000.0

To upgrade the computer-aided dispatch system.

(42) DEPARTMENT OF PUBLIC SAFETY

The period of time for expending the one million five hundred thousand dollars (\$1,500,000) appropriated from the computer systems enhancement fund in Subsection 32 of Section 7 of Chapter 73 of Laws 2018 to implement a commercial off-the-shelf records management system is extended through fiscal year 2021.

(43)	DEPARTMENT OF PUBLIC SAFETY	5,465.0		5,465.0
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To continue the implementation of a commercial off-the-shelf records management system.

(44)	HOMELAND SECURITY AND EMERGENCY MANAGEMENT	200.0	200.0	400.0
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To implement a web-based emergency management system.

(45)	PUBLIC EDUCATION DEPARTMENT	254.3		254.3
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To develop and implement an integrated data exchange system for educator preparation programs. The other state funds appropriation is from the public education reform fund.

(46)	PUBLIC EDUCATION DEPARTMENT	1,558.4		1,558.4
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To develop and implement a consolidated grant management system for local education agencies and tribal partners to manage federal and state grants. The other state funds appropriation is from the public education reform fund.

(47)	PUBLIC EDUCATION DEPARTMENT	1,144.6		1,144.6
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To implement a statewide real-time data management system. The other state funds appropriation is from the public education reform fund.

(48) HIGHER EDUCATION DEPARTMENT 274.0 274.0

For the initiation and planning phase for a longitudinal data system.

TOTAL INFORMATION TECHNOLOGY 60,021.1 55,036.3 115,057.4
 APPROPRIATIONS

Chapter 83 Section 8 Laws 2020

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Section 8. COMPENSATION APPROPRIATIONS.--

A. Sixty-three million eighty-five thousand one hundred dollars (\$63,085,100) is appropriated from the general fund to the department of finance and administration for expenditure in fiscal year 2021 to provide salary increases to employees in budgeted positions who have completed their probationary period subject to satisfactory job performance. Police officers of the department of public safety shall be exempt from the requirement to complete their probationary period. The salary increases shall be effective the first full pay period after July 1, 2020 and distributed as follows:

(1) five hundred twenty-three thousand five hundred dollars (\$523,500) to provide permanent legislative employees, including permanent employees of the legislative council service, legislative finance committee, legislative education study committee, legislative building services, the house and senate, house and senate chief clerks' offices and house and senate leadership with an [~~average salary~~] increase of four percent; *LINE-ITEM VETO*

(2) seven million eight hundred thirty-one thousand nine hundred dollars (\$7,831,900) to provide all judicial permanent employees excluding judges, all district attorney permanent employees, all public defender department permanent employees, judicial child support hearing officers and judicial special commissioners with an [~~average salary~~] increase of four percent; *LINE-ITEM VETO*

(3) one million one hundred seventy-nine thousand three hundred dollars (\$1,179,300), in combination with appropriations in Subsection B of Section 4 of this Act, to provide judges and magistrates a salary increase of seven percent;

(4) twenty million five hundred eighteen thousand seven hundred dollars (\$20,518,700) to provide incumbents in agencies governed by the State Personnel Act, the New Mexico state police career pay system, attorney general employees, workers' compensation judges and executive exempt employees with an [~~average salary~~] increase of four percent; *LINE-ITEM VETO*

(5) thirty-three million thirty-one thousand seven hundred dollars (\$33,031,700) to the higher education department to provide faculty and staff of two-year and four-year public postsecondary educational institutions, New Mexico military institute, New Mexico school for the blind and visually impaired and New Mexico school for the deaf with an average salary increase of four percent.

B. The department of finance and administration shall distribute a sufficient amount to each agency to provide the appropriate increases for those employees whose salaries are received as a result of the general fund appropriation in the General Appropriation Act of 2020. Any unexpended or unencumbered balances remaining at the end of fiscal year 2021 shall revert to the general fund.

C. For those state employees whose salaries are referenced in or received as a result of nongeneral fund appropriations in the General Appropriation Act of 2020, the department of finance and administration shall transfer from the appropriate fund to the appropriate agency the amount required for the [~~salary~~] increases equivalent to those provided for in this section. Such amounts are appropriated for expenditure in fiscal year 2021. Any unexpended or unencumbered balances remaining at the end of fiscal year 2021 shall revert to the appropriate fund. *LINE-ITEM VETO*

D. Two million seven hundred eighty-five thousand eight hundred dollars (\$2,785,800) is appropriated from the general fund to the department of finance and administration to provide incumbents in positions covered by state general member coverage plan 3 an employer-paid pension increase contingent on enactment of Senate Bill 72 or similar legislation in the second session of the fifty-fourth legislature increasing employer-paid pension contributions by one-half percent. Any unexpended or unencumbered balances remaining at the end of fiscal year 2021 shall revert to the general fund.

Chapter 83 Section 9 Laws 2020

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Section 9. SPECIAL TRANSPORTATION APPROPRIATIONS.--The following amounts are appropriated from the general fund to the department of transportation for the purposes specified. Unless otherwise indicated, the appropriation may be expended in fiscal year 2020 and subsequent fiscal years. Unless otherwise indicated, any unexpended balances of the appropriations remaining at the end of a fiscal year shall not revert.

(1) DEPARTMENT OF TRANSPORTATION 180,000.0 180,000.0

For acquisition of rights of way, planning, design, construction, equipment, and statewide rest area improvements and to match federal and other state funds for projects. Appropriations made in this Section may be used for projects including: nine million five hundred thousand dollars (\$9,500,000) for interstate 10 in transportation district one; ten million five hundred thousand dollars (\$10,500,000) for interstate 25 in transportation district one; ten million five hundred thousand dollars (\$10,500,000) for U.S. highway 70 in transportation district two; one million two hundred fifty thousand dollars (\$1,250,000) for a study of U.S. highway 60/84 between Fort Sumner and Clovis in transportation district two; eight million two hundred fifty thousand dollars (\$8,250,000) for U.S. highway 60/84 between Melrose and Clovis in transportation district two; eleven million dollars (\$11,000,000) for an interchange on interstate 25 south of Bobby Foster road in transportation district three; two million three hundred thousand dollars (\$2,300,000) for New Mexico highway 45 in transportation district three; two million one hundred thousand dollars (\$2,100,000) for New Mexico highway 556 in transportation district three; sixty thousand dollars (\$60,000) for interstate 40 in transportation district three; five million five hundred thousand dollars (\$5,500,000) for interstate 25 in transportation district three; eight million dollars (\$8,000,000) for interstate 40 in transportation district four; twelve million dollars (\$12,000,000) for New Mexico highway 39 in transportation district four; eleven million three hundred fifty thousand dollars (\$11,350,000) for U.S. highway 64 in transportation district five; six million seven hundred fifty thousand dollars

(\$6,750,000) for New Mexico highway 68 in transportation district five; five hundred thousand dollars (\$500,000) for interstate 40 in transportation district five; one million fifty thousand dollars (\$1,050,000) for New Mexico highway 74 in transportation district five; three hundred fifty thousand dollars (\$350,000) for New Mexico highway 341 in transportation district five; thirteen million five hundred thousand dollars (\$13,500,000) for interstate 40 in transportation district six; one million five hundred thousand dollars (\$1,500,000) for exit 85 off of interstate 40 in transportation district six; one million dollars (\$1,000,000) for exit 53 off of interstate 40 in transportation district six; two million dollars (\$2,000,000) for the intersection of New Mexico highway 118 and county road 19 in transportation district six; and one million dollars (\$1,000,000) for New Mexico highway 531 in transportation district six. Any unexpended balance remaining from this appropriation at the end of fiscal year 2023 shall revert to the general fund.

TOTAL SPECIAL TRANSPORTATION	180,000.0	180,000.0
APPROPRIATIONS		

Chapter 83 Section 10 Laws 2020

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Section 10. FUND TRANSFERS.--The following amounts are appropriated from the general fund or other funds as indicated for the purposes specified. Unless otherwise indicated, the appropriation may be

expended in fiscal years 2020 and 2021. Unless otherwise indicated, any unexpended balances of the appropriations remaining at the end of fiscal year 2021 shall revert to the appropriate fund.

(1)	DEPARTMENT OF FINANCE AND ADMINISTRATION	320,000.0	320,000.0
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To the early childhood endowment fund in fiscal year 2021 contingent on enactment of House Bill 83 or similar legislation creating the fund in the second session of the fifty-fourth legislature.

(2)	PUBLIC EMPLOYEES RETIREMENT ASSOCIATION	55,000.0	55,000.0
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To the retirement reserve fund in fiscal year 2020 contingent on enactment Senate Bill 72 or similar legislation providing a noncompounding cost-of-living adjustment in the second session of the fifty-fourth legislature.

(3)	CULTURAL AFFAIRS DEPARTMENT	2,000.0	2,000.0
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To the rural libraries endowment fund in fiscal year 2020.

	TOTAL FUND TRANSFERS	377,000.0	377,000.0
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Chapter 83 Section 11 Laws 2020

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Section 11. ADDITIONAL FISCAL YEAR 2020 BUDGET ADJUSTMENT AUTHORITY.--During fiscal year 2020, subject to review and approval by the department of finance and administration, pursuant to Sections 6-3-23 through 6-3-25 NMSA 1978, in addition to the budget adjustment authority in the General Appropriation Act of 2019:

A. the first judicial district court may request budget increases up to one hundred eight thousand dollars (\$108,000) from internal service funds/interagency transfers to provide treatment services to clients enrolled in the Santa Fe magistrate driving-while-intoxicated court, may request budget increases up to twenty thousand dollars (\$20,000) from internal service funds/interagency transfers to provide drug and alcohol testing services to clients enrolled in the Santa Fe magistrate driving-while-intoxicated court and may request budget increases up to fifteen thousand dollars (\$15,000) from internal service funds/interagency transfers to operate the court-appointed special advocates program;

B. the fifth judicial district court may request budget increases up to seventy thousand dollars (\$70,000) from other state funds from duplication fees for operating expenses and may request budget increases up to twenty-seven thousand dollars (\$27,000) from other state funds for the family reunification drug-court program for operating expenses;

C. the seventh judicial district court may request budget increases up to seven thousand five hundred dollars (\$7,500) from internal service funds/interagency transfers from the administrative office of the courts for court-appointed special advocate operating expenses;

D. the eleventh judicial district and magistrate courts may request budget increases up to one hundred twenty-five thousand dollars (\$125,000) from other state funds for mediation salary and benefits, contractual services and other operating expenses;

E. the thirteenth judicial district court may request budget increases up to eighteen thousand two hundred eighteen dollars (\$18,218) from other state funds for a court-appointed special advocate, may request budget increases up to two hundred thirty-four thousand dollars (\$234,000) from other state funds for drug-court funding, may request budget increases of fifty thousand dollars (\$50,000) from other state funds to provide for a case manager for adult drug-courts and may request budget increases up to seventy-five thousand dollars (\$75,000) from other state funds to provide case management services to inmates;

F. the Bernalillo county metropolitan court may request budget adjustment increases up to thirty thousand dollars (\$30,000) from other state funds from mediation funds for personal services and employee benefits;

G. the eleventh judicial district attorney, division II may request up to fifty thousand dollars (\$50,000) from internal service funds/interagency transfers and other state funds from any political subdivision of the state or from Native American tribes for the prosecution of crimes within McKinley county and may request budget increases up to seventy-five thousand dollars (\$75,000) from internal service funds/interagency transfers and other state funds received from forfeiture revenues pursuant to Section 31-27-1 NMSA 1978, for the prosecution of cases;

H. the public defender department may request budget increases up to five hundred thousand dollars (\$500,000) from other state funds and internal service funds/interagency transfers from the public defender automation fund and from other grant agreements for operating expenses;

I. the motor vehicle program of the taxation and revenue department may request budget increases up to one million dollars (\$1,000,000) from other state funds for operating expenses, including support and maintenance of the motor vehicle administration information technology system of record;

J. the board of examiners for architects may request budget increases up to eighty thousand dollars (\$80,000) from other state funds from fund balance to comply with payment card industry standards;

K. the gaming control board may request budget increases up to four hundred six thousand eight hundred dollars (\$406,800) from fund balances for the gaming control board central monitoring system contract;

L. the board of veterinary medicine may request budget increases up to one hundred thousand dollars (\$100,000) from other state funds to make disbursements from the animal care and facility fund to qualifying animal shelters;

M. the commission for the blind may request budget increases up to two hundred thousand dollars (\$200,000) from other state funds for program shortfalls;

N. the independent living services program of the division of vocational rehabilitation may request budget increases up to two hundred thousand dollars (\$200,000) from other state funds for independent living services for the disabled and the rehabilitation services program of the division of

vocational rehabilitation may request budget increases up to forty thousand dollars (\$40,000) from other state funds for rehabilitation services for the disabled;

O. the environmental protection program of the department of environment may request budget increases up to six hundred thousand dollars (\$600,000) from other state funds and internal service funds/interagency transfers from the food service sanitation fund to support the costs of administering regulations promulgated by the board to carry out provisions of the Food Services Sanitation Act and the Hemp Manufacturing Act and the water protection program of the department of environment may request budget increases from other state funds and internal service funds/interagency transfers up to the available balance from the rural infrastructure revolving loan fund and may request budget increases from other state funds and internal service funds/interagency transfers up to the available balance from the wastewater facility construction loan fund;

P. the veterans' services department may request budget increases up to seventy-five thousand dollars (\$75,000) from other state funds from license plate revenues for operating expenses;

Q. the department of transportation may request budget increases up to thirty-five million dollars (\$35,000,000) from other state funds and fund balances to meet federal matching requirements, for debt service and related costs, intergovernmental agreements, lawsuits and construction- and maintenance-related costs; and

R. the student financial aid program of the higher education department may request budget increases up to six million dollars (\$6,000,000) from internal service funds/interagency transfers to the legislative lottery tuition fund.

Chapter 83 Section 12 Laws 2020

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter- Agency Trnsf	Federal Funds	Total/Target
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Section 12. CERTAIN FISCAL YEAR 2021 BUDGET ADJUSTMENTS AUTHORIZED.--

A. As used in this section and Section 11 of the General Appropriation Act of 2020:

(1) "budget category" means an item or an aggregation of related items that represents the object of an appropriation. Budget categories include personal services and employee benefits, contractual services, other and other financing uses;

(2) "budget increase" means an approved increase in expenditures by an agency from a specific source;

(3) "category transfer" means an approved transfer of funds from one budget category to another budget category, provided that a category transfer does not include a transfer of funds between divisions; and

(4) "program transfer" means an approved transfer of funds from one program of an agency to another program of that agency.

B. Pursuant to Sections 6-3-23 through 6-3-25 NMSA 1978, those budget adjustments specified in this section are authorized for fiscal year 2020.

C. In addition to the specific category transfers authorized in Subsection E of this section and unless a conflicting category transfer is authorized in Subsection E of this section, all agencies, including legislative agencies, may request category transfers among personal services and employee benefits, contractual services and other.

D. Unless a conflicting budget increase is authorized in Subsection E of this section, a program with internal service funds/interagency transfers appropriations or other state funds appropriations that collects money in excess of those appropriated may request budget increases in an amount not to exceed five percent of its internal service funds/interagency transfers or other state funds appropriation contained in Section 4 of the General Appropriation Act of 2020. To track the five percent transfer limitation, agencies shall report cumulative budget adjustment request totals on each budget request submitted. The department of finance and administration shall certify agency reporting of these cumulative totals.

E. In addition to the budget authority otherwise provided in the General Appropriation Act of 2020, the following agencies may request specified budget adjustments:

(1) the New Mexico compilation commission may request budget increases from internal service funds/interagency transfers and other state funds for publishing expenses;

(2) the judicial standards commission may request up to thirty thousand dollars (\$30,000) from other state funds from investigation and trial cost reimbursements;

(3) the first judicial district court may request budget increases up to fifty-four thousand dollars (\$54,000) from internal service funds/interagency transfers to provide treatment services to clients enrolled in the Santa Fe magistrate driving-while-intoxicated court, may request budget increases up to sixty thousand dollars (\$60,000) from internal service funds/interagency transfers to provide drug and alcohol testing services to clients enrolled in the Santa Fe magistrate driving-while-intoxicated court, may request budget increases up to fifteen thousand dollars (\$15,000) from internal service funds/interagency transfers to operate the court-appointed special advocates program;

(4) the second judicial district court may request budget increases up to an additional fifty thousand dollars (\$50,000) from other state funds for other program revenue received from the collection of adult drug-court fees, may request budget increases up to an additional twenty thousand dollars (\$20,000) from internal services funds/interagency transfers and other state funds for funds received from copies, tapes and parking reimbursements and may request budget increases up to four hundred thousand dollars (\$400,000) from other state funds received from Bernalillo county;

(5) the fourth judicial district court may request budget increases up to twenty-five thousand dollars (\$25,000) from other state funds from mediation fees for operating expenses, may request budget increases up to ten thousand dollars (\$10,000) from other state funds from alternative dispute resolution fees for operating expenses and may request budget increases up to fifteen thousand dollars (\$15,000) from other state funds from copy fees for operating expenses;

(6) the eleventh judicial district and magistrate courts may request budget increases up to seventy-five thousand dollars (\$75,000) from drug-court fund balances for treatment services, may request budget increases up to fifty thousand dollars (\$50,000) from internal service funds/interagency transfers from drug-court fees for treatment services, may request budget increases up to one hundred

twenty-five thousand dollars (\$125,000) from other state funds for mediation operating expenses and may request budget increases up to twenty-five thousand dollars (\$25,000) from internal service funds/interagency transfers from mediation services for mediation operating expenses;

(7) the twelfth judicial district court may request budget increases up to seven thousand five hundred dollars (\$7,500) from other state funds from mediation fees for operating expenses, may request budget increases up to five thousand dollars (\$5,000) from other state funds from alternative dispute resolution fees for operating expenses, may request budget increases up to five thousand dollars (\$5,000) from other state funds for adult drug-court for operating expenses, may request budget increases up to three thousand dollars (\$3,000) from other state funds from copy and tape fees for operating expenses and may request budget increases up to fifteen thousand dollars (\$15,000) from other state funds for operating expenses;

(8) the second judicial district attorney may request budget increases up to three million dollars (\$3,000,000) from internal service/interagency transfers and other state funds from grants, local governments and federal agencies for case prosecution and related support services;

(9) the twelfth judicial district attorney may request budget increases up to five hundred thousand dollars (\$500,000) from internal service funds/interagency transfers and from other state funds from any political subdivision of the state or from Native American tribes to assist in the prosecution of crimes within Otero and Lincoln counties;

(10) the attorney general may request budget increases up to four hundred and fifty thousand dollars (\$450,000) from other state funds from the consumer settlement fund for operating expenses and may request budget increases from the medicaid fraud fund for federal matching requirements;

(11) the taxation and revenue department may request program transfers up to two million dollars (\$2,000,000) from other programs into the tax administration act program for operating expenses;

(12) the state investment council may request budget increases from other state funds for investment-related management fees and to meet emergencies or unexpected physical plant failures that might impact the health and safety of workers or visitors to the agency;

(13) the administrative hearings office may request budget increases up to fifty thousand dollars (\$50,000) from other state funds received from other state agencies for conducting and adjudicating administrative hearings;

(14) the benefits, risk and program support programs of the public school insurance authority may request budget increases from internal service funds/interagency transfers, other state funds and fund balances for claims;

(15) the healthcare benefits administration program of the retiree health care authority may request budget increases from other state funds for claims;

(16) the procurement services program of the general services department may request budget increases up to five hundred thousand dollars (\$500,000) from other state funds for operating expenses and the state printing services program of the general services department may request budget increases up to two hundred thousand dollars (\$200,000) from other state funds;

(17) the educational retirement board may request budget increases from other state funds for investment-related asset management fees and to meet emergencies or unexpected physical plant failures that might impact the health and safety of workers or visitors to the agency;

(18) the department of information technology may request budget increases up to two million dollars (\$2,000,000) from other state funds from fund balances for telecommunication, information processing and the statewide human resources, accounting and management reporting system, may request budget increases up to ten percent of internal service funds/interagency transfers and other state funds appropriated in section 4 of the General Appropriation Act of 2020 to support existing or new services and may request budget increases from fund balances up to the amount of depreciation expense, as reported in the notes to the financial statements of the agency's independent audit of the fiscal year ending June 30, 2020 to acquire and replace capital equipment and associated software used to provide enterprise services;

(19) the public employees retirement association may request budget increases from other state funds for investment-related asset management fees and to meet emergencies or unexpected physical plant failures that might impact the health and safety of workers or visitors to the agency;

(20) the marketing and promotion program of the tourism department may request budget increases up to one million dollars (\$1,000,000) from other state funds to expand advertising efforts by leveraging partnership dollars in the tourism enterprise fund;

(21) the construction industries and manufactured housing program of the regulation and licensing department may request budget increases up to one hundred thousand dollars (\$100,000) from internal service funds/interagency transfers received from the public school facilities authority for costs associated with permitting and inspecting projects funded under the Public School Capital Outlay Act, the financial institutions division may request budget increases up to two hundred thousand dollars (\$200,000) from other state funds from the mortgage regulatory fund for operating expenses and contingent on enactment of Senate Bill 131 or similar legislation in the second session of the fifty-fourth legislature and the

alcoholic beverage control division may request budget increases from the tobacco products administration fund from tobacco regulatory fees to administer the tobacco products act;

(22) the patient's compensation fund program of the office of superintendent of insurance may request budget increases from other state funds for patient compensation settlements and court-ordered payments;

(23) the New Mexico medical board may request budget increases up to one hundred thousand dollars (\$100,000) from other state funds from licensing and renewal fees for the administrative hearing and litigation process;

(24) the New Mexico board of nursing may request budget increases up to one hundred thousand dollars (\$100,000) from other state funds for the administrative hearings and litigation process;

(25) the gaming control board may request budget increases up to four hundred six thousand eight hundred dollars (\$406,800) from fund balances for the gaming control board central monitoring system contract;

(26) the board of veterinary medicine may request budget increases up to one hundred thousand dollars (\$100,000) from other state funds to make disbursements from the animal care and facility fund to qualifying animal shelters;

(27) the cultural affairs department may request budget increases from other state funds from the cultural affairs department enterprise fund, the museum and historic sites program of the cultural affairs department may request budget increases from other state funds and the preservation program of the

cultural affairs department may request budget increases from other state funds for archeological services or historic preservation services;

(28) the department of game and fish may request budget increases up to five hundred thousand dollars (\$500,000) from the game protection fund for emergencies and may request budget increases as a result of revenue received from other agencies;

(29) the intertribal ceremonial office may request budget increases up to five hundred thousand dollars (\$500,000) from other state funds to grow the intertribal ceremonial event, provided that a portion of revenue be derived from ticket sales;

(30) the commissioner of public lands may request budget increases up to five million dollars (\$5,000,000) from the state trust lands restoration and remediation fund to address surface damage, remediation of hazardous waste sites and watershed restoration on state trust lands;

(31) the interstate stream compact compliance and water development program of the state engineer may request budget increases up to two hundred fifty thousand dollars (\$250,000) from [~~other state funds into~~] the Ute construction fund for operational and maintenance requirements at the Ute reservoir, may request budget increases up to three hundred fifty thousand dollars (\$350,000) from the irrigation works construction fund for operational and maintenance costs associated with the Pecos river settlement agreement, may request budget increases up to one million five hundred thousand dollars (\$1,500,000) from the irrigation works construction fund for Elephant Butte channel and other Rio Grande river maintenance and restoration work and may request budget increases up to one million one hundred fifty thousand dollars (\$1,150,000) from the New Mexico unit fund to meet water supply demands in the southwest water planning region of New Mexico including costs associated with planning, environmental compliance activities,

environmental mitigation, restoration, potential legal costs and funding of nondiversion projects that have been approved by the interstate stream commission; *LINE-ITEM VETO*

(32) the commission for the blind may request transfers between the other category and the other financing uses category contingent on the inability of the division of vocation rehabilitation to match federal funds, may request budget increases from other state funds for the employment of blind or visually impaired persons pursuant to the federal Randolph-Sheppard Act, the federal Javits-Wagner-O'Day Act or the federal ability one program, may request budget increases from other state funds to contract with blind or visually impaired vendors to operate food services at the federal law enforcement training center and may request budget increases up to two hundred thousand dollars (\$200,000) from other state funds;

(33) the early childhood education and care department may request program transfers up to one million dollars (\$1,000,000) between programs, may request budget increases from internal service funds/interagency transfers and other state funds for early childhood services, the support and intervention program may request category transfers between the other category and other financing uses category for the family infant toddler program, the public pre-kindergarten program of the early childhood education and care department may request category transfers between the other category and the other financing uses category for public prekindergarten awards and the early childhood education and care program of the early childhood education and care department may request category transfers between the contractual services category and the other financing uses category for medicaid home visiting;

(34) the aging and long-term services department may request up to three million dollars (\$3,000,000) from the Kiki Saavedra dignity fund contingent on enactment of House Bill 225 or similar legislation in the second session of the fifty-fourth legislature;

(35) the human services department may request program transfers between the medical assistance program and the medicaid behavioral health program;

(36) the division of vocational rehabilitation may request program transfers between the rehabilitation services program and the independent living services program;

(37) the miners' hospital of New Mexico may request budget increases from other state funds from fees from patient revenues for operating expenses;

(38) the department of health may request program transfers up to four million dollars (\$4,000,000) between programs for budget shortfalls, the health certification, licensing and oversight program of the department of health may request budget increases from other state funds from health facility license and certification fees pursuant to Subsection G of Section 24-1-5 NMSA 1978, the developmental disabilities support program of the department of health may request budget increases from other state funds from private insurer payments, may request category transfers between all categories for the supports waiver and may request category transfers from the personal services and employee benefits category, contractual services category and other category to the other financing uses category for developmental disabilities waiver services, the epidemiology and response program of the department of health may request budget increases from internal service funds/interagency transfers and other state funds from payments for prevention services, conducting health surveys and analyzing data, the laboratory services program of the department of health may request budget increases from internal service funds/interagency transfers and other state funds for operating expenses and the medical cannabis program may request budget increases from other state funds from medical cannabis revenue for operating expenses;

(39) the environmental protection program of the department of environment may request budget increases up to six hundred thousand dollars (\$600,000) from other state funds and internal service funds/interagency transfers [~~from the food service sanitation fund~~] to support the costs of administering regulations promulgated by the board to carry out provisions of the Food Services Sanitation Act and the Hemp Manufacturing Act, the water protection program may request budget increases up to three hundred fifty thousand dollars (\$350,000) from other state funds and internal service funds/interagency transfers for providing technical or community services, the resource protection program of the department of environment may request budget increases from other state funds and internal service funds/interagency transfers from the hazardous waste emergency fund for emergencies and may request budget increases from other state funds and internal service funds/interagency transfers from the corrective action fund for claims, the environmental protection program of the department of environment may request budget increases up to one hundred thousand dollars (\$100,000) from other state funds for administrative expenditures related to the Volkswagen litigation settlement; *LINE-ITEM VETO*

(40) the juvenile justice facilities program of the children, youth and family department may request budget increases up to two million dollars (\$2,000,000) from other state funds from distributions from the land grant permanent fund and land income fund, may request budget increases up to six hundred thousand dollars (\$600,000) from other state funds for the juvenile continuum grant fund and may request budget increases up to four hundred thousand dollars (\$400,000) from other state funds for the juvenile community corrections grant fund;

(41) the department of military affairs may request budget increases up to fifty thousand dollars (\$50,000) from other state funds from leases, land royalties, miscellaneous revenue, gifts or grants for support of national guard facility operations, maintenance and repair of the New Mexico youth challenge academy and the New Mexico national guard members family assistance fund;

(42) the community offender management program of the corrections department may request budget increases up to one hundred fifty thousand dollars (\$150,000) from internal service funds/interagency transfers and other state funds from program fees, probation and parole fees, cash balances and the community corrections grant fund for operating expenses, program support of the corrections department may request budget increases up to one hundred thousand dollars (\$100,000) from internal service funds/interagency transfers and other state funds from social security administration incentive payments, additional payments from international cadet training classes and the sale of data for operating expenses, the inmate management and control program of the corrections department may request budget increases up to five hundred thousand dollars (\$500,000) from internal service funds/interagency transfers and other state funds from the inmate work crew program and the corrections industries program of the corrections department may request budget increases up to one million five hundred thousand dollars (\$1,500,000) from internal service funds/interagency transfers and other state funds from sales, fund balances, inmate canteen purchases and telephone services for operating expenses;

(43) the department of public safety may request budget increases up to one million five hundred thousand dollars (\$1,500,000) from internal service funds/interagency transfers and other state funds for public safety special projects and activities;

(44) the department of transportation may request program transfers between the project design and construction program, the highway operations program and the modal program for costs related to engineering, construction and maintenance services, may request program transfers into the personal services and employee benefits category for prospective salary increases and the employer's share of applicable taxes and retirement benefits, may request budget increases up to eighty-five million dollars (\$85,000,000) from other state funds and fund balances to meet federal matching requirements for debt service and related costs, intergovernmental agreements, lawsuits, transfer to the Carlsbad brine well

remediation fund and construction- and maintenance-related costs, may request budget increases up to eleven million dollars (\$11,000,000) from other state funds and fund balances for facility improvements at the general office and district five campus in Santa Fe, and may request budget increases up to fifty-three million dollars (\$53,000,000) from other state funds and fund balances to mitigate emergency road conditions in transportation district two;

(45) the public education department may request budget increases up to twenty thousand dollars (\$20,000) from other state funds from the school transportation training fund for public school transportation workshops and training; and

(46) the student financial aid program of the higher education department may request budget increases up to six million dollars (\$6,000,000) from internal service funds/interagency transfers from the legislative lottery tuition fund, may request up to one million one hundred thousand dollars (\$1,100,000) from other state funds from the teacher loan repayment fund, and may request up to two million two hundred thousand dollars (\$2,200,000) from other state funds from the teacher preparation affordability fund.

F. The department of military affairs, the homeland security and emergency management department, the department of public safety and the energy, minerals and natural resources department may request budget increases from the general fund as required by an executive order declaring a disaster or emergency.

Chapter 83 Section 13 Laws 2020

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
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Section 13. TRANSFER AUTHORITY.--

A. In addition to the transfer authority provided in Section 13 of Chapter 271 of Laws 2019, if revenue and transfers to the general fund at the end of fiscal year 2020 are not sufficient to meet appropriations, the governor, with the state board of finance approval, may transfer to the appropriation account of the general fund the amount necessary to meet that fiscal year's obligations from the operating reserve and the appropriation contingency fund.

B. In addition to the transfer authority provided in Section 13 of Chapter 271 of Laws 2019, if revenue and transfers to the general fund at the end of fiscal year 2021 are not sufficient to meet appropriations, the governor, with the state board of finance approval, may transfer to the appropriation account of the general fund the amount necessary to meet that fiscal year's obligations from the operating reserve and the appropriation contingency fund.

Chapter 83 Section 14 Laws 2020

Section 14. SEVERABILITY.--If any part or application of this act is held invalid, the remainder or its application to other situations or persons shall not be affected.

LAWS 2020, CHAPTER 84

SFC/Senate Bill 207, w/ec
Approved March 11, 2020

AN ACT

RELATING TO GENERAL OBLIGATION BONDS; AUTHORIZING THE ISSUANCE AND SALE OF CAPITAL PROJECTS GENERAL OBLIGATION BONDS TO MAKE CAPITAL EXPENDITURES FOR SENIOR CITIZEN FACILITY IMPROVEMENTS, CONSTRUCTION AND ACQUISITIONS, FOR LIBRARY ACQUISITIONS AND FOR CAPITAL IMPROVEMENTS AND ACQUISITIONS AT INSTITUTIONS OF HIGHER EDUCATION, STATE SPECIAL SCHOOLS AND TRIBAL SCHOOLS; PROVIDING FOR A PROPERTY TAX LEVY FOR PAYMENT OF PRINCIPAL OF, INTEREST ON AND CERTAIN COSTS RELATED TO THE BONDS; REQUIRING APPROVAL OF THE REGISTERED VOTERS AT THE 2020 GENERAL ELECTION OF THE STATE; DECLARING AN EMERGENCY.

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

Chapter 84 Section 1 Laws 2020

SECTION 1. SHORT TITLE.--This act may be cited as the "2020 Capital Projects General Obligation Bond Act".

Chapter 84 Section 2 Laws 2020

SECTION 2. PURPOSE.--For the purpose of providing funds for capital expenditures as authorized in the 2020 Capital Projects General Obligation Bond Act, general obligation indebtedness of the state is authorized for the purposes and in the amounts set forth in Section 10 of that act.

Chapter 84 Section 3 Laws 2020

SECTION 3. BOND TERMS.--

A. The state board of finance, except as limited by the 2020 Capital Projects General Obligation Bond Act, shall determine the terms, covenants and conditions of bonds issued pursuant to that act, including:

- (1) date or dates of issue, denominations and maturities;
- (2) principal amounts;
- (3) rate or rates of interest; and

(4) provisions for redemption, including premiums, registration and refundability, whether the bonds are issued in one or more series and other covenants relating to the bonds and the issuance thereof.

B. The bonds shall be in such form as the state board of finance determines with an appropriate series designation and shall bear interest payable as set forth in the resolution of the state board of finance.

C. Payment of the principal of the bonds shall begin not more than two years after the date of their issuance, and the bonds shall mature not later than ten years after the date of their issuance. Both principal and interest shall be payable in lawful money of the United States at the office of the paying agent within or without the state as the state board of finance may direct.

D. The bonds shall be executed with the manual or facsimile signature of the governor or the state treasurer, and the seal or a facsimile of the seal of the state shall be placed on each bond, except for any series of bonds issued in book entry or similar form without the delivery of physical securities.

E. The bonds shall be issued in accordance with the provisions of the 2020 Capital Projects General Obligation Bond Act, the Supplemental Public Securities Act and the Uniform Facsimile Signature of Public Officials Act and may be issued in accordance with the Public Securities Short-Term Interest Rate Act.

F. The full faith and credit of the state is pledged for the prompt payment when due of the principal of and interest on all bonds issued and sold pursuant to the 2020 Capital Projects General Obligation Bond Act.

Chapter 84 Section 4 Laws 2020

SECTION 4. EXPENDITURES.--The proceeds from the sale of the bonds shall be expended solely for providing money to be distributed for the purposes and in amounts not to exceed the amounts set forth in Section 10 of the 2020 Capital Projects General Obligation Bond Act and to pay expenses incurred under Section 6 of that act. Any proceeds from the sale of the bonds that are not required for the purposes set forth in Sections 6 and 10 of that act shall be used for the purpose of paying the principal of and interest on the bonds.

Chapter 84 Section 5 Laws 2020

SECTION 5. SALE.--The bonds authorized under the 2020 Capital Projects General Obligation Bond Act shall be sold by the state board of finance at such time and in such manner and amounts as the board may elect. The bonds may be sold at private sale or at public sale, in either case at not less than par plus accrued interest to the date of delivery. If sold at public sale, the state board of finance shall publish a notice of the time and place of sale in a newspaper of general circulation in the state

and may also publish the notice in a recognized financial journal outside the state. The required publications shall be made once each week for two consecutive weeks prior to the date fixed for the sale, the last publication thereof to be at least five days prior to the date of the sale. The notice shall specify the amount, denomination, maturity and description of the bonds to be offered for sale and the place, date and hour at which the sealed bids shall be received. At the time and place specified in the notice, the state board of finance shall open the bids in public and shall award the bonds to the bidder or bidders offering the best price for the bonds. The state board of finance may reject any or all bids and readvertise and may waive any irregularity in a bid. All bids, except that of the state, shall be accompanied by a deposit of two percent of the principal amount of the bonds in a form acceptable to the state board of finance. The deposit of an unsuccessful bidder shall be returned upon rejection of the bid. The state board of finance may also sell the bonds or any part of the bonds to the state treasurer or state investment officer. The state treasurer or state investment officer is authorized to purchase any of the bonds for investment. The bonds are legal investments for any person or board charged with the investment of any public funds and may be accepted as security for any deposit of public money.

Chapter 84 Section 6 Laws 2020

SECTION 6. EXPENSES.--The expenses incurred by the state board of finance in or relating to the preparation and sale of the bonds shall be paid out of the proceeds from the sale of the bonds, and all rebate, penalty, interest and other obligations of the state relating to the bonds and bond proceeds under the Internal Revenue Code of 1986, as amended, shall be paid from earnings on bond proceeds or other money of the state, legally available for such payments.

Chapter 84 Section 7 Laws 2020

SECTION 7. PROPERTY TAX LEVY.--To provide for the payment of the principal of and interest on the bonds issued and sold pursuant to the provisions of the 2020 Capital Projects General Obligation Bond Act, there shall be and there is hereby imposed and levied during each year in which any of the bonds are outstanding an ad valorem tax on all property in the state subject to property taxation for state purposes sufficient to pay the interest as it becomes due on the bonds, together with an amount sufficient to provide a sinking fund to pay the principal of the bonds as it becomes due, and, if permitted by law, ad valorem taxes may be collected to pay administrative costs incident to the collection of such taxes. The taxes shall be imposed, levied, assessed and collected at the times and in the manner that other property taxes for state purposes are imposed, levied, assessed and collected. It is the duty of all tax officials and authorities to cause these taxes to be imposed, levied, assessed and collected.

Chapter 84 Section 8 Laws 2020

SECTION 8. TREASURER--DUTIES.--The state treasurer shall keep separate accounts of all money collected pursuant to the taxes imposed and levied pursuant to

the provisions of the 2020 Capital Projects General Obligation Bond Act and shall use this money only for the purposes of paying the principal of and interest on the bonds as they become due and any expenses relating thereto.

Chapter 84 Section 9 Laws 2020

SECTION 9. IRREPEALABLE CONTRACT--AUTHORITY FOR ISSUANCE.--An owner of bonds issued pursuant to the provisions of the 2020 Capital Projects General Obligation Bond Act may, either at law or in equity, by suit, action or mandamus, enforce and compel the performance of the duties required by that act of any officer or entity mentioned in that act. The provisions of that act constitute an irrevocable contract with the owners of any of the bonds issued pursuant to that act for the faithful performance of which the full faith and credit of the state is pledged. Without reference to any other act of the legislature, the 2020 Capital Projects General Obligation Bond Act is full authority for the issuance and sale of the bonds authorized in that act, and such bonds shall have all the qualities of investment securities under the Uniform Commercial Code, shall not be invalid for any irregularity or defect in the proceedings for the issuance and sale of the bonds and shall be incontestable in the hands of bona fide purchasers or holders thereof for value. All bonds issued under the provisions of that act, and the interest thereon, are exempt from taxation by the state and any subdivision or public body thereof.

Chapter 84 Section 10 Laws 2020

SECTION 10. PROJECTS.--The proceeds from the sale of bonds issued under the provisions of the 2020 Capital Projects General Obligation Bond Act shall be distributed as follows for the purposes and in the amounts specified:

A. for senior citizen facility improvement, construction and equipment acquisition projects, to the aging and long-term services department:

(1) fifty-two thousand three hundred twenty dollars (\$52,320) to purchase and equip vehicles for the city of Albuquerque senior affairs kitchen site in Albuquerque in Bernalillo county;

(2) one hundred fourteen thousand four hundred dollars (\$114,400) for renovations to the Barelás senior center in Albuquerque in Bernalillo county;

(3) three hundred fifty-nine thousand two hundred dollars (\$359,200) for renovations to the Highland senior center in Albuquerque in Bernalillo county;

(4) eighty-one thousand seven hundred eighty-two dollars (\$81,782) to purchase and equip vehicles for the Highland senior center in Albuquerque in Bernalillo county;

(5) three hundred seventy thousand dollars (\$370,000) to plan, design, construct, equip and furnish the Isleta Pueblo elder center in the Pueblo of Isleta in Bernalillo county;

(6) seventy-five thousand dollars (\$75,000) to purchase and equip vehicles for the Isleta Pueblo elder center in the Pueblo of Isleta in Bernalillo county;

(7) eighty-one thousand seven hundred eighty-two dollars (\$81,782) to purchase and equip vehicles for the Palo Duro senior center in Albuquerque in Bernalillo county;

(8) one hundred ten thousand dollars (\$110,000) for renovations to the Raymond G. Sanchez community center in Bernalillo county;

(9) one hundred forty-five thousand twenty-five dollars (\$145,025) to plan and design an expansion at the Rio Bravo meal site in Bernalillo county;

(10) ninety-three thousand eight hundred thirty-three dollars (\$93,833) for renovations to the Lake Arthur Joy center in Chaves county;

(11) eighty-four thousand seven hundred sixteen dollars (\$84,716) for renovations to the Midway Joy center in Chaves county;

(12) fifty-one thousand seven hundred twenty-eight dollars (\$51,728) to purchase and equip vehicles for the Midway Joy center in Chaves county;

(13) fifty-one thousand dollars (\$51,000) to purchase and install meals equipment and other equipment at the Roswell Joy center in Chaves county;

(14) one hundred seven thousand four hundred seventy-three dollars (\$107,473) for renovations to the Roswell Joy center in Chaves county;

(15) three hundred twelve thousand six hundred forty-five dollars (\$312,645) to purchase and equip vehicles for the Roswell Joy center in Chaves county;

(16) sixty-eight thousand two hundred twenty-five dollars (\$68,225) for renovations to the Acoma Pueblo senior center in the Pueblo of Acoma in Cibola county;

(17) one hundred nine thousand four hundred seventy-six dollars (\$109,476) to purchase and equip vehicles for the Acoma Pueblo senior center in the Pueblo of Acoma in Cibola county;

(18) fifty-five thousand dollars (\$55,000) to purchase and equip vehicles for the Cimarron senior center in Colfax county;

(19) two hundred seventy-four thousand eight hundred dollars (\$274,800) for renovations to the Eagle Nest senior center in Eagle Nest in Colfax county;

(20) one hundred sixty-five thousand dollars (\$165,000) for renovations to the Raton senior center in Colfax county;

(21) one hundred ten thousand dollars (\$110,000) to purchase and equip vehicles for the Raton senior center in Colfax county;

(22) fifty-five thousand dollars (\$55,000) to purchase and equip vehicles for the Springer senior center in Colfax county;

(23) four million seven hundred three thousand nine hundred forty-six dollars (\$4,703,946) to plan, design, construct, equip and furnish the Hillcrest senior center in Clovis in Curry county;

(24) thirty thousand dollars (\$30,000) to purchase and equip vehicles for the Melrose senior center in Melrose in Curry county;

(25) two hundred forty-nine thousand dollars (\$249,000) to purchase and equip vehicles for the Anthony community center in Dona Ana county;

(26) one hundred thousand dollars (\$100,000) for renovations to the Dona Ana community center in Dona Ana county;

(27) nine hundred thirty thousand dollars (\$930,000) to plan, design, construct, equip and furnish the East Mesa/Sage cafe senior center in Las Cruces in Dona Ana county;

(28) nine hundred seventy-four thousand dollars (\$974,000) to plan, design, construct, equip and furnish the Munson senior center in Las Cruces in Dona Ana county;

(29) forty-five thousand dollars (\$45,000) for renovations to the Placitas community center in Dona Ana county;

(30) one hundred sixteen thousand dollars (\$116,000) for renovations to the Radium Springs community center in Dona Ana county;

(31) seven hundred sixty thousand dollars (\$760,000) for renovations to the San Jose senior center in Carlsbad in Eddy county;

(32) fifty thousand dollars (\$50,000) for renovations to the Gila senior center in Grant county;

(33) sixty-seven thousand eight hundred twenty-six dollars (\$67,826) to purchase and equip vehicles for the Gila senior center in Grant county;

(34) fifty thousand dollars (\$50,000) for renovations to the Mimbres senior center in Grant county;

(35) seventy-three thousand four hundred four dollars (\$73,404) to purchase and install meals equipment and other equipment at the Santa Clara senior center in Santa Clara in Grant county;

(36) fifty-five thousand dollars (\$55,000) to purchase and equip vehicles for the Santa Clara senior center in Santa Clara in Grant county;

(37) thirty-three thousand four hundred thirty-five dollars (\$33,435) to purchase and equip vehicles for the Silver City senior center in Silver City in Grant county;

(38) fifty thousand three hundred sixty-five dollars (\$50,365) to purchase and equip vehicles for La Loma senior center in Guadalupe county;

(39) twenty-nine thousand seven hundred seventy-seven dollars (\$29,777) to purchase and install meals equipment and other equipment at the Ena Mitchell senior center in Lordsburg in Hidalgo county;

(40) forty-five thousand eight hundred twenty-two dollars (\$45,822) to purchase and equip vehicles for the Carrizozo senior center in Lincoln county;

(41) forty-two thousand two hundred forty dollars (\$42,240) to purchase and install meals equipment and other equipment at the Hondo senior center in Lincoln county;

(42) twenty-two thousand one hundred seventy-two dollars (\$22,172) to purchase and equip vehicles for the Hondo senior center in Lincoln county;

(43) forty-four thousand seventy-seven dollars (\$44,077) for renovations to the Ruidoso community center in Ruidoso in Lincoln county;

(44) twenty-two thousand one hundred seventy-two dollars (\$22,172) to purchase and equip vehicles for the Ruidoso Downs Zia senior center in Lincoln county;

(45) twenty-two thousand eight hundred seventy-six dollars (\$22,876) for renovations to the Deming senior center in Deming in Luna county;

(46) two hundred fifty-five thousand ninety-two dollars (\$255,092) for renovations to the Deming senior center in Deming in Luna county;

(47) one hundred forty thousand one hundred seventy dollars (\$140,170) to purchase and equip vehicles for the Deming senior center in Deming in Luna county;

(48) eight hundred ten thousand dollars (\$810,000) for renovations to the Baahaali senior center in the Baahaali chapter of the Navajo Nation in McKinley county;

(49) twenty-two thousand dollars (\$22,000) for improvements to the facility to address code compliance issues and for the purchase and installation of equipment and building systems at the Baca senior center in the Baca/Prewitt chapter of the Navajo Nation in McKinley county;

(50) nine hundred fifty thousand dollars (\$950,000) for improvements to the facility to address code compliance issues and for the purchase and installation of equipment and building systems at the Chichiltah senior center in the Chichiltah chapter of the Navajo Nation in McKinley county;

(51) eight hundred eighty thousand dollars (\$880,000) for improvements to the facility to address code compliance issues and for the purchase and installation of equipment and building systems at the Crownpoint senior center in the Crownpoint chapter of the Navajo Nation in McKinley county;

(52) one hundred one thousand one hundred dollars (\$101,100) for renovations to the Crownpoint chapter senior center in the Crownpoint chapter of the Navajo Nation in McKinley county;

(53) fifty thousand dollars (\$50,000) to purchase and equip vehicles for the Crystal senior center in the Crystal chapter of the Navajo Nation in McKinley county;

(54) twenty thousand dollars (\$20,000) to purchase and install meals equipment and other equipment at the Gallup senior center in Gallup in McKinley county;

(55) seventy-five thousand dollars (\$75,000) to purchase and equip vehicles for the Gallup senior center in Gallup in McKinley county;

(56) one hundred ten thousand dollars (\$110,000) to plan and design the Manuelito senior center in the Manuelito chapter of the Navajo Nation in McKinley county;

(57) one million six hundred fourteen thousand two hundred ninety-three dollars (\$1,614,293) to plan, design, construct, equip and furnish the Mariano Lake senior center in the Mariano Lake chapter of the Navajo Nation in McKinley county;

(58) two hundred thirteen thousand dollars (\$213,000) for improvements to the facility to address code compliance issues and for the purchase and installation of equipment and building systems at the Mexican Springs senior center in the Mexican Springs chapter of the Navajo Nation in McKinley county;

(59) three hundred thirty-eight thousand seven hundred ten dollars (\$338,710) to plan and design the Nageezi senior center in the Nageezi chapter of the Navajo Nation in McKinley county;

(60) two million eight hundred thousand dollars (\$2,800,000) to plan, design, construct, equip and furnish the Pueblo Pintado senior center in the Pueblo Pintado chapter of the Navajo Nation in McKinley county;

(61) three hundred eighty thousand dollars (\$380,000) to plan, design, construct, equip and furnish the Ramah senior center in the Ramah chapter of the Navajo Nation in McKinley county;

(62) one million four hundred twenty thousand dollars (\$1,420,000) to plan, design, construct, equip and furnish the Red Rock senior center in the Red Rock chapter of the Navajo Nation in McKinley county;

(63) eight hundred thousand dollars (\$800,000) for renovations to the Smith Lake senior center in the Smith Lake chapter of the Navajo Nation in McKinley county;

(64) one million dollars (\$1,000,000) for improvements to the facility to address code compliance issues and for the purchase and installation of equipment and building systems at the Thoreau senior center in the Thoreau chapter of the Navajo Nation in McKinley county;

(65) three hundred fifty thousand dollars (\$350,000) to plan and design the Tohatchi senior center in the Tohatchi chapter of the Navajo Nation in McKinley county;

(66) seventy-six thousand dollars (\$76,000) to purchase and equip vehicles for the Alamo senior center in Alamogordo in Otero county;

(67) thirty-six thousand five hundred three dollars (\$36,503) to purchase and install meals equipment and other equipment at the Alamo senior center in Alamogordo in Otero county;

(68) forty thousand dollars (\$40,000) for renovations to the Logan senior center in Logan in Quay county;

(69) forty-eight thousand one hundred nine dollars (\$48,109) to purchase and equip vehicles for the Logan senior center in Logan in Quay county;

(70) twenty-eight thousand one hundred six dollars (\$28,106) for renovations to the San Ildefonso Pueblo senior center in the Pueblo of San Ildefonso in Rio Arriba county;

(71) one hundred fifty-four thousand three hundred dollars (\$154,300) for improvements to the facility to address code compliance issues and for the purchase and installation of equipment and building systems at the Santa Clara Pueblo adult daycare center in the Pueblo of Santa Clara in Rio Arriba county;

(72) one hundred three thousand dollars (\$103,000) for renovations to the Santa Clara Pueblo adult daycare center in the Pueblo of Santa Clara in Rio Arriba county;

(73) seventy thousand seven hundred fifty dollars (\$70,750) to purchase and equip vehicles for the Santa Clara Pueblo adult daycare in the Pueblo of Santa Clara in Rio Arriba county;

(74) forty-two thousand dollars (\$42,000) to purchase and install meals equipment and other equipment at the Santa Clara Pueblo senior center in the Pueblo of Santa Clara in Rio Arriba county;

(75) three hundred sixty-three thousand dollars (\$363,000) for renovations to the Aztec senior center in Aztec in San Juan county;

(76) fifty-one thousand one hundred sixty dollars (\$51,160) to purchase and install meals equipment and other equipment at the Bonnie Dallas senior center in Farmington in San Juan county;

(77) sixty-five thousand dollars (\$65,000) for improvements to the facility to address code compliance issues and for the purchase and installation of equipment and building systems at the Bonnie Dallas senior center in Farmington in San Juan county;

(78) two hundred thousand dollars (\$200,000) for renovations to the Bonnie Dallas senior center in Farmington in San Juan county;

(79) three hundred fifteen thousand dollars (\$315,000) for improvements to the facility to address code compliance issues and for the purchase and installation of equipment and building systems at the Las Vegas senior center in Las Vegas in San Miguel county;

(80) one million one hundred thirty-five thousand seven hundred dollars (\$1,135,700) for improvements to the facility to address code compliance issues and for the purchase and installation of equipment and building systems at the Las Vegas senior center in Las Vegas in San Miguel county;

(81) fifty thousand dollars (\$50,000) for renovations to the Las Vegas senior center in Las Vegas in San Miguel county;

(82) two hundred twenty-five thousand dollars (\$225,000) to purchase and equip vehicles for the San Miguel senior center in San Miguel county;

(83) twenty thousand two hundred fifty dollars (\$20,250) to purchase and equip vehicles for the Bernalillo senior center in Sandoval county;

(84) three hundred one thousand seven hundred sixteen dollars (\$301,716) for renovations to the Meadowlark senior center in Rio Rancho in Sandoval county;

(85) one hundred nineteen thousand seven hundred eighty-eight dollars (\$119,788) to purchase and equip vehicles for the Meadowlark senior center in Rio Rancho in Sandoval county;

(86) thirty-six thousand dollars (\$36,000) to purchase and install meals equipment and other equipment at the San Felipe Pueblo senior center in the Pueblo of San Felipe in Sandoval county;

(87) one million one hundred ninety thousand dollars (\$1,190,000) for improvements to the facility to address code compliance issues and for the purchase and installation of equipment and building systems at the San Felipe Pueblo senior center in the Pueblo of San Felipe in Sandoval county;

(88) one hundred one thousand six hundred fifty dollars (\$101,650) to purchase and equip vehicles for senior centers in Sandoval county;

(89) two million four hundred eighty-four thousand eight hundred fifty-two dollars (\$2,484,852) to plan, design, construct, equip and furnish the Mary Esther Gonzales senior center in Santa Fe in Santa Fe county;

(90) three hundred fifty-eight thousand eight hundred sixty-five dollars (\$358,865) to plan and design the Mary Esther Gonzales senior center in Santa Fe in Santa Fe county;

(91) eight hundred twenty-seven thousand dollars (\$827,000) to purchase and equip vehicles for the Mary Esther Gonzales senior center in Santa Fe in Santa Fe county;

(92) thirty-three thousand seven hundred fifty-five dollars (\$33,755) for improvements to the facility to address code compliance issues and for the purchase and installation of equipment and building systems at the Magdalena senior center in Socorro county;

(93) eighty-four thousand five hundred ninety-one dollars (\$84,591) for improvements to the facility to address code compliance issues and for the purchase and installation of equipment and building systems at the Veguita senior center in Socorro county;

(94) two hundred twenty thousand four hundred fifty-six dollars (\$220,456) to purchase and equip vehicles for Taos senior centers in Taos county;

(95) two hundred sixty thousand dollars (\$260,000) to purchase and equip vehicles for the Belen senior center in Valencia county; and

(96) two hundred thousand dollars (\$200,000) to plan, design, construct, equip and furnish the Del Rio senior center in Valencia county;

B. for library acquisitions at public libraries, public school libraries, academic libraries and tribal libraries statewide:

(1) to the cultural affairs department:

(a) three million dollars (\$3,000,000) for equipment, library furniture, fixtures and supplemental library resource acquisitions, including print, non-print and electronic resources, collaborative library resources and information technology projects, and for the purchase and installation of broadband internet equipment and infrastructure at non-tribal public libraries statewide; and

(b) five hundred thousand dollars (\$500,000) for equipment, library furniture, fixtures and supplemental library resource acquisitions, including print, non-print and electronic resources, collaborative library resources and information technology projects, and for the purchase and installation of broadband internet equipment and infrastructure at tribal libraries statewide;

(2) to the higher education department, three million dollars (\$3,000,000) for supplemental library resource acquisitions, including books, equipment, electronic resources and collaborative library resources and information technology projects, for academic libraries statewide; and

(3) to the public education department, three million dollars (\$3,000,000) for equipment and supplemental library resource acquisitions, including print, non-print and electronic resources, at public school libraries statewide; and

C. for capital improvements and acquisitions at institutions of higher education, special schools and tribal schools statewide:

(1) to the board of regents of eastern New Mexico university:

(a) one million eight hundred thousand dollars (\$1,800,000) to plan, design, construct and equip video surveillance systems and lighting at the Roswell branch campus of eastern New Mexico university in Chaves county;

(b) one million five hundred thousand dollars (\$1,500,000) to plan, design, construct, renovate and equip infrastructure improvements at the Ruidoso branch campus of eastern New Mexico university in Lincoln county;

(c) one million dollars (\$1,000,000) to plan, design, construct, upgrade and equip critical safety upgrades campuswide, including demolition and abatement, at eastern New Mexico university in Portales in Roosevelt county; and

(d) seven million dollars (\$7,000,000) to plan, design, construct, renovate, furnish and equip Roosevelt science hall at eastern New Mexico university in Portales in Roosevelt county;

(2) to the higher education department:

(a) thirteen million dollars (\$13,000,000) to plan, design, construct, furnish and equip and for infrastructure and site improvements at student services facilities at all central New Mexico community college campuses, including demolition and hazardous remediation of the current student services facility, for central New Mexico community college in Albuquerque in Bernalillo county;

(b) one million dollars (\$1,000,000) to plan, design, construct, renovate and equip infrastructure improvements at southwestern Indian polytechnic institute in Albuquerque in Bernalillo county;

(c) seven hundred fifty thousand dollars (\$750,000) to plan, design, construct, repair and replace roofs and parking lots at Clovis community college in Clovis in Curry county;

(d) three hundred twenty-five thousand dollars (\$325,000) to replace exterior doors, fire doors and security card readers at Clovis community college in Clovis in Curry county;

(e) two million dollars (\$2,000,000) to plan, design, construct, renovate, repair and equip security controls, building vestibules, sidewalks, tunnels and shade structures at New Mexico junior college in Hobbs in Lea county;

(f) two million dollars (\$2,000,000) to plan, design, construct, renovate, repair and equip Watson hall at New Mexico junior college in Hobbs in Lea county;

(g) one million four hundred thousand dollars (\$1,400,000) to plan, design, construct and renovate the science and trades building at Navajo technical university in Crownpoint in McKinley county;

(h) four hundred thousand dollars (\$400,000) to plan, design, construct and renovate the central student services center at Mesalands community college in Tucumcari in Quay county;

(i) one million three hundred thousand dollars (\$1,300,000) to plan, design, construct, renovate, furnish and equip the Shiprock agricultural multipurpose center and for south campus infrastructure at the Shiprock branch campus of Dine college in San Juan county;

(j) three million five hundred thousand dollars (\$3,500,000) to plan, design, construct, renovate and equip infrastructure improvements campuswide at San Juan college in Farmington in San Juan county;

(k) one million dollars (\$1,000,000) to plan, design, construct and replace heating, ventilation and air conditioning systems at Luna community college in Las Vegas in San Miguel county;

(l) seven hundred thousand dollars (\$700,000) to plan, design, construct, renovate, equip and for other infrastructure upgrades at the institute of American Indian arts in Santa Fe county; and

(m) two million dollars (\$2,000,000) to plan, design, construct, renovate and equip infrastructure improvements, including fencing and stucco, at Santa Fe community college in Santa Fe county;

(3) to the Indian affairs department, seven hundred thousand dollars (\$700,000) to plan, design, construct and upgrade infrastructure, including entry boundary fencing and storm water drainage and mitigation, at Santa Fe Indian school in Santa Fe in Santa Fe county;

(4) to the board of regents of the New Mexico school for the blind and visually impaired, nine hundred thirty-eight thousand nine hundred sixty-seven dollars (\$938,967) to plan, design, construct, renovate, furnish and equip the Tapia building at the New Mexico school for the blind and visually impaired in Alamogordo in Otero county;

(5) to the board of regents of New Mexico highlands university, seven million dollars (\$7,000,000) to plan, design, construct, renovate, furnish and equip Sininger hall at New Mexico highlands university in Las Vegas in San Miguel county;

(6) to the board of regents of the New Mexico institute of mining and technology, ten million dollars (\$10,000,000) to plan, design, construct, furnish and

equip Kelly hall at the New Mexico institute of mining and technology in Socorro in Socorro county;

(7) to the board of regents of the New Mexico military institute, three million dollars (\$3,000,000) to plan, design, construct and renovate roofs at Wilson hall, Godfrey athletic center and Toles learning center and for barracks bathrooms at the New Mexico military institute in Roswell in Chaves county;

(8) to the board of regents of the New Mexico school for the deaf, five million three hundred thousand dollars (\$5,300,000) to plan, design, construct, renovate, furnish and equip the dining hall at the New Mexico school for the deaf in Santa Fe in Santa Fe county;

(9) to the board of regents of New Mexico state university:

(a) one million three hundred thousand dollars (\$1,300,000) to plan, design, construct, furnish and equip upgrades, including exterior stucco and site improvements, to Martinez hall at the Grants branch campus of New Mexico state university in Cibola county;

(b) eighteen million dollars (\$18,000,000) to plan, design, construct, renovate, furnish and equip improvements to the science and engineering facilities for agricultural research, including abatement and demolition, at New Mexico state university in Las Cruces in Dona Ana county;

(c) three million dollars (\$3,000,000) to plan, design, construct, renovate, furnish and equip information technology infrastructure upgrades and replacement and a new infrastructure and information technology building at New Mexico state university in Las Cruces in Dona Ana county;

(d) one million eight hundred sixty thousand dollars (\$1,860,000) to plan, design, construct, furnish and equip a creative campus media building and to plan, design, construct, furnish, equip, repair and renovate classroom improvements, security and surveillance site infrastructure, exterior locks and lighting and information technology upgrades at the Dona Ana branch community college of New Mexico state university in Dona Ana county;

(e) one million five hundred thousand dollars (\$1,500,000) to plan, design, construct, furnish and equip campuswide infrastructure, parking lot and site improvements, including roofs and accessibility compliance, at the Carlsbad branch campus of New Mexico state university in Eddy county;

(f) nine hundred thousand dollars (\$900,000) to plan, design, construct, renovate and repair duct work and boiler feed lines in classroom buildings at the Alamogordo branch campus of New Mexico state university in Otero county;

(g) nine hundred thousand dollars (\$900,000) to plan, design, construct, renovate, furnish and equip the physical plant building at the Alamogordo branch campus of New Mexico state university in Otero county; and

(h) three million dollars (\$3,000,000) to plan, design, construct, renovate, furnish and equip improvements, including abatement and demolition, to New Mexico state university agricultural science centers statewide;

(10) to the board of regents of northern New Mexico state school, two million five hundred thousand dollars (\$2,500,000) to plan, design, construct, renovate and improve infrastructure, drainage and storm water systems at the Espanola campus of northern New Mexico state school in Rio Arriba county;

(11) to the board of regents of the university of New Mexico:

(a) thirteen million two hundred thousand dollars (\$13,200,000) to plan, design, construct, renovate and equip infrastructure upgrades, including wireless internet, at the university of New Mexico in Albuquerque in Bernalillo county;

(b) thirty million dollars (\$30,000,000) to plan, design, construct, furnish and equip a nursing and population health building for the health sciences center at the university of New Mexico in Albuquerque in Bernalillo county;

(c) one million five hundred thousand dollars (\$1,500,000) to plan, design, construct, renovate and equip fire safety infrastructure upgrades at the Los Lunas branch campus of the university of New Mexico in Valencia county;

(d) one million seven hundred thousand dollars (\$1,700,000) to plan, design, construct and renovate the workforce development and continuing technical education laboratory at the Los Alamos branch campus of the university of New Mexico in Los Alamos county;

(e) three million dollars (\$3,000,000) to plan, design, furnish and equip renovations campuswide, including renovations to the existing center for career technologies facility, at the Gallup branch campus of the university of New Mexico in McKinley county; and

(f) two million dollars (\$2,000,000) to plan, design and construct site improvements, including roadways and parking lots, at the Klauer campus of the Taos branch campus of the university of New Mexico in Taos county; and

(12) to the board of regents of western New Mexico university, four million dollars (\$4,000,000) to plan, design, construct, renovate and equip the Harlan and Fleming commons area and for other improvements, including demolition and abatement, campuswide at western New Mexico university in Silver City in Grant county.

Chapter 84 Section 11 Laws 2020

SECTION 11. ELECTION.--

A. Bonds issued pursuant to the 2020 Capital Projects General Obligation Bond Act shall be submitted to the registered voters of the state at the general election to be held in November 2020, and, if they receive a majority of all the votes cast thereon at such election, shall take effect upon certification of the state canvassing board announcing the results of the election. No bonds shall be issued or sold under that act until the registered voters of this state have voted upon and approved the bonds and property tax as provided in this section. Any bonds issued under that act shall be issued within thirty months from the date of such election.

B. The ballots used at the 2020 general election shall contain substantially the following language:

(1) "The 2020 Capital Projects General Obligation Bond Act authorizes the issuance and sale of senior citizen facility improvement, construction and equipment acquisition bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed thirty-three million two hundred ninety-two thousand one hundred forty-one dollars (\$33,292,141) to make capital expenditures for certain senior citizen facility improvement, construction and equipment acquisition projects and provide for a general property tax imposition and levy for the payment of principal of, interest on and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law?

For _____ Against _____";

(2) "The 2020 Capital Projects General Obligation Bond Act authorizes the issuance and sale of library acquisition bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed nine million seven hundred fifty-one thousand four hundred thirty-three dollars (\$9,751,433) to make capital expenditures for academic, public school, tribal and public library resource acquisitions and provide for a general property tax imposition and levy for the payment of principal of, interest on and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law?

For _____ Against _____"; and

(3) "The 2020 Capital Projects General Obligation Bond Act authorizes the issuance and sale of higher education, special schools and tribal schools capital improvement and acquisition bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed one hundred fifty-six million three hundred fifty-eight thousand four hundred seventy-five dollars (\$156,358,475) to make capital expenditures for certain higher education, special schools and tribal schools capital improvements and acquisitions and provide for a general property tax imposition and

levy for the payment of principal of, interest on and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law?

For _____ Against _____".

C. Each question set forth in this section includes a specific work or object to be financed by the bonds. If any such question is not approved by a majority vote of the electorate at the state's 2020 general election, the issuance of bonds for the work or object specified by the question shall be excluded from and shall not be part of the 2020 Capital Projects General Obligation Bond Act. The failure of a question to be approved by the electorate at the 2020 general election shall not affect those questions that are approved at the election.

D. The secretary of state shall include the submission of the capital projects general obligation bonds to the people at the 2020 general election, and it shall be included in the general election proclamation. The secretary of state shall cause the 2020 Capital Projects General Obligation Bond Act to be published in full in at least one newspaper in each county of the state if one be published therein, once each week, for four successive weeks next preceding the general election as required by the constitution of New Mexico.

Chapter 84 Section 12 Laws 2020

SECTION 12. ART IN PUBLIC PLACES.--Pursuant to Section 13-4A-4 NMSA 1978 and where applicable, the appropriations authorized in the 2020 Capital Projects General Obligation Bond Act include money for the art in public places fund.

Chapter 84 Section 13 Laws 2020

SECTION 13. PROJECT SCOPE--EXPENDITURES--REVERSION.--

A. If an appropriation for a project authorized in the 2020 Capital Projects General Obligation Bond Act is not sufficient to complete all the purposes specified, the appropriation may be expended for any portion of the purposes specified in the appropriation. Expenditures shall not be made for purposes other than those specified in the appropriation.

B. The state agencies and state institutions to which money has been appropriated in the 2020 Capital Projects General Obligation Bond Act shall be responsible for monitoring the projects funded in that act to ensure compliance with the constitution and laws of New Mexico and shall cause to be reverted any unexpended or unencumbered balance remaining at the earlier of the third full fiscal year after issuance of the bonds or the termination or completion of the specific project. Reverted funds shall be deposited in the debt service fund established by the state treasurer for the purpose of paying the principal of and interest on the state's general obligation bonds.

Chapter 84 Section 14 Laws 2020

SECTION 14. SEVERABILITY.--If any part or application of the 2020 Capital Projects General Obligation Bond Act is held invalid, the remainder or its application to other situations or persons shall not be affected.

Chapter 84 Section 15 Laws 2020

SECTION 15. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

LAWS 2020, HOUSE JOINT RESOLUTION 4

A JOINT RESOLUTION

RATIFYING AND APPROVING THE SALE BY THE INTERSTATE STREAM COMMISSION OF A TRACT OF UNDEVELOPED LAND LOCATED IN EDDY COUNTY NEAR CARLSBAD, NEW MEXICO.

WHEREAS, Section 13-6-2 NMSA 1978 provides that a state agency may sell or otherwise dispose of real property by competitive sealed bid, public auction or negotiated sale to a private person or to other entities; and

WHEREAS, Section 13-6-3 NMSA 1978 provides in pertinent part that any sale, trade or lease of real property belonging to a state agency for consideration of one hundred thousand dollars (\$100,000) or more shall be subject to the ratification and approval by the state legislature prior to the sale, trade or lease becoming effective; and

WHEREAS, the interstate stream commission holds the title to a tract of undeveloped land located in Eddy county near Carlsbad, New Mexico, but has determined that ownership of that real property is no longer necessary or desirable; and

WHEREAS, pursuant to Subsection D of Section 72-1-2.6 NMSA 1978, after offering the property for sale to the original owner, the interstate stream commission offered the property for sale by competitive sealed bid and has signed a purchase and sale agreement with the winning bidder, pending legislative ratification and approval; and

WHEREAS, the property is described as follows:

BEING a tract of land in Eddy County, NM, being a portion of the NW/4 SE/4 of Section 17, Township 22 South, Range 27 East, N.M.P.M., and being more particularly described as follows:

BEGINNING at a point on the North line of said NW/4 SE/4 which is N89°30'24"E a distance of 191.50 feet from the C/4 corner of said Sec 17, which point is also the NE corner of Cottonwood Meadows Subdivision;

THENCE N89°30'24"E, continuing along said North line for M=1153.42 feet (R=1132.90 feet);

THENCE S00°04'31"E, along the East line of said NW/4 SE/4, for M=1351.88 feet (R=1336.00 feet);

THENCE N89°36'55"W, along the South line of said NW/4 SE/4, for M=1147.06 feet (R=1132.90 feet);

THENCE N00°24'35"W, along the West line of said NW/4 SE/4, for 661.62 feet, which point is the Easterly Southern corner of Cottonwood Meadows Subdivision;

THENCE N00°17'19"W, continuing along said West line (East line of said subdivision), for 672.65 feet to the point of beginning, containing 35.47 acres, more or less; and

WHEREAS, the property has been appraised for one hundred ninety-five thousand dollars (\$195,000); and

WHEREAS, the appraisal has been reviewed and approved by the property tax division of the taxation and revenue department; and

WHEREAS, consideration for sale of the property shall be three hundred fifty-four thousand seven hundred one dollars (\$354,701), the amount of the highest bid received by the interstate stream commission; and

WHEREAS, Section 72-1-2.5 NMSA 1978 created the Pecos river basin land management fund in the state treasury; and

WHEREAS, pursuant to Subsection D of Section 72-1-2.6 NMSA 1978, the revenue from the sale of the property shall be deposited into the Pecos river basin land management fund;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the sale of the property as described above be hereby ratified and approved by the legislature; and

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the interstate stream commission.

2020 OFFICIAL ROSTER OF THE STATE OF NEW MEXICO

LAWS of the State of New Mexico

passed by the

SECOND SESSION

of the

FIFTY-FOURTH LEGISLATURE

STATE OF NEW MEXICO

Which convened in the city of Santa Fe, at the Capitol at the Hour of 12:00 Noon on the 21st day of January, 2020, and adjourned on the 20th day of February, 2020.

Prepared for Publication by
Maggie Toulouse Oliver, Secretary of State

OFFICIAL ROSTER OF THE STATE OF NEW MEXICO

UNITED STATES SENATORS

Martin Heinrich, Democrat, Albuquerque
Tom Udall, Democrat, Santa Fe

UNITED STATES REPRESENTATIVES

Debra A. Haaland, Democrat, 1st Congressional District – Albuquerque
Xochitl Torres Small, Democrat, 2nd Congressional District - Las Cruces
Ben R. Lujan, Democrat, 3rd Congressional District - Santa Fe

STATE OFFICIALS

Michelle Lujan Grisham, Democrat	Governor
Howie C. Morales, Democrat	Lieutenant Governor
Maggie Toulouse Oliver, Democrat	Secretary of State
Brian S. Colón, Democrat	State Auditor
Tim Eichenberg, Democrat	State Treasurer
Hector Balderas, Democrat	Attorney General

Stephanie Garcia Richard, Democrat	Commissioner of Public Lands
Cynthia B. Hall, Democrat	Public Regulation Commissioner, District 1
Jefferson L. Byrd, Republican	Public Regulation Commissioner, District 2
Valerie L. Espinoza, Democrat	Public Regulation Commissioner, District 3
Theresa A. Becenti-Aguilar, Democrat	Public Regulation Commissioner, District 4
Stephen H. Fischmann, Democrat	Public Regulation Commissioner, District 5

JUSTICES OF THE SUPREME COURT

Judith K. Nakamura, Chief Justice
 Barbara J. Vigil
 Michael E. Vigil
 C. Shannon Bacon
 David K. Thomson

JUDGES OF THE COURT OF APPEALS

J. Miles Hanisee, Chief Judge.
 Linda M. Vanzi
 M. Monica Zamora
 Julie J. Vargas
 Jennifer L. Attrep
 Kristina Bogardus
 Jacqueline R. Medina
 Megan P. Duffy
 Briana H. Zamora
 Zachary A. Ives

DISTRICT COURTS

DISTRICT JUDGES

FIRST JUDICIAL DISTRICT

Santa Fe, Los Alamos and Rio Arriba Counties

Division I	Francis J. Mathew	Santa Fe
Division II	Maria E. Sanchez-Gagne	Santa Fe
Division III	Shannon Broberick Ullman	Santa Fe
Division IV	Sylvia F. LaMar	Santa Fe
Division V	Jason C. Lidyard	Santa Fe
Division VI	Bryan Biedscheid	Santa Fe
Division VII	T. Glenn Ellington	Santa Fe
Division VIII	Mary L. Marlowe Sommer	Santa Fe
Division IX	Matthew J. Wilson	Santa Fe

SECOND JUDICIAL DISTRICT

Bernalillo County

Division I	William Parnall	Albuquerque
Division II	Stan Whitaker	Albuquerque
Division III	Brett R. Loveless	Albuquerque
Division IV	Beatrice J. Brickhouse	Albuquerque
Division V	Nancy J. Franchini	Albuquerque
Division VI	Daniel E. Ramczyk	Albuquerque
Division VII	John J. Romero, Jr.	Albuquerque
Division VIII	Cristina T. Jaramillo	Albuquerque
Division IX	Cindy Leos	Albuquerque
Division X	Christina Argyres	Albuquerque
Division XI	Gerard Lavelle	Albuquerque
Division XII	Clay Campbell	Albuquerque
Division XIII	Lisa Chavez Ortega	Albuquerque
Division XIV	Marie Ward	Albuquerque
Division XV	Daniel J. Gallegos	Albuquerque
Division XVI	Carl Butkus	Albuquerque
Division XVII	Erin B. O'Connell	Albuquerque
Division XVIII	Denise Barela-Shepherd	Albuquerque
Division XIX	Benjamin Chavez	Albuquerque
Division XX	Jacqueline Flores	Albuquerque
Division XXI	Alisa Hart	Albuquerque
Division XXII	Amber Chavez Baker	Albuquerque
Division XXIII	Joshua A. Allison	Albuquerque
Division XXIV	Debra Ramirez	Albuquerque
Division XXV	Jane Levy	Albuquerque
Division XXVI	Charles Brown	Albuquerque
Division XXVII	Victor Lopez	Albuquerque

THIRD JUDICIAL DISTRICT

Doña Ana County

Division I	Manuel I. Arrieta	Las Cruces
Division II	Marci E. Beyer	Las Cruces
Division III	Conrad F. Perea	Las Cruces
Division IV	Mary W. Rosner	Las Cruces
Division V	Lisa C. Schultz	Las Cruces
Division VI	James T. Martin	Las Cruces
Division VII	Douglas R. Driggers	Las Cruces
Division VIII	Grace B. Duran	Las Cruces

FOURTH JUDICIAL DISTRICT

Guadalupe, Mora and San Miguel Counties

Division I	Gerald Baca	Las Vegas
Division II	Abigail P. Aragon	Las Vegas
Division III	Flora Gallegos	Las Vegas

FIFTH JUDICIAL DISTRICT
Lea, Eddy and Chaves Counties

Division I	Raymond L. Romero	Carlsbad
Division II	Thomas E. Lilley	Roswell
Division III	William G.W. Shoobridge	Lovington
Division IV	Mark Sanchez	Lovington
Division V	Jane Shuler Gray	Carlsbad
Division VI	James M. Hudson	Roswell
Division VII	Michael H. Stone	Lovington
Division VIII	Kea W. Riggs	Roswell
Division IX	Lisa Riley	Carlsbad
Division X	Dustin K. Hunter	Roswell
Division XI	Lee A. Kirksey	Lovington

SIXTH JUDICIAL DISTRICT
Grant, Hidalgo and Luna Counties

Division I	Thomas F. Stewart	Silver City
Division II	Jennifer E. DeLaney	Deming
Division III	James B. Foy	Silver City
Division IV	Jarod K. Hofacket	Deming

SEVENTH JUDICIAL DISTRICT
Catron, Sierra, Socorro and Torrance Counties

Division I	Mercedes C. Murphy	Socorro
Division II	Matthew Reynolds	Sierra
Division III	Shannon Murdock	Torrance

EIGHTH JUDICIAL DISTRICT
Colfax, Union and Taos Counties

Division I	Emilio J. Chavez	Raton
Division II	Melissa Kennelly	Taos
Division III	Vacant	Taos

NINTH JUDICIAL DISTRICT
Curry and Roosevelt Counties

Division I	Matthew E. Chandler	Clovis
Division II	Drew D. Tatum	Clovis
Division III	Fred T. Van Soelen	Clovis
Division IV	Donna J. Mowrer	Portales
Division V	David P. Reeb	Clovis

TENTH JUDICIAL DISTRICT
Quay, DeBaca, and Harding Counties

Division I	Albert J. Mitchell, Jr.	Tucumcari
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ELEVENTH JUDICIAL DISTRICT
McKinley and San Juan Counties

Division I	Bradford J. Dalley	Farmington
Division II	Louis E. DePauli, Jr.	Gallup
Division III	Sarah V. Weaver	Farmington
Division IV	Curtis R. Gurley	Aztec
Division V	Lyndy D. Bennett	Gallup
Division VI	Daylene A. Marsh	Aztec
Division VII	Robert A. Aragon	Gallup
Division VIII	Karen L. Townsend	Aztec

TWELFTH JUDICIAL DISTRICT

Lincoln and Otero Counties

Division I	Steven Blankinship	Alamogordo
Division II	James W. Counts	Alamogordo
Division III	Daniel A. Bryant	Carrizozo
Division IV	Angie K. Schneider	Alamogordo

THIRTEENTH JUDICIAL DISTRICT

Cibola, Sandoval & Valencia Counties

Division I	James Lawrence Sanchez	Los Lunas
Division II	George P. Eichwald	Bernalillo
Division III	Allen R. Smith	Los Lunas
Division IV	Amanda Sanchez Villalobos	Grants
Division V	Louis P. McDonald	Bernalillo
Division VI	Cindy M. Mercer	Los Lunas
Division VII	John F. Davis	Bernalillo
Division VIII	Cheryl H. Johnston	Bernalillo

DISTRICT ATTORNEYS

First Judicial District	Marco Serna	Santa Fe, Los Alamos & Rio Arriba
Second Judicial District	Raul Torrez	Bernalillo
Third Judicial District	Mark D'Antonio	Doña Ana
Fourth Judicial District	Richard Flores	San Miguel, Mora & Guadalupe
Fifth Judicial District	Dianna Luce	Eddy, Chaves & Lea
Sixth Judicial District	Francesca Martinez-Estevez	Grant, Luna & Hidalgo
Seventh Judicial District	Clint Wellborn	Socorro, Torrance & Sierra
Eighth Judicial District	Marcus J. Montoya	Taos, Colfax & Union
Ninth Judicial District	Andrea Reeb	Curry & Roosevelt
Tenth Judicial District	Timothy Rose	Quay, Harding & DeBaca
Eleventh Judicial District	Rick Tedrow	San Juan
	Paula Pakkala	McKinley
Twelfth Judicial District	John Sugg	Otero & Lincoln
Thirteenth Judicial District	Lemuel Martinez	Cibola, Sandoval & Valencia

STATE SENATORS SERVING IN THE FIFTY-FOURTH LEGISLATURE

STATE OF NEW MEXICO

SECOND SESSION

CONVENED JANUARY 21, 2020

<u>District</u>	<u>County</u>	<u>Name</u>	<u>City</u>
1	San Juan	William E. Sharer	Farmington
2	San Juan	Steven P. Neville	Aztec

3	McKinley and San Juan	Shannon D. Pinto	Tohatchi
4	Cibola, McKinley and San Juan	George K. Muñoz	Gallup
5	Los Alamos, Rio Arriba, Sandoval and Santa Fe	Richard C. Martinez	Española
6	Los Alamos, Rio Arriba, Santa Fe and Taos	Roberto "Bobby" Gonzales	Ranchos de Taos
7	Curry, Quay and Union	Pat Woods	Broadview
8	Colfax, Guadalupe, Harding, Mora, Quay, San Miguel & Taos	Pete Campos	Las Vegas
9	Bernalillo and Sandoval	John M. Sapien	Corrales
10	Bernalillo and Sandoval	Candace Gould	Albuquerque
11	Bernalillo	Linda M. Lopez	Albuquerque
12	Bernalillo	Gerald Ortiz y Pino	Albuquerque
13	Bernalillo	Bill B. O'Neill	Albuquerque
14	Bernalillo	Michael Padilla	Albuquerque
15	Bernalillo	Daniel A. Ivey-Soto	Albuquerque
16	Bernalillo	Antoinette Sedillo Lopez	Albuquerque
17	Bernalillo	Mimi Stewart	Albuquerque
18	Bernalillo	Bill Tallman	Albuquerque
19	Bernalillo, Sandoval, Santa Fe and Torrance	James P. White	Albuquerque
20	Bernalillo	William H. Payne	Albuquerque
21	Bernalillo	Mark Moores	Albuquerque
22	Bernalillo, McKinley, Rio Arriba, San Juan and Sandoval	Benny Shendo	Jemez Pueblo
23	Bernalillo	Sander Rue	Albuquerque
24	Santa Fe	Nancy Rodriguez	Santa Fe
25	Santa Fe	Peter Wirth	Santa Fe
26	Bernalillo	Jacob R. Candelaria	Albuquerque
27	Chaves, Curry, De Baca, Lea and Roosevelt	Stuart Ingle	Portales
28	Catron, Grant and Socorro	Gabriel Ramos	Silver City
29	Bernalillo and Valencia	Gregory A. Baca	Belen
30	Cibola, Socorro, McKinley and Valencia	Clemente Sanchez	Grants
31	Doña Ana	Joseph Cervantes	Las Cruces
32	Chaves, Eddy and Otero	Cliff R. Pirtle	Roswell
33	Chaves, Lincoln and Otero	William F. Burt	Alamogordo
34	Doña Ana, Eddy and Otero	Ron Griggs	Alamogordo
35	Doña Ana, Hidalgo, Luna and Sierra	John Arthur Smith	Deming
36	Doña Ana	Jeff Steinborn	Las Cruces
37	Doña Ana	William P. Soules	Las Cruces
38	Doña Ana	Mary Kay Papen	Las Cruces
39	Bernalillo, Lincoln, San Miguel, Santa Fe, Torrance and Valencia	Elizabeth "Liz" Stefanics	Cerrillos

40	Sandoval	Craig W. Brandt	Rio Rancho
41	Eddy and Lea	Gregg Fulfer	Jal
42	Chaves, Eddy and Lea	Gay G. Kernan	Hobbs

**STATE REPRESENTATIVES SERVING IN THE FIFTY-FOURTH LEGISLATURE
STATE OF NEW MEXICO
SECOND SESSION
CONVENED JANUARY 21, 2020**

<u>District</u>	<u>County</u>	<u>Name</u>	<u>City</u>
1	San Juan	Rod Montoya	Farmington
2	San Juan	James R.J. Strickler	Farmington
3	San Juan	Paul C. Bandy	Aztec
4	San Juan	Anthony Allison	Fruitland
5	McKinley and San Juan	D. Wonda Johnson	Rehoboth
6	Cibola and McKinley	Eliseo Lee Alcon	Milan
7	Valencia	Kelly K. Fajardo	Los Lunas
8	Valencia	Alonzo Baldonado	Los Lunas
9	McKinley and San Juan	Patricia A. Lundstrom	Gallup
10	Bernalillo	G. Andrés Romero	Albuquerque
11	Bernalillo	Javier Martínez	Albuquerque
12	Bernalillo	Patricio Ruiloba	Albuquerque
13	Bernalillo	Patricia Roybal Caballero	Albuquerque
14	Bernalillo	Miguel P. Garcia	Albuquerque
15	Bernalillo	Dayan Hochman-Vigil	Albuquerque
16	Bernalillo	Antonio Maestas	Albuquerque
17	Bernalillo	Deborah A. Armstrong	Albuquerque
18	Bernalillo	Gail Chasey	Albuquerque
19	Bernalillo	Sheryl Williams Stapleton	Albuquerque
20	Bernalillo	Abbas Akhil	Albuquerque
21	Bernalillo	Debra M. Sariñana	Albuquerque
22	Bernalillo, Sandoval and Santa Fe	Gregg Schmedes	Tijeras
23	Bernalillo and Sandoval	Daymon Ely	Corrales
24	Bernalillo	Elizabeth "Liz" Thomson	Albuquerque
25	Bernalillo	Christine Trujillo	Albuquerque
26	Bernalillo	Georgene Louis	Albuquerque
27	Bernalillo	Marian Matthews	Albuquerque
28	Bernalillo	Melanie A. Stansbury	Albuquerque
29	Bernalillo	Joy Garratt	Albuquerque
30	Bernalillo	Natalie Figueroa	Albuquerque
31	Bernalillo	William "Bill" R. Rehm	Albuquerque
32	Grant, Hidalgo and Luna	Candie G. Sweetser	Deming
33	Doña Ana	Micaela Lara Cadena	Mesilla
34	Doña Ana	Raymundo Lara	Chamberino
35	Doña Ana	Angelica Rubio	Las Cruces
36	Doña Ana	Nathan P. Small	Las Cruces
37	Doña Ana	Joanne J. Ferrary	Las Cruces

38	Grant, Hidalgo and Sierra	Rebecca Dow	Truth or Consequences
39	Doña Ana, Grant and Sierra	Rodolpho S. Martinez	Bayard
40	Colfax, Mora, Rio Arriba and San Miguel	Joseph L. Sanchez	Alcalde
41	Rio Arriba, Santa Fe and Taos	Susan K. Herrera	Embudo
42	Taos	Daniel R. Barrone	El Prado
43	Los Alamos, Rio Arriba, Sandoval and Santa Fe	Christine Chandler	Los Alamos
44	Sandoval	Jane E. Powdrell-Culbert	Corrales
45	Santa Fe	Jim R. Trujillo	Santa Fe
46	Santa Fe	Andrea Romero	Santa Fe
47	Santa Fe	Brian Egolf	Santa Fe
48	Santa Fe	Linda M. Trujillo	Santa Fe
49	Catron, Socorro and Valencia	Gail Armstrong	Magdalena
50	Bernalillo, Santa Fe, Torrance and Valencia	Matthew McQueen	Santa Fe
51	Otero	Rachel A. Black	Alamogordo
52	Doña Ana	Doreen Y. Gallegos	Las Cruces
53	Doña Ana and Otero	Willie D. Madrid	Chaparral
54	Chaves, Eddy and Otero	James G. Townsend	Artesia
55	Eddy	Cathrynn N. Brown	Carlsbad
56	Lincoln and Otero	Zachary J. Cook	Ruidoso
57	Sandoval	Jason C. Harper	Rio Rancho
58	Chaves	Candy Spence Ezzell	Roswell
59	Chaves and Lincoln	Greg Nibert	Roswell
60	Sandoval	Tim D. Lewis	Rio Rancho
61	Lea	David M. Gallegos	Eunice
62	Lea	Larry R. Scott	Hobbs
63	Curry, DeBaca, Guadalupe, Roosevelt and San Miguel	Martin R. Zamora	Clovis
64	Curry	Randal S. Crowder	Clovis
65	Rio Arriba, Sandoval and San Juan	Derrick J. Lente	Sandia Pueblo
66	Chaves, Lea and Roosevelt	Phelps Anderson	Roswell
67	Colfax, Curry, Harding, Quay, Roosevelt, San Miguel and Union	Jack Chatfield	Mosquero
68	Bernalillo	Karen C. Bash	Albuquerque
69	Bernalillo, Cibola, McKinley, Socorro, San Juan and Valencia	Harry Garcia	Grants
70	San Miguel, Santa Fe and Torrance	Tomás E. Salazar	Las Vegas