

**Laws 2012**  
**Second Session, Fiftieth Legislature**  
**Certificate of Authentication**

**CERTIFICATE OF AUTHENTICATION**

STATE OF NEW MEXICO )  
 ) SS:  
OFFICE OF THE SECRETARY OF STATE )

I, **DIANNA J. DURAN**, Secretary of State of the State of New Mexico, do hereby certify that the printed laws contained herein are the true and correct copies of the **ENROLLED AND ENGROSSED LAWS** that were passed by the Fiftieth State Legislature of New Mexico at its Second Session, which convened on the 17th day of January, 2012, and adjourned on the 16th day of February, 2012, in Santa Fe, the Capital of the State, as said copies appear on file in my office.

I further certify that in preparing the following laws for publication, the texts of the **ORIGINAL ENROLLED AND ENGROSSED ACTS** have been photographically reproduced without changes and that any errors must be attributed to the original, as certified by the Enrolling and Engrossing and Judiciary Committees of the Fiftieth State Legislature of the State of New Mexico, Second Session.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of New Mexico.



Done in the City of Santa Fe,  
the State Capital, this 19th day of  
March, 2012.

*Dianna J. Duran*  
Dianna J. Duran  
Secretary of State

# **LAWS 2012, CONSTITUTIONAL AMENDMENT 2**

## **A JOINT RESOLUTION**

PROPOSING AN AMENDMENT TO ARTICLE 11, SECTION 1 OF THE CONSTITUTION OF NEW MEXICO TO INCREASE THE QUALIFICATIONS FOR PUBLIC REGULATION COMMISSIONERS.

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

### **Constitutional Amendment 2 Section 1 Laws 2012**

**SECTION 1.** It is proposed to amend Article 11, Section 1 of the constitution of New Mexico to read:

"The "public regulation commission" is created. The commission shall consist of five members elected from districts provided by law for staggered four-year terms beginning on January 1 of the year following their election; provided that those chosen at the first general election after the adoption of this section shall immediately classify themselves by lot, so that two of them shall hold office for two years and three of them for four years; and further provided that, after serving two terms, members shall be ineligible to hold office as a commission member until one full term has intervened. The legislature shall provide, by law, increased qualifications for commissioners and continuing education requirements for commissioners. The increased qualifications provided by this 2012 amendment shall apply to public regulation commissioners elected at the general election in 2014 and subsequent elections and to commissioners appointed to fill a vacancy at any time after July 1, 2013. No commissioner or candidate for the commission shall accept anything of value from a person or entity whose charges for services to the public are regulated by the commission."

### **Constitutional Amendment 2 Section 2 Laws 2012**

**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.

---

House Joint Resolution 11

# **LAWS 2012, CONSTITUTIONAL AMENDMENT 3**

## **A JOINT RESOLUTION**

PROPOSING TO AMEND ARTICLE 11, SECTION 2 OF THE CONSTITUTION OF NEW MEXICO AND TO ENACT A NEW SECTION OF ARTICLE 11 TO REMOVE AUTHORITY TO CHARTER AND REGULATE CORPORATIONS FROM THE PUBLIC REGULATION COMMISSION AND PROVIDE AUTHORITY TO CHARTER CORPORATIONS TO THE SECRETARY OF STATE.

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

### **Constitutional Amendment 3 Section 1 Laws 2012**

**SECTION 1.** It is proposed to amend Article 11, Section 2 of the constitution of New Mexico to read:

"The public regulation commission shall have responsibility for regulating public utilities, including electric, natural gas and water companies; transportation companies, including common and contract carriers; transmission and pipeline companies, including telephone, telegraph and information transmission companies; insurance companies and others engaged in risk assumption; and other public service companies in such manner as the legislature shall provide."

### **Constitutional Amendment 3 Section 2 Laws 2012**

**SECTION 2.** It is proposed to amend Article 11 of the constitution of New Mexico by adding a new section to read:

"The secretary of state shall have responsibility for chartering corporations in such a manner as the legislature shall provide."

### **Constitutional Amendment 3 Section 3 Laws 2012**

**SECTION 3.** 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.

---

House Joint Resolution 16

## **LAWS 2012, CONSTITUTIONAL AMENDMENT 4**

### **A JOINT RESOLUTION**

PROPOSING TO AMEND ARTICLE 11 OF THE CONSTITUTION OF NEW MEXICO TO REMOVE THE REGULATION OF INSURANCE COMPANIES AND OTHERS ENGAGED IN RISK ASSUMPTION FROM THE PUBLIC REGULATION COMMISSION

AND PLACE IT UNDER A SUPERINTENDENT OF INSURANCE APPOINTED BY THE INSURANCE NOMINATING COMMITTEE AS PROVIDED BY LAW.

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

### **Constitutional Amendment 4 Section 1 Laws 2012**

**SECTION 1.** It is proposed to amend Article 11, Section 2 of the constitution of New Mexico to read:

"The public regulation commission shall have responsibility for chartering and regulating business corporations in such manner as the legislature shall provide. The commission shall have responsibility for regulating public utilities, including electric, natural gas and water companies; transportation companies, including common and contract carriers; transmission and pipeline companies, including telephone, telegraph and information transmission companies; and other public service companies in such manner as the legislature shall provide. The public regulation commission shall have responsibility for regulating insurance companies and others engaged in risk assumption as provided by law until July 1, 2013."

### **Constitutional Amendment 4 Section 2 Laws 2012**

**SECTION 2.** It is proposed to amend Article 11 of the constitution of New Mexico by adding a new section to read:

"A. The office of "superintendent of insurance" is created as of July 1, 2013. The superintendent of insurance shall regulate insurance companies and others engaged in risk assumption in such manner as provided by law. The superintendent of insurance shall be appointed by the insurance nominating committee and serve for such terms as may be provided by law; provided that the term of the first superintendent of insurance appointed pursuant to this 2012 amendment shall begin on July 1, 2013 and end on December 31, 2015.

B. The insurance nominating committee shall be appointed and have such qualifications as may be provided by law. The insurance nominating committee shall evaluate applications for superintendent of insurance in accordance with qualifications for superintendent of insurance established by law."

### **Constitutional Amendment 4 Section 3 Laws 2012**

**SECTION 3.** 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.

---

House Joint Resolution 17, aa

## **LAWS 2012, CONSTITUTIONAL AMENDMENT 5**

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 6 OF THE CONSTITUTION OF NEW MEXICO TO ADD A NEW SECTION THAT PROVIDES FOR THE ORGANIZATION OF AN INDEPENDENT PUBLIC DEFENDER DEPARTMENT.

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

### **Constitutional Amendment 5 Section 1 Laws 2012**

**SECTION 1.** It is proposed to amend Article 6 of the constitution of New Mexico by adding a new section to read:

"A. A "public defender department" is established as an independent state agency. The chief public defender is the administrative head of the public defender department. The term and qualifications of the chief public defender shall be as provided by law.

B. The "public defender commission" is established. The public defender commission shall appoint the chief public defender. The public defender commission shall exercise independent oversight of the department and provide guidance to the chief public defender in the administration of the department and the representation of indigent persons. The commission shall not interfere with the discretion or the professional judgment or advocacy of a public defender office, a public defender contractor or assigned counsel in the representation of individual cases. Terms, qualifications and membership of the public defender commission shall be as provided by law."

### **Constitutional Amendment 5 Section 2 Laws 2012**

**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.

---

House Joint Resolution 26, aa

## **LAWS 2012, CHAPTER 1**

AN ACT

RELATING TO THE LEGISLATIVE BRANCH OF GOVERNMENT; APPROPRIATING FUNDS FOR THE EXPENSE OF THE FIFTIETH LEGISLATURE, SECOND SESSION, 2012, AND FOR OTHER LEGISLATIVE EXPENSES, INCLUDING THE LEGISLATIVE COUNCIL SERVICE, THE LEGISLATIVE FINANCE COMMITTEE, THE LEGISLATIVE EDUCATION STUDY COMMITTEE, THE SENATE RULES COMMITTEE, THE HOUSE CHIEF CLERK'S OFFICE AND THE SENATE CHIEF CLERK'S OFFICE; DECLARING AN EMERGENCY.

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

## **Chapter 1 Section 1 Laws 2012**

### **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 fiftieth legislature for per diem and mileage of its members, for salaries of employees and for other expenses of the legislature, five million fifteen thousand four hundred dollars (\$5,015,400) 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:

(1) per diem for senators \$ 194,040;

(2) per diem for members of the house of  
representatives \$ 323,400;

(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 \$ 6,867;

(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  
\$ 10,385;

(5) salaries and employee benefits of senate employees \$ 1,427,170;

(6) salaries and employee benefits of house of representatives employees  
\$1,532,760;

(7) for expense of the senate not itemized above, three hundred sixty-three thousand five hundred twenty-three dollars (\$363,523). 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 forty-one thousand seven hundred fifty-five dollars (\$441,755). 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, seven hundred fifteen thousand five hundred dollars (\$715,500) 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 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 fiftieth 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 weekly 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 in the senate or by the speaker of the house.

## **Chapter 1 Section 2 Laws 2012**

### **SECTION 2. BILLS AND OTHER PRINTED MATERIALS.--**

A. For the second session of the fiftieth 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) one copy to each member of the house of representatives and 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 public 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 three hundred seventy-five dollars (\$375), 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 each member of the respective houses, shall be supplied by the legislative council service at a charge of one hundred twenty-five dollars (\$125) for the entire session.

## **Chapter 1 Section 3 Laws 2012**

**SECTION 3. LEGISLATIVE COUNCIL SERVICE.**--There is appropriated from the general fund to the legislative council service for fiscal year 2013 unless otherwise indicated, to be disbursed on vouchers signed by the director of the legislative council service, the following:

A. Personal Services &	
Employee Benefits	\$ 4,320,200
Contractual Services	178,200
Other Costs	985,000
Total	\$ 5,483,400;

B. 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 for fiscal year 2013, eight hundred sixty-one thousand two hundred dollars (\$861,200); 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;

C. for pre-session expenditures and for necessary contracts, supplies and personnel for interim session preparation, four hundred twenty-six thousand six hundred dollars (\$426,600); and

D. for a statewide legislative intern program, forty-two thousand six hundred dollars (\$42,600).

## **Chapter 1 Section 4 Laws 2012**



**SECTION 4. LEGISLATIVE FINANCE COMMITTEE.**--There is appropriated from the general fund to the legislative finance committee for fiscal year 2013, to be disbursed on vouchers signed by the chair of the committee or the chair's designated representative, the following:

Personal Services & Employee Benefits	\$ 3,469,900
Contractual Services	194,000
Other Costs	258,900
Total	\$ 3,922,800.

### **Chapter 1 Section 5 Laws 2012**

**SECTION 5. LEGISLATIVE EDUCATION STUDY COMMITTEE.**--There is appropriated from the general fund to the legislative education study committee for fiscal year 2013, to be disbursed on vouchers signed by the chair of the committee or the chair's designated representative, the following:

Personal Services & Employee Benefits	\$ 1,073,200
Contractual Services	16,500
Other Costs	104,300
Total	\$ 1,194,000

### **Chapter 1 Section 6 Laws 2012**

**SECTION 6. SENATE RULES COMMITTEE.**--There is appropriated from the general fund to the legislative council service for the interim duties of the senate rules committee, twenty thousand five hundred dollars (\$20,500) for fiscal year 2013.

### **Chapter 1 Section 7 Laws 2012**

**SECTION 7. HOUSE CHIEF CLERK.**--There is appropriated from the general fund to the legislative council service for expenditure in fiscal year 2013 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	\$ 905,800
Contractual Services	127,300
Other Costs	32,000
Total	\$ 1,065,100.

### **Chapter 1 Section 8 Laws 2012**

**SECTION 8. SENATE CHIEF CLERK.**--There is appropriated from the general fund to the legislative council service for expenditure in fiscal year 2013 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	\$ 919,500
Contractual Services	168,700
Other Costs	23,700
Total	\$ 1,111,900.

## **Chapter 1 Section 9 Laws 2012**

**SECTION 9. LEGISLATIVE INFORMATION SYSTEM.**--There is appropriated from the general fund to the legislative council service for the legislative information system five hundred thirty- three thousand one hundred dollars (\$533,100) for expenditure during fiscal years 2012 and 2013.

## **Chapter 1 Section 10 Laws 2012**

**SECTION 10. EXTENSIBLE MARKUP LANGUAGE DATABASE--SELF-PUBLICATION.**- -There is appropriated from the legislative cash balances to the legislative council service for the legislative share of the continued development required for the extensible markup language database, extensible markup language tagging and its use for legislative document systems and an integrated 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, four hundred thousand dollars (\$400,000) for expenditure during fiscal years 2012 and 2013.

## **Chapter 1 Section 11 Laws 2012**

**SECTION 11. CATEGORY TRANSFER.**--Amounts set out in Sections 3, 4, 5, 7 and 8 of this act are provided for informational purposes only and may be freely transferred among categories.

## **Chapter 1 Section 12 Laws 2012**

**SECTION 12. 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 13 Laws 2012**

**SECTION 13. EMERGENCY.**--It is necessary for the public peace, health and safety that this act take effect immediately.

---

House Bill 1, w/ec

Approved January 23, 2012

## **LAWS 2012, CHAPTER 2**

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING FOR SPECIAL PERMITS FOR HAY TRANSPORTATION; ELIMINATING DISTANCE LIMITS FOR HAY TRANSPORTATION; RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 1995; DECLARING AN EMERGENCY.

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

### **Chapter 2 Section 1 Laws 2012**

SECTION 1. Section 66-7-413.1 NMSA 1978 (being Laws 1985, Chapter 4, Section 1, as amended by Laws 1995, Chapter 28, Section 1 and also by Laws 1995, Chapter 135, Section 23) is amended to read:

"66-7-413.1. HAY TRANSPORTATION--EXCESSIVE SIZE-- SPECIAL PERMIT ALLOWANCE.--A vehicle used to transport loads of hay greater than one hundred two inches wide may be issued a special permit to transport loads pursuant to Section 66-7-413 NMSA 1978; provided that the vehicle is marked on the front and the rear with "OVERSIZED LOAD" signs. The area covered by the special permit shall be specified on the permit."

### **Chapter 2 Section 2 Laws 2012**

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

---

Senate Bill 56, aa, w/ec,

Approved February 14, 2012

## **LAWS 2012, CHAPTER 3**

AN ACT

RELATING TO PUBLIC OFFICIALS; ENHANCING SENTENCES FOR FELONIES.

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

### **Chapter 3 Section 1 Laws 2012**

SECTION 1. A new section of the Criminal Sentencing Act is enacted to read:

"FELONIES--PUBLIC OFFICIALS--ENHANCEMENT OF SENTENCES.--

A. When a separate finding of fact by the trier of fact shows beyond a reasonable doubt that an offender is a public official and that the felony conviction relates to, arises out of or is in connection with the offender's holding of an elected office, the basic sentence may be increased by an additional fine not to exceed the value of the salary and fringe benefits paid to the offender, by virtue of holding an elected public office, after the commission of the first act that was a basis for the felony conviction.

B. As used in this section, "public official" means a person elected to an office in an election covered by the Campaign Reporting Act or a person appointed to an office that is subject to an election covered by that act."

---

Senate Bill 197

Approved February 20, 2012

## **LAWS 2012, CHAPTER 4**

AN ACT

RELATING TO HEALTH CARE; ENACTING A NEW SECTION OF THE PUBLIC HEALTH ACT TO PROVIDE FOR DEPARTMENT OF HEALTH CERTIFICATION OF HOSPITALS AS PRIMARY STROKE CENTERS, COMPREHENSIVE STROKE CENTERS OR ACUTE STROKE CAPABLE CENTERS; PROVIDING FOR RULEMAKING.

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

### **Chapter 4 Section 1 Laws 2012**

SECTION 1. A new section of the Public Health Act is enacted to read:

"PRIMARY STROKE CENTERS--COMPREHENSIVE STROKE CENTERS--  
ACUTE STROKE CAPABLE CENTERS--DEPARTMENT CERTIFICATION--  
RULEMAKING.--

A. In accordance with department rules, the department shall certify any acute care hospital as a primary stroke center, comprehensive stroke center or acute stroke capable center if that hospital has been accredited as a primary stroke center, comprehensive stroke center or acute stroke capable center by the joint commission. The department shall post information regarding certification on the department's web site. If a hospital loses joint commission certification as a primary stroke center, comprehensive stroke center or acute stroke capable center, the secretary shall also remove that hospital's certification.

B. The secretary may adopt rules to assist and encourage primary stroke centers to enter into coordinated stroke care agreements with other health care facilities throughout the state to provide appropriate access to care for acute stroke patients."

---

HHGAC/House Bill 33, aa

Approved February 22, 2012

## **LAWS 2012, CHAPTER 5**

### **AN ACT**

RELATING TO TAXATION; ADJUSTING DISTRIBUTIONS AND AMOUNTS IN REGARD TO THE SMALL CITIES ASSISTANCE FUND AND THE SMALL COUNTIES ASSISTANCE FUND; CLARIFYING A GROSS RECEIPTS DEDUCTION FOR CONSTRUCTION-RELATED EXPENDITURES; ENACTING A DEDUCTION FROM GROSS RECEIPTS FOR THE LEASE OF CONSTRUCTION EQUIPMENT; EXPANDING A GROSS RECEIPTS DEDUCTION FOR MANUFACTURING CONSUMABLES.

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

### **Chapter 5 Section 1 Laws 2012**

**SECTION 1.** Section 3-37A-2 NMSA 1978 (being Laws 1979, Chapter 284, Section 2, as amended) is amended to read:

"3-37A-2. DEFINITIONS.--As used in the Small Cities Assistance Act:

A. "municipality" means an incorporated city, town or village, whether incorporated under general act, special act or special charter, and incorporated counties and H-class counties;

B. "municipal share" means one and thirty-five one-hundredths percent of the taxable gross receipts as defined in the Gross Receipts and Compensating Tax Act reported annually for each municipality to the taxation and revenue department during a twelve-month period ending June 30;

C. "total municipal share" means the sum of all municipal shares;

D. "statewide per capita average" means the quotient of the total municipal share divided by the total population in all municipalities;

E. "municipal per capita average" means the quotient of the municipal share divided by the municipality's population;

F. "population" means the most recent official census or estimate determined by the bureau of the census, or, if neither is available, "population" means an estimate as determined by the local government division of the department of finance and administration;

G. "local tax effort" means the amount produced by a one-fourth of one percent municipal gross receipts tax in the previous fiscal year;

H. "qualifying municipality" means a municipality with a population of less than ten thousand that has enacted on or before the last day of the preceding fiscal year an ordinance or ordinances imposing a municipal gross receipts tax pursuant to Section 7-19D-9 NMSA 1978 at a rate of one-fourth of one percent or more;

I. "enacted" means adopted by a majority of the members of the governing body of the municipality pursuant to Section 7-19D-9 NMSA 1978 and:

(1) for which no election has been called in the manner and within the time provided by Section 7-19D-9 NMSA 1978; or

(2) that has been approved by a majority of the registered voters voting on the question pursuant to Section 7-19D-9 NMSA 1978; and

J. "minimum amount" means an amount equal to ninety thousand dollars (\$90,000)."

## **Chapter 5 Section 2 Laws 2012**

**SECTION 2.** Section 4-61-3 NMSA 1978 (being Laws 1982, Chapter 44, Section 3, as amended) is amended to read:

"4-61-3. SMALL COUNTIES ASSISTANCE FUND--

DISTRIBUTION.--

A. The "small counties assistance fund" is created within the state treasury.

B. On or before September 1, 2003 and on or before September 1 of each subsequent year, the demographer shall certify in writing to the department of finance and administration the population of the state and of each county as of June 30 of the year.

C. On or before September 15, 2003 and on or before September 15 of each subsequent year, the secretary of finance and administration shall certify to the state treasurer with respect to each qualifying county:

- (1) its population as certified by the demographer;
- (2) its total valuation for the preceding property tax year; and
- (3) the distribution amount calculated for it.

D. The distribution amount for each qualifying county shall be determined for 2003 and each subsequent year in accordance with the following table; provided that the bracket amounts in the first two columns of the table shall be adjusted annually after 2003 by the adjustment factor. The bracket amounts in the last column shall be adjusted annually after 2005 by the inflation factor and, in 2011 and subsequent years, shall be adjusted by the tax rate factor. The department of finance and administration may round the results of the adjustments made pursuant to this subsection to the nearest one thousand dollars (\$1,000).

If the county's total valuation for the preceding property tax year is:

at least:	but less than:	and the county population is:	then the distribution amount is:
\$ 0	\$100,000,000	under 1,000	\$515,000
\$ 0	\$100,000,000	at least 1,000	
		but under 4,000	\$370,000
\$ 0	\$100,000,000	at least 4,000	\$285,000
\$100,000,000	\$230,000,000	under 12,000	\$200,000
\$100,000,000	\$230,000,000	at least 12,000	\$145,000
\$230,000,000	\$1,400,000,000	under 48,000	\$85,000.

E. If the balance in the small counties assistance fund as of the preceding August 31 exceeds the sum of the distributions to be made to qualifying counties pursuant to the provisions of Subsection D of this section, the department of finance and administration shall increase the distribution amount for each county receiving a distribution amount pursuant to the provisions of Subsection D of this section by:

(1) fifty thousand dollars (\$50,000) if the county has imposed and has in effect on July 1 of the year in which the distribution is to be made a county correctional facility gross receipts tax at a rate of at least one-eighth percent;

(2) twenty thousand dollars (\$20,000) if the county has imposed and has in effect on July 1 of the year in which the distribution is to be made a county gross receipts tax increment of one-sixteenth percent; or

(3) seventy thousand dollars (\$70,000) if the county has met the requirements of Paragraphs (1) and (2) of this subsection.

F. If the balance in the small counties assistance fund as of the preceding August 31 is less than the sum of the distributions determined pursuant to Subsection D of this section plus the distribution increases authorized pursuant to Subsection E of this section, the distribution increases pursuant to Subsection E of this section shall be proportionately reduced.

G. If the balance in the small counties assistance fund as of the preceding August 31 is less than the sum of the distributions to be made to qualifying counties, the department of finance and administration shall reduce each qualifying county's calculated distribution by a percentage computed by dividing the amount by which the fund is insufficient by the sum of all the calculated distributions and shall certify the reduced amounts as the qualifying counties' distributions.

H. Any interest accruing from the temporary investment of the small counties assistance fund shall be credited to the general fund.

I. On or before September 30, 2003 and on or before September 30 of each subsequent year, the state treasurer shall distribute to each county for whom a distribution has been certified for that year the amount certified for that county for that year. If the balance in the fund as of the preceding August 31 exceeds the sum of certified amounts distributed, the difference shall revert to the general fund.

J. If any date specified in Subsection B, C or I of this section falls on a Saturday, Sunday or legal holiday, any action required to be performed as provided in those subsections is timely if performed on the next day that is not a Saturday, Sunday or legal holiday."

## **Chapter 5 Section 3 Laws 2012**



**SECTION 3.** Section 7-1-6.2 NMSA 1978 (being Laws 1983, Chapter 211, Section 7, as amended) is amended to read:

"7-1-6.2. DISTRIBUTION--SMALL CITIES ASSISTANCE FUND.--A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the small cities assistance fund in an amount equal to fifteen percent of the net receipts attributable to the compensating tax."

## **Chapter 5 Section 4 Laws 2012**

**SECTION 4.** Section 7-9-46 NMSA 1978 (being Laws 1969, Chapter 144, Section 36, as amended) is amended to read:

"7-9-46. DEDUCTION--GROSS RECEIPTS TAX--GOVERNMENTAL GROSS RECEIPTS-- SALES TO MANUFACTURERS.--

A. Receipts from selling tangible personal property may be deducted from gross receipts or from governmental gross receipts if the sale is made to a person engaged in the business of manufacturing who delivers a nontaxable transaction certificate to the seller. The buyer delivering the nontaxable transaction certificate must incorporate the tangible personal property as an ingredient or component part of the product that the buyer is in the business of manufacturing.

B. Receipts from selling tangible personal property that is used in such a way that it is consumed in the manufacturing process of a product, provided that the tangible personal property is not a tool or equipment used to create the manufactured product, to a person engaged in the business of manufacturing that product and who delivers a nontaxable transaction certificate to the seller may be deducted in the following percentages from gross receipts or from governmental gross receipts:

- (1) twenty percent of receipts received prior to January 1, 2014;
- (2) forty percent of receipts received in calendar year 2014;
- (3) sixty percent of receipts received in calendar year 2015;
- (4) eighty percent of receipts received in calendar year 2016; and
- (5) one hundred percent of receipts received on or after January 1, 2017.

C. The purpose of the deductions provided in this section is to encourage manufacturing businesses to locate in New Mexico and to reduce the tax burden, including reducing pyramiding, on the tangible personal property that is consumed in the manufacturing process and that is purchased by manufacturing businesses in New Mexico.

D. The department shall annually report to the revenue stabilization and tax policy committee the aggregate amount of deductions taken pursuant to this section, the number of taxpayers claiming each of the deductions and any other information that is necessary to determine that the deductions are performing the purposes for which they are enacted.

E. A taxpayer deducting gross receipts pursuant to this section shall report the amount deducted separately for each deduction provided in this section and attribute the amount of the deduction to the appropriate authorization provided in this section in a manner required by the department that facilitates the evaluation by the legislature of the benefit to the state of these deductions."

## **Chapter 5 Section 5 Laws 2012**

**SECTION 5.** Section 7-9-52 NMSA 1978 (being Laws 1969, Chapter 144, Section 42, as amended by Laws 2000, Chapter 84, Section 4 and also by Laws 2000, Chapter 98, Section 2) 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.

C. As used in this section, "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 regulations; but "construction-related service" excludes general business services such as legal or accounting services, equipment maintenance and real estate sales commissions."

## **Chapter 5 Section 6 Laws 2012**

**SECTION 6.** A new section of the Gross Receipts and Compensating Tax Act is enacted to read:

**"DEDUCTION--GROSS RECEIPTS TAX--LEASE OF CONSTRUCTION EQUIPMENT TO PERSONS ENGAGED IN THE CONSTRUCTION BUSINESS.--**

A. Receipts from leasing construction equipment may be deducted from gross receipts if the construction equipment is leased to a person engaged in the construction business who delivers a nontaxable transaction certificate to the person leasing the construction equipment.

B. The lessee delivering the nontaxable transaction certificate shall only use the construction equipment at the construction location of:

(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.

C. As used in this section, "construction equipment" means equipment used on a construction project, including trash containers, portable toilets, scaffolding and temporary fencing."

## **Chapter 5 Section 7 Laws 2012**

**SECTION 7. APPLICABILITY.--**The distribution pursuant to Section 3 of this act applies to receipts from compensating taxes that are attributable to sales on or after January 1, 2013.

## **Chapter 5 Section 8 Laws 2012**

**SECTION 8. EFFECTIVE DATE.--**

A. The effective date of the provisions of Sections 3 through 6 of this act is January 1, 2013.

B. The effective date of the provisions of Section 2 of this act is July 1, 2013.

C. The effective date of the provisions of Section 1 of this act is January 1, 2014.

---

HTRC/House Bills 184 & 256

Approved February 23, 2012

## **LAWS 2012, CHAPTER 6**

### AN ACT

RELATING TO VETERANS; INCLUDING MEMBERS OF THE NATIONAL GUARD AND RESERVES IN THE DEFINITION OF "VETERAN" IN THE VETERANS' SERVICES DEPARTMENT ACT.

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

### **Chapter 6 Section 1 Laws 2012**

SECTION 1. Section 9-22-3 NMSA 1978 (being Laws 2004, Chapter 19, Section 3) is amended to read:

"9-22-3. DEFINITIONS.--As used in the Veterans' Services Department Act:

A. "department" means the veterans' services department;

B. "secretary" means the secretary of veterans' services; and

C. "veteran" means a New Mexico resident who:

(1) is a citizen of the United States;

(2) was regularly enlisted, drafted, inducted or commissioned in the:

(a) armed forces of the United States and was accepted for and assigned to active duty in the armed forces of the United States;

(b) Army reserve, Navy reserve, Marine Corps reserve, Air Force reserve, Coast Guard reserve, Army National Guard or Air National Guard and was accepted for and assigned to duty for a minimum of six continuous years; or

(c) United States public health service commissioned corps or the national oceanic and atmospheric administration commissioned officer corps and served in the capacity of a commissioned officer while on active duty in defense of the United States; and

(3) was not separated from such service under circumstances amounting to dishonorable discharge."

## **Chapter 6 Section 2 Laws 2012**

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2012.

---

Senate Bill 369

Approved February 29, 2012

## **LAWS 2012, CHAPTER 7**

AN ACT

RELATING TO TAXATION; CREATING AN OPTIONAL DESIGNATION FOR A PERSONAL INCOME TAX CONTRIBUTION FOR THE VETERANS' ENTERPRISE FUND.

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

## **Chapter 7 Section 1 Laws 2012**

**SECTION 1.** A new section of the Income Tax Act is enacted to read:

"OPTIONAL DESIGNATION OF TAX REFUND CONTRIBUTION--VETERANS' ENTERPRISE FUND.--

A. Except as otherwise provided in Subsection C of this section, any individual whose state income tax liability after application of allowable credits and tax rebates in any year is lower than the amount of money held by the department to the credit of such individual for that tax year may designate any portion of the income tax

refund due to the individual to be paid to the veterans' enterprise fund. In the case of a joint return, both individuals must make such a designation.

B. The department shall revise the state income tax form to allow the designation of such contributions in the following form:

"Veterans' Enterprise Fund - Check [ ] if you wish to contribute a part or all of your tax refund to the veterans' enterprise fund to carry out the programs, duties or services of the veterans' services department. Enter here \$\_\_\_\_\_ the amount of your contribution."

C. The provisions of this section do not apply to income tax refunds subject to interception under the provisions of the Tax Refund Intercept Program Act, and any designation made under the provisions of this section to such refunds is void."

## **Chapter 7 Section 2 Laws 2012**

**SECTION 2. APPLICABILITY.**--The provisions of this act apply to taxable years beginning on or after January 1, 2013.

---

House Bill 131

Approved February 29, 2012

## **LAWS 2012, CHAPTER 8**

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING A CHECK-OFF OPTION FOR DRIVERS TO CONTRIBUTE TO THE VETERANS' ENTERPRISE FUND.

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

## **Chapter 8 Section 1 Laws 2012**

**SECTION 1.** A new section of the Motor Vehicle Code is enacted to read:

"VETERANS' ENTERPRISE FUND OPTION.--The vehicle registration form in use as of January 1, 2013 shall include a check-off option for a driver who wishes to contribute to the veterans' enterprise fund for a one-dollar (\$1.00) or a five-dollar (\$5.00) fee in addition to the registration fees required by the division. All fees collected from the check-off option shall be paid to the state treasurer to the credit of the veterans' enterprise fund within two months of receipt."

## **Chapter 8 Section 2 Laws 2012**

**SECTION 2. EFFECTIVE DATE.**--The effective date of the provisions of this act is January 1, 2013.

---

House Bill 178

Approved February 29, 2012

## **LAWS 2012, CHAPTER 9**

AN ACT

RELATING TO INSURANCE; CHANGING THE NAME OF AND AMENDING THE LIFE AND HEALTH INSURANCE GUARANTY LAW; CLARIFYING WHO IS A CREDITOR IN REGARD TO SPECIAL DEPOSITS; CLARIFYING THE RELEASE OF DEPOSITS; CLARIFYING THE RECOVERY OF ASSETS TO MEET THE PURPOSES OF THE LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION ACT; ADDING DEFINITIONS; EXPANDING THE COVERAGE AND LIMITATIONS ON THE PAYMENT OF CLAIMS UNDER CERTAIN INSURANCE POLICIES; EXPANDING THE POWERS AND DUTIES OF THE LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION; AMENDING THE TYPES OF ACCOUNTS AND ASSESSMENTS UNDER THE PURVIEW OF THAT ASSOCIATION; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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

## **Chapter 9 Section 1 Laws 2012**

**SECTION 1.** Section 59A-5-19 NMSA 1978 (being Laws 1984, Chapter 127, Section 86, as amended) is amended to read:

"59A-5-19. SPECIAL DEPOSIT OR BOND.--

A. To qualify for and continue to hold a certificate of authority to transact insurance in this state, the insurer shall also make a special deposit in trust for the benefit only of all its policyholders and creditors in this state in applicable amount as shown in Schedule I of Section 59A-5-16 NMSA 1978. The deposit shall consist of assets eligible therefor under Section 59A-10-3 NMSA 1978 and shall be deposited with or through the superintendent or in a commercial depository located in the state of New Mexico approved by the superintendent subject to rules and regulations issued by the superintendent.

B. In lieu of such deposit, the insurer may file with the state treasurer of New Mexico through the superintendent a surety bond issued by a surety insurer authorized to transact such insurance in this state, in penal sum not less than the aggregate special deposits required by this section. The bond shall be in such form as may be prescribed by the attorney general of New Mexico. The bond shall not be subject to cancellation except upon not less than sixty days advance written notice to the superintendent by the insurer or surety; and the insurer shall promptly replace, not later than fifteen days prior to expiration of the bond, with another like bond, any bond so canceled or otherwise terminated. The bond shall expressly provide that failure of the insurance company to replace a canceled or terminated bond as provided in this section shall constitute a breach of the condition upon which the bond is given, upon which occurrence the superintendent may immediately recover from the surety the penal sum of the bond to be held as a special deposit in the manner described in Subsection A of this section.

C. The special deposit, or bond in lieu thereof, shall remain on deposit or on file and in force for so long as there may arise in this state any claim under any policy issued by the insurer covering a subject located or a service to be performed in this state or a claim arising out of the insurer's operations in this state.

D. Whenever because of volume of business being transacted by the insurer, methods of doing business, regulatory practices of the domiciliary state or for other good cause the superintendent deems advisable for protection of policyholders and creditors, the superintendent may require an insurer to make and maintain a special deposit in reasonable amount greater than required under Schedule I of Section 59A-5-16 NMSA 1978, but no greater than one hundred fifteen percent of its direct unpaid losses in New Mexico.

E. The special deposit shall be subject to the applicable provisions of Chapter 59A, Article 10 NMSA 1978.

F. This section shall not apply to domestic Lloyds plan automobile insurers as identified in Chapter 59A, Article 38 NMSA 1978.

G. For purposes of this section, "creditors" shall not include:

(1) shareholders or other owners of the insurer regarding claims arising out of their capacity as shareholders or other owners; or

(2) holders of bonds, surplus notes, capital notes, contribution notes or similar obligations of the insurer regarding claims arising out of their capacity as holders of bonds, surplus notes, capital notes, contribution notes or similar obligations of the insurer."

## **Chapter 9 Section 2 Laws 2012**



SECTION 2. Section 59A-10-9 NMSA 1978 (being Laws 1984, Chapter 127, Section 169) is amended to read:

"59A-10-9. RELEASE OF DEPOSIT.--

A. All general and special deposits of an insurer under the Insurance Code shall be released only as follows:

(1) upon extinguishment of all liabilities of the insurer for the security of which the deposit is held, by reinsurance contract or otherwise;

(2) upon the insurer ceasing to transact business in this state, and all of the liabilities for which the deposit was security have been satisfied or terminated, or assumed by another insurer authorized to transact insurance in New Mexico;

(3) if the insurer is subject to delinquency proceedings, upon proper order of a court of competent jurisdiction the insurer's deposited assets shall be released to the receiver, conservator, rehabilitator or liquidator of the insurer;

(4) upon the entry of a final order of liquidation or order approving a rehabilitation plan of a member insurer, and upon request of the domiciliary receiver, the deposit shall be released to the domiciliary receiver or to the applicable New Mexico guaranty association; or

(5) deposits held under Section 59A-10-6 NMSA 1978 shall be released in whole or in part to the insurer on the insurer's request while the insurer is solvent and its general or special deposit, as applicable, is otherwise in amount not less than that required of the insurer under the Insurance Code.

B. If the deposited assets are held pursuant to Section 59A-5-33 NMSA 1978, the deposit shall be released when the basis for such reciprocity no longer exists as to the deposit.

C. Release of a deposit shall be made only on application to and written order of the superintendent, made upon proof satisfactory to the superintendent of the existence of one or more of grounds for release stated in Subsection A of this section. The superintendent, before directing release of deposited assets, may require such evidence as the superintendent deems satisfactory that the release of the deposit, in whole or in part, should be made. In the case of special deposits, prior to release of the deposit pursuant to Paragraphs (3) and (4) of Subsection A of this section, the superintendent may require written assurances from the domiciliary receiver that the deposit will be handled in accordance with Section 59A-5-19 NMSA 1978 and applicable federal law."

## **Chapter 9 Section 3 Laws 2012**

SECTION 3. A new section of the Insurers Conservation, Rehabilitation and Liquidation Law is enacted to read:

"RECOVERY FROM AFFILIATES.--The receiver shall have a right to recover from an affiliate of the insurer property of the insurer transferred to or for the benefit of the affiliate within the five years preceding the initial petition for receivership. No transfer is recoverable under this section if the affiliate shows that, when the transfer was made:

A. the insurer was solvent;

B. the transfer was lawful; and

C. neither the insurer nor the affiliate knew or should have known that the transfer, under then-applicable statutory accounting standards, would:

(1) place the insurer in violation of applicable capital or surplus requirements;

(2) place the insurer below the risk-based capital level as defined in the Risk- Based Capital Act;

(3) cause the insurer's filed financial statements not to present fairly the capital and surplus of the insurer; or

(4) otherwise cause the insurer to be in a hazardous financial condition."

## **Chapter 9 Section 4 Laws 2012**

SECTION 4. Section 59A-42-1 NMSA 1978 (being Laws 1984, Chapter 127, Section 750) is amended to read:

"59A-42-1. SHORT TITLE.-- Chapter 59A, Article 42 NMSA 1978 may be cited as the "Life and Health Insurance Guaranty Association Act"."

## **Chapter 9 Section 5 Laws 2012**

SECTION 5. Section 59A-42-2 NMSA 1978 (being Laws 1984, Chapter 127, Section 751) is amended to read:

"59A-42-2. PURPOSE.--The purpose of the Life and Health Insurance Guaranty Association Act is to provide a mechanism to facilitate continuation of coverage and the payment of covered claims under certain insurance policies, to avoid excessive delay in payment and avoid financial loss to claimants or policyholders because of insolvency of an insurer, to assist in detection and prevention of insurer insolvencies and to provide an association to assess the cost of such protection among insurers."

## Chapter 9 Section 6 Laws 2012

SECTION 6. Section 59A-42-3 NMSA 1978 (being Laws 1984, Chapter 127, Section 752, as amended) is repealed and a new Section 59A-42-3 NMSA 1978 is enacted to read:

"59A-42-3. DEFINITIONS.--As used in the Life and Health Insurance Guaranty Association Act:

A. "account" means either of the two accounts maintained pursuant to Section 59A-42-5 NMSA 1978;

B. "association" means the life and health insurance guaranty association created pursuant to Section 59A-42-5 NMSA 1978;

C. "authorized assessment", or the term "authorized" when used in the context of assessments, means that a resolution by the board has been passed whereby an assessment will be called immediately or in the future from member insurers for a specified amount. An assessment is authorized when the resolution is passed;

D. "benefit plan" means a specific employee, a union or an association of natural persons benefit plan;

E. "board" means the board of directors organized pursuant to Section 59A-42-6 NMSA 1978;

F. "called assessment", or the term "called" when used in the context of assessments, means that a notice has been issued by the association to member insurers requiring that an authorized assessment be paid within the time frame set forth within the notice. An authorized assessment becomes a called assessment when notice is mailed by the association to member insurers;

G. "contractual obligation" means an obligation under a policy or contract or a certificate under a group policy or contract, or portion thereof, for which coverage is provided pursuant to Section 59A-42-4 NMSA 1978;

H. "covered policy" means a policy or contract or portion of a policy or contract for which coverage is provided pursuant to Section 59A-42-4 NMSA 1978;

I. "domiciliary state" means the state in which an insurer is incorporated or organized or, as to an alien insurer, the state in which at commencement of delinquency proceedings the larger amount of the insurer's assets are held in trust or on deposit for the benefit of its policyholders and creditors in the United States;

J. "extra-contractual claims" includes claims relating to bad faith in the payment of claims, punitive or exemplary damages or attorney fees and costs;

K. "impaired insurer" means a member insurer that, after the effective date of the Life and Health Insurance Guaranty Association Act, is not an insolvent insurer and is placed under an order of rehabilitation or conservation by a court of competent jurisdiction;

L. "insolvent insurer" means a member insurer that after the effective date of the Life and Health Insurance Guaranty Association Act, is placed under an order of liquidation by a court of competent jurisdiction with a finding of insolvency;

M. "member insurer" means an insurer that is licensed or that holds a certificate of authority to transact in this state insurance for which coverage is provided pursuant to Section 59A-42-4 NMSA 1978 and includes an insurer whose license or certificate of authority in this state may have been suspended, revoked, not renewed or voluntarily withdrawn, but does not include:

- (1) a hospital or medical service organization, whether profit or nonprofit;
- (2) a health maintenance organization;
- (3) a fraternal benefit society;
- (4) a mandatory state pooling plan;
- (5) a mutual assessment company or other person that operates on an assessment basis;
- (6) an insurance exchange;
- (7) a charitable organization that is in good standing with the superintendent pursuant to Section 59A-1-16.1 NMSA 1978;
- (8) any insurer that was insolvent or unable to fulfill its contractual obligations as of April 9, 1975; or
- (9) an entity similar to any of the above;

N. "Moody's corporate bond yield average" means the monthly average corporates as published by Moody's investors service, incorporated, or its successor;

O. "owner" of a policy or contract, "policy owner" and "contract owner" means the person who is identified as the legal owner under the terms of the policy or contract or who is otherwise vested with legal title to the policy or contract through a

valid assignment completed in accordance with the terms of the policy or contract and properly recorded as the owner on the books of the insurer. The terms "owner", "policy owner" and "contract owner" do not include persons with a mere beneficial interest in a policy or contract;

P. "plan sponsor" means:

(1) the employer in the case of a benefit plan established or maintained by a single employer;

(2) the employee organization in the case of a benefit plan established or maintained by an employee organization; or

(3) the association, committee, joint board of trustees or other similar group of representatives of the parties who establish or maintain the benefit plan in the case of a benefit plan established or maintained by two or more employers or jointly by one or more employers and one or more employee organizations;

Q. "premiums" means amounts or considerations, by whatever name used, received on covered policies or contracts less returned premiums, considerations and deposits and less dividends and experience credits. "Premiums" does not include:

(1) amounts or considerations received for policies or contracts or for the portions of policies or contracts for which coverage is not provided pursuant to Subsection E of Section 59A-42-4 NMSA 1978, except that assessable premiums shall not be reduced on account of Paragraph (3) of Subsection E of Section 59A-42-4 NMSA 1978, relating to interest limitations, or Paragraph (2) of Subsection F of Section 59A-42-4 NMSA 1978, relating to limitations, with respect to one individual, one participant or one contract owner;

(2) premiums in excess of five million dollars (\$5,000,000) on an unallocated annuity contract not issued under a governmental retirement benefit plan, or its trustee, established pursuant to Section 401, 403(b) or 457 of the federal Internal Revenue Code of 1986; or

(3) with respect to multiple non-group policies of life insurance owned by one owner, whether the policy owner is an individual, firm, corporation or other person, and whether the persons insured are officers, managers, employees or other persons, premiums in excess of five million dollars (\$5,000,000) with respect to these policies or contracts, regardless of the number of policies or contracts held by the owner;

R. "principal place of business" means:

(1) in the case of a plan sponsor or a person other than a natural person, the single state in which the natural person who establishes a policy for the

direction, control and coordination of the operations of the entity as a whole primarily exercises that function, as determined by the association in its reasonable judgment by considering the following factors:

(a) the state in which the primary executive and administrative headquarters of the entity is located;

(b) the state in which the principal office of the chief executive officer of the entity is located;

(c) the state in which the board, or similar governing person or persons, of the entity conducts the majority of its meetings;

(d) the state in which the executive or management committee of the board, or similar governing person or persons, of the entity conducts the majority of its meetings;

(e) the state from which the management of the overall operations of the entity is directed; and

(f) in the case of a benefit plan sponsored by affiliated companies comprising a consolidated corporation, the state in which the holding company or controlling affiliate has its principal place of business as determined using the factors in this subsection; but

(g) in the case of a plan sponsor, if more than fifty percent of the participants in the benefit plan are employed in a single state, that state shall be deemed to be the principal place of business of the plan sponsor; and

(2) in the case of a plan sponsor of a benefit plan described in Paragraph (3) of Subsection P of this section, the principal place of business of the association, committee, joint board of trustees or other similar group of representatives of the parties that establish or maintain the benefit plan that, in lieu of a specific or clear designation of a principal place of business, shall be deemed to be the principal place of business of the employer or employee organization that has the largest investment in the benefit plan in question;

S. "receivership court" means the court in the insolvent or impaired insurer's domiciliary state having jurisdiction over the conservation, rehabilitation or liquidation of the insurer;

T. "resident" means a person to whom a contractual obligation is owed and who resides in this state on the date of entry of a court order that determines a member insurer to be an impaired insurer or a court order that determines a member insurer to be an insolvent insurer. A person may be a resident of only one state, which, in the case of a person other than a natural person, shall be its principal place of

business. Citizens of the United States that are either residents of foreign countries or residents of United States possessions, territories or protectorates that do not have an association similar to the association created by the Life and Health Insurance Guaranty Association Act shall be deemed residents of the state of domicile of the insurer that issued the policies or contracts;

U. "structured settlement annuity" means an annuity purchased in order to fund periodic payments for a plaintiff or other claimant in payment for or with respect to personal injury suffered by the plaintiff or other claimant;

V. "supplemental contract" means a written agreement entered into for the distribution of proceeds under a life, health or annuity policy or contract; and

W. "unallocated annuity contract" means an annuity contract or group annuity certificate that is not issued to and owned by an individual, except to the extent of annuity benefits guaranteed to an individual by an insurer under the contract or certificate."

## **Chapter 9 Section 7 Laws 2012**

SECTION 7. Section 59A-42-4 NMSA 1978 (being Laws 1984, Chapter 127, Section 753, as amended) is repealed and a new Section 59A-42-4 NMSA 1978 is enacted to read:

### **"59A-42-4. COVERAGE--LIMITATIONS.--**

A. Coverage shall be provided for the policies and contracts specified in Subsection D of this section:

(1) to persons who, regardless of where they reside, except for nonresident certificate holders under group policies or contracts, are the beneficiaries, assignees or payees of the persons covered pursuant to Paragraph (2) of this subsection;

(2) to persons who are owners of or certificate holders under the policies or contracts, other than unallocated annuity contracts and structured settlement annuities, and in each case who:

(a) are residents; or

(b) are not residents, but only under the following conditions: 1) the insurer that issued the policies or contracts is domiciled in this state; 2) the states in which the persons reside have associations similar to this state's association; and 3) the persons are not eligible for coverage by an association in another state due to the fact that the insurer was not licensed in that state at the time specified in that state's guaranty association law;

(3) for unallocated annuity contracts specified in Subsection D of this section, to which Paragraphs (1) and (2) of this subsection shall not apply, and except as provided in Subsections B and C of this section:

(a) to persons who are the owners of the unallocated annuity contracts if the contracts are issued to or in connection with a specific benefit plan whose plan sponsor has its principal place of business in this state; and

(b) to persons who are the owners of unallocated annuity contracts issued to or in connection with government lotteries if the owners are residents; and

(4) for structured settlement annuities specified in Subsection D of this section, to which Paragraphs (1) and (2) of this subsection shall not apply, and except as provided in Subsections B and C of this section, to a person who is a payee under a structured settlement annuity, or a beneficiary of a payee if the payee is deceased, if the payee:

(a) is a resident, regardless of where the contract owner resides; or

(b) is not a resident, but only under the following conditions: 1) the contract owner of the structured settlement annuity is a resident or is not a resident, but the insurer that issued the structured settlement annuity is domiciled in this state and the state in which the contract owner resides has an association similar to this state's association; and 2) neither the payee, the payee's beneficiary or the contract owner is eligible for coverage by the association of the state in which the payee or contract owner resides.

**B. Coverage shall not be provided to:**

(1) a person who is a payee or beneficiary of a contract owner resident of this state, if the payee or beneficiary is afforded coverage by the association of another state; or

(2) a person covered pursuant to Paragraph (3) of Subsection A of this section, if coverage is provided by the association of another state to that person.

**C. Coverage is intended to be provided to a person who is a resident of this state and, in special circumstances, to a nonresident. In order to avoid duplicate coverage, if a person who would otherwise receive coverage pursuant to the Life and Health Insurance Guaranty Association Act is provided coverage under the laws of another state, the person shall not be provided coverage in this state. In determining the application of the provisions of this subsection in situations where a person could be covered by the association of more than one state, whether as an owner, payee, beneficiary or assignee, the Life and Health Insurance Guaranty Association Act shall**



be construed in conjunction with other state laws to result in coverage by only one association.

D. Coverage shall be provided to the persons specified in Subsection A of this section for direct, non-group life, health or annuity policies or contracts and supplemental contracts to any of these, for certificates under direct group policies and contracts and supplemental contracts to these and for unallocated annuity contracts issued by member insurers, except as limited by the Life and Health Insurance Guaranty Association Act. Annuity contracts and certificates under group annuity contracts include guaranteed investment contracts, deposit administration contracts, unallocated funding agreements, allocated funding agreements, structured settlement annuities, annuities issued to or in connection with government lotteries and immediate or deferred annuity contracts.

E. Coverage shall not be provided for:

(1) a portion of a policy or contract not guaranteed by the insurer or under which the risk is borne by the policy or contract owner;

(2) a policy or contract of reinsurance, unless assumption certificates have been issued pursuant to the reinsurance policy or contract;

(3) a portion of a policy or contract to the extent that the rate of interest on which it is based, or the interest rate, crediting rate or similar factor determined by use of an index or other external reference stated in the policy or contract employed in calculating returns or changes in value:

(a) averaged over the period of four years prior to the date on which the member insurer becomes an impaired or insolvent insurer pursuant to the Life and Health Insurance Guaranty Association Act, whichever is earlier, exceeds the rate of interest determined by subtracting two percentage points from Moody's corporate bond yield average averaged for that same four-year period or for such lesser period if the policy or contract was issued less than four years before the member insurer becomes an impaired or insolvent insurer under the Life and Health Insurance Guaranty Association Act, whichever is earlier; and

(b) on and after the date on which the member insurer becomes an impaired or insolvent insurer pursuant to the Life and Health Insurance Guaranty Association Act, whichever is earlier, exceeds the rate of interest determined by subtracting three percentage points from Moody's corporate bond yield average as most recently available;

(4) a portion of a policy or contract issued to a plan or program of an employer, association or other person to provide life, health or annuity benefits to its employees, members or others, to the extent that the plan or program is self-funded

or uninsured, including but not limited to benefits payable by an employer, association or other person under:

- (a) a multiple employer welfare arrangement;
- (b) a minimum premium group insurance plan;
- (c) a stop-loss group insurance plan; or
- (d) an administrative services only contract;

(5) a portion of a policy or contract to the extent that it provides for:

- (a) dividends or experience rating credits;
- (b) voting rights; or
- (c) payment of fees or allowances to a person, including the policy or contract owner, in connection with the service to or administration of the policy or contract;

(6) a policy or contract issued in this state by a member insurer at a time when it was not licensed or did not have a certificate of authority to issue the policy or contract in this state;

(7) an unallocated annuity contract issued to or in connection with a benefit plan protected under the federal pension benefit guaranty corporation, regardless of whether that corporation has yet become liable to make payments with respect to the benefit plan;

(8) a portion of an unallocated annuity contract that is not issued to or in connection with a specific employee, union or association of natural persons benefit plan or a government lottery;

(9) a portion of a policy or contract to the extent that the assessments required by Section 59-42-8 NMSA 1978 with respect to the policy or contract are preempted by federal or state law;

(10) an obligation that does not arise under the express written terms of the policy or contract issued by the insurer to the contract owner or policy owner, including without limitation:

- (a) claims based on marketing materials;

(b) claims based on side letters, riders or other documents that were issued by the insurer without meeting applicable policy form filing or approval requirements;

(c) misrepresentations of or regarding policy benefits;

(d) extra-contractual claims; or

(e) a claim for penalties or consequential or incidental damages;

(11) a contractual agreement that establishes the member insurer's obligations to provide a book value accounting guaranty for defined contribution benefit plan participants by reference to a portfolio of assets that is owned by the benefit plan or its trustee, which in each case is not an affiliate of the member insurer;

(12) a portion of a policy or contract to the extent that it provides for interest or other changes in value to be determined by the use of an index or other external reference stated in the policy or contract, but which have not been credited to the policy or contract, or as to which the policy or contract owner's rights are subject to forfeiture, as of the date the member insurer becomes an impaired or insolvent insurer pursuant to the Life and Health Insurance Guaranty Association Act, whichever is earlier. If a policy or contract's interest or changes in value are credited less frequently than annually, then for purposes of determining the values that have been credited and that are not subject to forfeiture pursuant to this paragraph, the interest or change in value determined by using the procedures defined in the policy or contract will be credited as if the contractual date of crediting interest or changing values were the date of impairment or insolvency, whichever is earlier, and will not be subject to forfeiture; or

(13) a policy or contract providing hospital, medical, prescription drug or other health care benefits pursuant to Part C or Part D of Subchapter 18 of Chapter 7 of Title 42 of the United States Code or regulations promulgated pursuant to Part C or Part D.

F. The benefits that the association may become obligated to cover shall in no event exceed the lesser of:

(1) the contractual obligations for which the insurer is liable or would have been liable if it were not an impaired or insolvent insurer; or

(2) with respect to one person's life, regardless of the number of policies or contracts: (a) for life insurance death benefits, three hundred thousand dollars (\$300,000) but not more than one hundred thousand dollars (\$100,000) in net cash surrender and net cash withdrawal values;

(b) for health insurance benefits: 1) one hundred thousand dollars (\$100,000) for coverages not constituting disability insurance or basic hospital, medical and surgical insurance or major medical insurance or

long-term care insurance, including net cash surrender and net cash withdrawal values; 2) three hundred thousand dollars (\$300,000) for disability insurance; 3) three hundred thousand dollars (\$300,000) for long-term care insurance as defined in Section 59A-23A-4 NMSA 1978; and 4) five hundred thousand dollars (\$500,000) for basic hospital, medical and surgical insurance or major medical insurance; or

(c) for annuity benefits, two hundred fifty thousand dollars (\$250,000) in present value, including net cash surrender and net cash withdrawal values;

(3) with respect to each individual participating in a governmental retirement benefit plan established pursuant to Section 401, 403(b) or 457 of the federal Internal Revenue Code of 1986 covered by an unallocated annuity contract or the beneficiaries of each such individual if deceased, in the aggregate, two hundred fifty thousand dollars (\$250,000) in present value annuity benefits, including net cash surrender and net cash withdrawal values; or

(4) with respect to each payee of a structured settlement annuity, or beneficiary or beneficiaries of the payee if the payee is deceased, two hundred fifty thousand dollars (\$250,000) in present value annuity benefits, in the aggregate, including net cash surrender and net cash withdrawal values, if any.

G. In no event shall the association be obligated to cover:

(1) more than an aggregate of three hundred thousand dollars (\$300,000) in benefits with respect to one person's life pursuant to Paragraphs (2), (3) and (4) of Subsection F of this section, except with respect to benefits for basic hospital, medical and surgical insurance and major medical insurance pursuant to Subparagraph (b) of Paragraph (2) of Subsection F of this section, in which case the aggregate liability of the association shall not exceed five hundred thousand dollars (\$500,000) with respect to one person's life; or

(2) with respect to one owner of multiple non-group policies of life insurance, whether the policy owner is an individual, firm, corporation or other person, and whether the persons insured are officers, managers, employees or other persons, more than five million dollars (\$5,000,000) in benefits, regardless of the number of policies and contracts held by the owner.

H. With respect to either one contract owner provided coverage pursuant to Subparagraph (b) of Paragraph (3) of Subsection A of this section or one plan sponsor whose plans own directly or in trust one or more unallocated annuity contracts not included in Paragraph (3) of Subsection F of this section, the benefits the

association may become obligated to cover shall not exceed five million dollars (\$5,000,000) irrespective of the number of contracts with respect to the contract owner or plan sponsor. However, in the case where one or more unallocated annuity contracts are covered contracts pursuant to the Life and Health Insurance Guaranty Association Act and are owned by a trust or other entity for the benefit of two or more plan sponsors, coverage shall be afforded by the association if the largest interest in the trust or entity owning the contract or contracts is held by a plan sponsor whose principal place of business is in this state. In no event shall the association be obligated to cover more than five million dollars (\$5,000,000) in benefits with respect to all of these unallocated contracts.

I. The limitations set forth in Subsections F, G and H of this section are limitations on the benefits for which the association is obligated before taking into account either its subrogation and assignment rights or the extent to which those benefits could be provided out of the assets of the impaired or insolvent insurer attributable to covered policies. The costs of the association's obligations may be met by the use of assets attributable to covered policies or reimbursed to the association pursuant to its subrogation and assignment rights.

J. In performing its obligations to provide coverage pursuant to Sections 59A-42-4 and 59A-42-7 NMSA 1978, the association shall not be required to guarantee, assume, reinsure or perform, or cause to be guaranteed, assumed, reinsured or performed, the contractual obligations of the insolvent or impaired insurer under a covered policy or contract that do not materially affect the economic values or economic benefits of the covered policy or contract."

## **Chapter 9 Section 8 Laws 2012**

SECTION 8. Section 59A-42-5 NMSA 1978 (being Laws 1984, Chapter 127, Section 754) is amended to read:

"59A-42-5. ORGANIZATION OF ASSOCIATION--PARTICIPATION.--

A. All insurers shall organize and remain members of the association as a condition of their authority to transact insurance business covered by Section 59A-42-4 NMSA 1978. The association may take any appropriate form of legal entity available under the laws of this state and approved by the superintendent. The association shall perform its functions under the plan of operation established and approved pursuant to Section 59A-42-9 NMSA 1978 and shall exercise its powers through the board. For purposes of assessment and administration, the association shall maintain two accounts:

(1) the life insurance and annuity account, which includes the following subaccounts:

(a) a life insurance account;

(b) an annuity account, which includes annuity contracts owned by a governmental retirement benefit plan, or its trustee, established pursuant to Section 401, 403(b) or 457 of the federal Internal Revenue Code of 1986, but otherwise excludes unallocated annuities; and

(c) an unallocated annuity account, which excludes contracts owned by a governmental retirement benefit plan, or its trustee, established pursuant to Section 401, 403(b) or 457 of the federal Internal Revenue Code of 1986; and

(2) the health insurance account.

B. The association shall be supervised by the superintendent and shall be subject to the applicable provisions of the insurance laws of New Mexico. Meetings or records of the association may be opened to the public upon majority vote of the board of the association."

## **Chapter 9 Section 9 Laws 2012**

SECTION 9. Section 59A-42-6 NMSA 1978 (being Laws 1984, Chapter 127, Section 755, as amended) is amended to read:

"59A-42-6. BOARD OF DIRECTORS.--

A. The board of directors of the association shall consist of not less than five nor more than nine member insurers serving terms as established in the plan of operation. The insurer members of the board shall be selected by member insurers subject to the approval of the superintendent. In addition, two persons who are public representatives shall be appointed by the superintendent to the board. A public representative shall not be an officer, director or employee of an insurance company or a person engaged in the business of insurance. Vacancies on the board shall be filled for the remaining period of the term by a majority vote of the remaining board members for member insurers, subject to approval of the superintendent, and by the superintendent for public representatives.

B. In approving insurer member selections, the superintendent shall consider among other things whether all member insurers are fairly represented.

C. Members of the board may be reimbursed from the assets of the association for reasonable and necessary expenses incurred by them as members of the board, but the amount of that reimbursement shall not exceed the guidelines provided by the approved plan of operation."

## **Chapter 9 Section 10 Laws 2012**

SECTION 10. Section 59A-42-7 NMSA 1978 (being Laws 1984, Chapter 127, Section 756) is repealed and a new Section 59A-42-7 NMSA 1978 is enacted to read:

"59A-42-7. POWERS AND DUTIES OF THE ASSOCIATION.--

A. If a member insurer is an impaired insurer, the association may, in its discretion, and subject to conditions imposed by the association that do not impair the contractual obligations of the impaired insurer and that are approved by the superintendent:

(1) guarantee, assume or reinsure, or cause to be guaranteed, assumed or reinsured, any or all of the policies or contracts of the impaired insurer; and

(2) provide such money, pledges, loans, notes, guarantees or other means as are proper to effectuate Paragraph (1) of this subsection and assure payment of the contractual obligations of the impaired insurer pending action pursuant to Paragraph (1) of this subsection.

B. If a member insurer is an insolvent insurer, the association shall, in its discretion, either:

(1) guarantee, assume or reinsure, or cause to be guaranteed, assumed or reinsured, the policies or contracts of the insolvent insurer, or assure payment of the contractual obligations of the insolvent insurer, and provide money, pledges, loans, notes, guarantees or other means reasonably necessary to discharge the association's duties; or

(2) provide benefits and coverages in accordance with the following provisions:

(a) with respect to life and health insurance policies and annuities, assure payment of benefits for premiums identical to the premiums and benefits, except for terms of conversion and renewability, that would have been payable under the policies or contracts of the insolvent insurer, for claims incurred: 1) with respect to group policies and contracts, not later than the earlier of the next renewal date under those policies or contracts or forty-five days, but in no event less than thirty days, from the date on which the association becomes obligated with respect to the policies and contracts; and 2) with respect to non-group policies, contracts and annuities, not later than the earlier of the next renewal date, if any, under the policies or contracts or one year, but in no event less than thirty days, from the date on which the association becomes obligated with respect to the policies or contracts;

(b) make diligent efforts to provide all known insureds or annuitants, for non-group policies and contracts, or group policy owners with respect to group policies and contracts, thirty days' notice of the termination, pursuant to Subparagraph (a) of this paragraph, of the benefits provided;

(c) with respect to non-group life and health insurance policies and annuities covered by the association, and with respect to an individual

formerly insured or formerly an annuitant under a group policy who is not eligible for replacement group coverage, make available to each known insured or annuitant, or owner if other than the insured or annuitant, substitute coverage on an individual basis in accordance with the provisions of Subparagraph (d) of this paragraph if the insureds or annuitants had a right under law or the terminated policy or annuity to convert coverage to individual coverage or to continue an individual policy or annuity in force until a specified age or for a specified time, during which the insurer had no right unilaterally to make changes in any provision of the policy or annuity or had a right only to make changes in premium by class;

(d) in providing the substitute coverage required pursuant to Subparagraph (c) of this paragraph, the association may offer either to reissue the terminated coverage or to issue an alternative policy. Alternative or reissued policies shall be offered without requiring evidence of insurability and shall not provide for a waiting period or exclusion that would not have applied under the terminated policy. The association may reinsure an alternative or reissued policy;

(e) alternative policies adopted by the association shall be subject to the approval of the domiciliary insurance superintendent and the receivership court. The association may adopt alternative policies of various types for future issuance without regard to a particular impairment or insolvency. Alternative policies shall contain at least the minimum statutory provisions required in this state and provide benefits that shall not be unreasonable in relation to the premium charged. The association shall set the premium in accordance with a table of rates that it shall adopt. The premium shall reflect the amount of insurance to be provided and the age and class of risk of each insured but shall not reflect changes in the health of the insured after the original policy was last underwritten. An alternative policy issued by the association shall provide coverage of a type similar to that of the policy issued by the impaired or insolvent insurer, as determined by the association;

(f) if the association elects to reissue terminated coverage at a premium rate different from that charged under the terminated policy, the premium shall be set by the association in accordance with the amount of insurance provided and the age and class of risk, subject to the approval of the domiciliary insurance superintendent and the receivership court;

(g) the association's obligations with respect to coverage under a policy of the impaired or insolvent insurer or under a reissued or alternative policy shall cease on the date the coverage or policy is replaced by another similar policy by the policy owner, the insured or the association; and

(h) when proceeding under this subsection with respect to a policy or contract carrying guaranteed minimum interest rates, the association shall assure the payment or crediting of a rate of interest consistent with Paragraph (3) of Subsection E of Section 59A-42-4 NMSA 1978.



C. Nonpayment of premiums within thirty-one days after the date required under the terms of a guaranteed, assumed, alternative or reissued policy or contract or substitute coverage shall terminate the association's obligations under the policy or coverage pursuant to the Life and Health Insurance Guaranty Association Act with respect to the policy or coverage, except with respect to claims incurred or net cash surrender value that may be due in accordance with the provisions of that act.

D. Premiums due for coverage after entry of an order of liquidation of an insolvent insurer shall belong to and be payable at the direction of the association. If the liquidator of an insolvent insurer requests, the association shall provide a report to the liquidator regarding such premium collected by the association. The association shall be liable for unearned premiums due to policy or contract owners arising after the entry of the order.

E. The protection provided by the Life and Health Insurance Guaranty Association Act shall not apply where guaranty protection is provided to residents of this state by the laws of the domiciliary state or jurisdiction of the impaired or insolvent insurer other than this state.

F. In carrying out its duties pursuant to Subsection B of this section, the association may:

(1) subject to approval by a court in this state, impose permanent policy or contract liens in connection with a guaranty, assumption or reinsurance agreement if the association finds that the amounts that can be assessed are less than the amounts needed to assure full and prompt performance of the association's duties, or if it finds that the economic or financial conditions as they affect member insurers are sufficiently adverse to render the imposition of such permanent policy or contract liens to be in the public interest; or

(2) subject to approval by a court in this state, impose temporary moratoriums or liens on payments of cash values and policy loans, or another right to withdraw funds held in conjunction with policies or contracts, in addition to contractual provisions for deferral of cash or policy loan value. In addition, in the event of a temporary moratorium or moratorium charge imposed by the receivership court on payment of cash values or policy loans, or on another right to withdraw funds held in conjunction with policies or contracts, out of the assets of the impaired or insolvent insurer, the association may defer the payment of cash values, policy loans or other rights by the association for the period of the moratorium or moratorium charge imposed by the receivership court, except for claims covered by the association to be paid in accordance with a hardship procedure established by the liquidator or rehabilitator and approved by the receivership court.

G. A deposit in this state, held pursuant to law or required by the superintendent for the benefit of creditors, including policy owners, not turned over to the domiciliary liquidator upon the entry of a final order of liquidation or order approving

a rehabilitation plan of an insurer domiciled in this state or in a reciprocal state, pursuant to Chapter 59A, Article 10 NMSA 1978, shall be promptly paid to the association. The association is entitled to retain a portion of an amount paid to it equal to the percentage determined by dividing the aggregate amount of policy owners' claims related to that insolvency for which the association has provided statutory benefits by the aggregate amount of all policy owners' claims in this state related to that insolvency and shall remit to the domiciliary receiver the amount so paid to the association less the amount retained pursuant to this subsection. An amount paid to the association and retained by it shall be treated as a distribution of estate assets pursuant to the Insurers Conservation, Rehabilitation and Liquidation Law or similar provision of the state of domicile of the impaired or insolvent insurer.

H. If the association fails to act within a reasonable period of time with respect to an insolvent insurer, as provided in Subsection B of this section, the superintendent shall have the powers and duties of the association with respect to the insolvent insurer.

I. The association may render assistance and advice to the superintendent, upon the superintendent's request, concerning rehabilitation, payment of claims, continuance of coverage or the performance of other contractual obligations of an impaired or insolvent insurer.

J. The association shall have standing to appear or intervene before a court or agency in this state with jurisdiction over an impaired or insolvent insurer concerning which the association is or may become obligated pursuant to the Life and Health Insurance Guaranty Association Act or with jurisdiction over a person or property against which the association may have rights through subrogation or otherwise. Standing shall extend to all matters germane to the powers and duties of the association, including proposals for reinsuring, modifying or guaranteeing the policies or contracts of the impaired or insolvent insurer and the determination of the policies or contracts and contractual obligations. The association shall also have the right to appear or intervene before a court or agency in another state with jurisdiction over an impaired or insolvent insurer for which the association is or may become obligated or with jurisdiction over a person or property against whom the association may have rights through subrogation or otherwise.

K. The association shall have subrogation rights under the Life and Health Insurance Guaranty Association Act as follows:

(1) a person receiving benefits pursuant to the Life and Health Insurance Guaranty Association Act shall be deemed to have assigned the rights under, and any causes of action against any person for losses arising pursuant to, resulting from or otherwise relating to, the covered policy or contract to the association to the extent of the benefits received, whether the benefits are payments of or on account of contractual obligations, continuation of coverage or provision of substitute or alternative coverages. The association may require an assignment to it of those rights and causes

of action by a payee, policy or contract owner, beneficiary, insured or annuitant as a condition precedent to the receipt of a right or benefit conferred upon the person;

(2) the subrogation rights of the association pursuant to this subsection shall have the same priority against the assets of the impaired or insolvent insurer as that possessed by the person entitled to receive benefits;

(3) in addition to Paragraphs (1) and (2) of this subsection, the association shall have all common law rights of subrogation and any other equitable or legal remedy that would have been available to the impaired or insolvent insurer or owner, beneficiary or payee of a policy or contract with respect to the policy or contracts;

(4) if Paragraph (1), (2) or (3) of this subsection is invalid or ineffective with respect to a person or claim for any reason, the amount payable by the association with respect to the related covered obligations shall be reduced by the amount realized by another person with respect to the person or claim that is attributable to the policies, or to the portion of the policies, covered by the association; and

(5) if the association has provided benefits with respect to a covered obligation and a person recovers amounts as to which the association has rights as described in this subsection, the person shall pay to the association the portion of the recovery attributable to the policies, or to the portion of the policies, covered by the association.

L. In addition to its other rights and powers, the association may:

(1) enter into contracts that are necessary or proper to carry out the provisions and purposes of the Life and Health Insurance Guaranty Association Act;

(2) sue or be sued, including taking legal actions necessary or proper to recover unpaid assessments pursuant to Section 59A-42-8 NMSA 1978 and to settle claims or potential claims against it;

(3) borrow money to effect the purposes of the Life and Health Insurance Guaranty Association Act. Notes or other evidence of indebtedness of the association not in default shall be legal investments for domestic insurers and may be carried as admitted assets;

(4) employ or retain those persons necessary or appropriate to handle the financial transactions of the association and to perform other functions as become necessary or proper;

(5) take legal action that may be necessary or appropriate to avoid or recover payment of improper claims;

(6) exercise, to the extent approved by the superintendent, the powers of a domestic life or health insurer, but in no case may the association issue insurance policies or annuity contracts other than those issued to perform its obligations pursuant to the Life and Health Insurance Guaranty Association Act;

(7) organize itself as a corporation or in other legal form permitted by the laws of this state;

(8) request information from a person seeking coverage from the association in order to aid the association in determining its obligations with respect to that person, and that person shall promptly comply with the request; and

(9) take other necessary or appropriate action to discharge its duties and obligations or to exercise its powers.

M. The association may join an organization of one or more other state associations with similar purposes to further the purposes and administer the powers and duties of the association.

N. The association may succeed to the rights and obligations of an insolvent insurer as follows:

(1) at any time within one hundred eighty days of the date of the order of liquidation, the association may elect to succeed to the rights and obligations of the ceding member insurer that relate to policies or annuities covered, in whole or in part, by the association, in each case under one or more reinsurance contracts entered into by the insolvent insurer and its reinsurers and selected by the association. The assumption shall be effective as of the date of the order of liquidation. The election shall be effected by the association or the national organization of life and health insurance guaranty associations on its behalf sending written notice, return receipt requested, to the affected reinsurers;

(2) to facilitate the earliest practicable decision about whether to assume any of the contracts of reinsurance, and in order to protect the financial position of the estate, the receiver and each reinsurer of the ceding member insurer shall make available, upon request, to the association or to the national organization of life and health insurance guaranty associations on its behalf, as soon as possible after commencement of formal delinquency proceedings:

(a) copies of in-force contracts of reinsurance and all related files and records relevant to the determination of whether those contracts should be assumed; and

(b) notices of defaults under the reinsurance contracts or a known event or condition that with the passage of time could become a default under the reinsurance contracts;

(3) the following shall apply to reinsurance contracts assumed by the association:

(a) the association shall be responsible for all unpaid premiums due under the reinsurance contracts for periods both before and after the date of the order of liquidation and shall be responsible for the performance of all other obligations to be performed after the date of the order of liquidation, in each case that relate to policies or annuities covered, in whole or in part, by the association. The association may charge policies or annuities covered in part by the association, through reasonable allocation methods, the costs for reinsurance in excess of the obligations of the association and shall provide notice and an accounting of these charges to the liquidator;

(b) the association shall be entitled to amounts payable by the reinsurer under the reinsurance contracts with respect to losses or events that occur in periods after the date of the order of liquidation and that relate to policies or annuities covered, in whole or in part, by the association, provided that, upon receipt of those amounts, the association shall be obliged to pay to the beneficiary under the policy or annuity on account of which the amounts were paid a portion of the amount equal to the lesser of: 1) the amount received by the association; and 2) the excess of the amount received by the association over the amount equal to the benefits paid by the association on account of the policy or annuity less the retention of the insurer applicable to the loss or event;

(c) within thirty days following the association's election, the association and each reinsurer under contracts assumed by the association shall calculate the net balance due to or from the association under each reinsurance contract as of the date of election with respect to policies or annuities covered, in whole or in part, by the association, which calculation shall give full credit to all items paid by either the insurer or its receiver or the reinsurer prior to the election date. The reinsurer shall pay the receiver amounts due for losses or events prior to the date of the order of liquidation, subject to a setoff for premiums unpaid for periods prior to that date, and the association or reinsurer shall pay any remaining balance due the other, in each case within five days of the completion of the calculation described in this subparagraph. A dispute over the amounts due to either the association or the reinsurer shall be resolved by arbitration pursuant to the terms of the affected reinsurance contracts or, if the contract contains no arbitration clause, as otherwise provided by law. If the receiver has received amounts due the association pursuant to Subparagraph (b) of this paragraph, the receiver shall remit those amounts to the association as promptly as practicable; and

(d) if the association or receiver, on the association's behalf, within sixty days of the election described in Subparagraph (c) of this paragraph, pays the unpaid premiums due for periods both before and after the date of election that relate to policies or annuities covered, in whole or in part, by the association, the reinsurer shall not be entitled to terminate the reinsurance contracts for failure to pay

premiums insofar as the reinsurance contracts relate to policies or annuities covered, in whole or in part, by the association, and the reinsurer shall not be entitled to set off unpaid amounts due under other contracts, or unpaid amounts due from parties other than the association, against amounts due the association;

(4) during the period from the date of the order of liquidation, until the election date or, if the election does not occur, until one hundred eighty days after the date of the order of liquidation, neither the association nor the reinsurer shall have rights or obligations pursuant to reinsurance contracts that the association has the right to assume pursuant to Paragraphs (1), (2) and (3) of this subsection, whether for periods prior to or after the date of the order of liquidation, and the reinsurer, the receiver and the association shall, to the extent practicable, provide each other data and records reasonably requested; provided that once the association has elected to assume a reinsurance contract, the parties' rights and obligations shall be governed by Paragraphs (1), (2) and (3) of this subsection;

(5) if the association does not elect to assume a reinsurance contract by the election date pursuant to Paragraphs (1), (2) and (3) of this subsection, the association shall have no rights or obligations, in each case for periods both before and after the date of the order of liquidation, with respect to the reinsurance contract;

(6) when policies or annuities, or covered obligations with respect to those policies or annuities, are transferred to an assuming insurer, reinsurance on the policies or annuities may also be transferred by the association, in the case of contracts assumed pursuant to Paragraphs (1), (2) and (3) of this subsection, subject to the following:

(a) unless the reinsurer and the assuming insurer agree otherwise, the reinsurance contract transferred shall not cover new policies of insurance or annuities in addition to those transferred;

(b) the obligations described in Paragraphs (1), (2) and (3) of this subsection shall no longer apply with respect to matters arising after the effective date of the transfer; and

(c) notice shall be given in writing, return receipt requested, by the transferring party to the affected reinsurer not less than thirty days prior to the effective date of the transfer;

(7) the provisions of this subsection shall supersede the provisions of a law or of an affected reinsurance contract that provides for or requires a payment of reinsurance proceeds, on account of losses or events that occur in periods after the date of the order of liquidation, to the receiver of the insolvent insurer or another person. The receiver shall remain entitled to amounts payable by the reinsurer under the reinsurance contracts with respect to losses or events that occur in periods prior to the date of the order of liquidation, subject to applicable setoff provisions; and

(8) except as otherwise provided in this subsection, the provisions of this subsection shall not:

(a) alter or modify the terms and conditions of a reinsurance contract;

(b) abrogate or limit the rights of a reinsurer to claim that it is entitled to rescind a reinsurance contract;

(c) give a policyholder or beneficiary an independent cause of action against a reinsurer that is not otherwise set forth in the reinsurance contract;

(d) limit or affect the association's rights as a creditor of the estate against the assets of the estate; or

(e) apply to reinsurance contracts covering property or casualty risks.

O. The board may exercise reasonable business judgment to determine the means by which the association is to provide the benefits of the Life and Health Insurance Guaranty Association Act in an economical and efficient manner.

P. Where the association has arranged or offered to provide benefits to a covered person under a plan or arrangement that fulfills the association's obligations, the person shall not be entitled to benefits from the association in addition to or other than those provided under the plan or arrangement.

Q. Venue in a suit against the association arising pursuant to the Life and Health Insurance Guaranty Association Act shall be in Santa Fe county. The association shall not be required to give an appeal bond in an appeal that relates to a cause of action arising pursuant to the Life and Health Insurance Guaranty Association Act.

R. In carrying out its duties in connection with guaranteeing, assuming or reinsuring policies or contracts pursuant to Subsection A or B of this section, the association may, subject to approval of the receivership court, issue substitute coverage for a policy or contract that provides an interest rate, crediting rate or similar factor determined by use of an index or other external reference stated in the policy or contract employed in calculating returns or changes in value by issuing an alternative policy or contract in accordance with the following provisions:

(1) in lieu of the index or other external reference provided for in the original policy or contract, the alternative policy or contract provides for a fixed interest rate, payment of dividends with minimum guarantees or a different method for calculating interest or changes in value;

(2) there is no requirement for evidence of insurability, waiting period or other exclusion that would not have applied under the replaced policy or contract; and

(3) the alternative policy or contract is substantially similar to the replaced policy or contract in all other material terms."

## **Chapter 9 Section 11 Laws 2012**

SECTION 11. Section 59A-42-8 NMSA 1978 (being Laws 1984, Chapter 127, Section 757) is repealed and a new Section 59A-42-8 NMSA 1978 is enacted to read:

"59A-42-8. ASSESSMENTS.--

A. For the purpose of providing the funds necessary to carry out the powers and duties of the association, the board shall assess the member insurers, separately for each account, at a time and for amounts as the board finds necessary. Assessments shall be due not less than thirty days after prior written notice to the member insurers and shall accrue interest at six percent a year on and after the due date.

B. There shall be two classes of assessments as follows:

(1) class A assessments shall be authorized and called for the purpose of meeting administrative and legal costs and other expenses. Class A assessments may be authorized and called whether or not related to a particular impaired or insolvent insurer; and

(2) class B assessments shall be authorized and called to the extent necessary to carry out the powers and duties of the association with regard to an impaired or an insolvent insurer.

C. The amount of a class A assessment shall be determined by the board and may be authorized and called on a pro rata or non-pro rata basis. If the class A assessment is authorized and called on a pro rata basis, the board may provide that it be credited against future class B assessments. The total of all non-pro rata assessments shall not exceed three hundred dollars (\$300) per member insurer in one calendar year. The amount of a class B assessment shall be allocated for assessment purposes among the accounts pursuant to an allocation formula that may be based on the premiums or reserves of the impaired or insolvent insurer or another standard deemed by the board in its sole discretion as being fair and reasonable under the circumstances.

D. Class B assessments against member insurers for each account and subaccount shall be in the proportion that the premiums received on business in this state by each assessed member insurer on policies or contracts covered by each



account for the three most recent calendar years for which information is available preceding the year in which the insurer became insolvent or, in the case of an assessment with respect to an impaired insurer, the three most recent calendar years for which information is available preceding the year in which the insurer became impaired, bears to premiums received on business in this state for those calendar years by all assessed member insurers.

E. Assessments for funds to meet the requirements of the association with respect to an impaired or insolvent insurer shall not be authorized or called until necessary to implement the purposes of the Life and Health Insurance Guaranty Association Act. Classification of assessments pursuant to Subsection B of this section and computation of assessments pursuant to Subsections C and D of this section shall be made with a reasonable degree of accuracy, recognizing that exact determinations may not always be possible. The association shall notify each member insurer of its anticipated pro rata share of an authorized assessment not yet called within one hundred eighty days after the assessment is authorized.

F. The association may abate or defer, in whole or in part, the assessment of a member insurer if, in the opinion of the board, payment of the assessment would endanger the ability of the member insurer to fulfill its contractual obligations. In the event an assessment against a member insurer is abated, or deferred in whole or in part, the amount by which the assessment is abated or deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in this section. Once the conditions that caused a deferral have been removed or rectified, the member insurer shall pay all assessments that were deferred pursuant to a repayment plan approved by the association.

G. Subject to the provisions of Subsection H of this section, the total of all assessments authorized by the association with respect to a member insurer for each subaccount of the life insurance and annuity account and for the health insurance account shall not in one calendar year exceed two percent of that member insurer's average annual premiums received in this state on the policies and contracts covered by the subaccount or account during the three calendar years preceding the year in which the insurer became an impaired or insolvent insurer.

H. If two or more assessments are authorized in one calendar year with respect to insurers that become impaired or insolvent in different calendar years, the average annual premiums for purposes of the aggregate assessment percentage limitation referenced in Subsection G of this section shall be equal and limited to the higher of the three-year average annual premiums for the applicable subaccount or account as calculated pursuant to this section.

I. If the maximum assessment, together with the other assets of the association in an account, does not provide in one year in either account an amount sufficient to carry out the responsibilities of the association, the necessary additional

funds shall be assessed as soon thereafter as permitted by the Life and Health Insurance Guaranty Association Act.

J. The board may provide in the plan of operation a method of allocating funds among claims, whether relating to one or more impaired or insolvent insurers, when the maximum assessment will be insufficient to cover anticipated claims.

K. If the maximum assessment for a subaccount of the life and annuity account in one year does not provide an amount sufficient to carry out the responsibilities of the association, then pursuant to Subsection D of this section, the board shall access the other subaccounts of the life insurance and annuity account for the necessary additional amount, subject to the maximum stated in Subsections G, H and I of this section.

L. The board may, by an equitable method as established in the plan of operation, refund to member insurers, in proportion to the contribution of each insurer to that account, the amount by which the assets of the account exceed the amount the board finds is necessary to carry out during the coming year the obligations of the association with regard to that account, including assets accruing from assignment, subrogation, net realized gains and income from investments. A reasonable amount may be retained in an account to provide funds for the continuing expenses of the association and for a future losses claim.

M. It shall be proper for a member insurer, in determining its premium rates and policyowner dividends as to any kind of insurance within the scope of the Life and Health Insurance Guaranty Association Act, to consider the amount reasonably necessary to meet its assessment obligations under that act.

N. The association shall issue to each insurer paying an assessment, other than a class A assessment, a certificate of contribution, in a form prescribed by the superintendent, for the amount of the assessment paid. All outstanding certificates shall be of equal dignity and priority without reference to amounts or dates of issue. A certificate of contribution may be shown by the insurer in its financial statement as an asset in that form and for that amount, if any, and period of time as the superintendent may approve.

O. A protest to an assessment shall occur as follows:

(1) a member insurer that wishes to protest all or part of an assessment shall pay when due the full amount of the assessment as set forth in the notice provided by the association. The payment shall be available to meet association obligations during the pendency of the protest or a subsequent appeal. Payment shall be accompanied by a statement in writing that the payment is made under protest and setting forth a brief statement of the grounds for the protest;

(2) within sixty days following the payment of an assessment under protest by a member insurer, the association shall notify the member insurer in writing of its determination with respect to the protest unless the association notifies the member insurer that additional time is required to resolve the issues raised by the protest;

(3) within thirty days after a final decision has been made, the association shall notify the protesting member insurer in writing of that final decision. Within sixty days of receipt of notice of the final decision, the protesting member insurer may appeal that final action to the superintendent;

(4) in the alternative to rendering a final decision with respect to a protest based on a question regarding the assessment base, the association may refer protests to the superintendent for a final decision, with or without a recommendation from the association; and

(5) if the protest or appeal on the assessment is upheld, the amount paid in error or excess shall be returned to the member company. Interest on a refund due a protesting member shall be paid at the rate actually earned by the association.

P. The association may request information of member insurers in order to aid in the exercise of its power pursuant to this section, and member insurers shall promptly comply with a request."

## **Chapter 9 Section 12 Laws 2012**

SECTION 12. Section 59A-42-9 NMSA 1978 (being Laws 1984, Chapter 127, Section 758) is amended to read:

"59A-42-9. PLAN OF OPERATION.--

A. The association shall submit to the superintendent a plan of operation or amendments to the plan necessary or suitable to assure the fair, reasonable and equitable administration of the association. The plan of operation or amendments to the plan shall become effective upon approval in writing by the superintendent or on the thirty-first day after submission to the superintendent if it has not been disapproved within that time.

B. If the association fails to submit suitable amendments to the plan, the superintendent shall, after notice and hearing, promulgate reasonable rules necessary or advisable to effectuate the provisions of the Life and Health Insurance Guaranty Association Act. The rules shall continue in force until modified by the superintendent or superseded by amendments submitted by the association and approved by the superintendent.

C. All member insurers shall comply with the plan of operation.

D. The plan of operation shall include:

- (1) procedures for handling the assets of the association;
- (2) the amount and method of reimbursement for members of the board;
- (3) the regular places and times for meetings, including telephone conference calls of the board;
- (4) procedures for records to be kept of all financial transactions of the association, its agents and the board;
- (5) procedures for selecting members of the board and submitting those selections for approval to the superintendent;
- (6) additional procedures for assessments;
- (7) additional provisions necessary or proper for the execution of the powers and duties of the association;
- (8) procedures to remove a director for cause, including the case where a member insurer director becomes an impaired or insolvent insurer; and
- (9) policies and procedures for addressing conflicts of interest.

E. The plan of operation may provide that the powers and duties of the association, except those provided in Paragraph (3) of Subsection L of Section 59A-42-7 NMSA 1978 and in Section 59A-42-8 NMSA 1978, may be delegated to a corporation, association or other organization that performs or will perform functions similar to those of the association, or its equivalent, in two or more states. That corporation, association or organization shall be reimbursed as a servicing facility would be reimbursed and shall be paid for its performance of other functions of the association. A delegation pursuant to this subsection shall take effect only with the approval of both the board and the superintendent, and may be made only to a corporation, association or organization that extends protection not substantially less favorable and effective than that provided by the Life and Health Insurance Guaranty Association Act."

## **Chapter 9 Section 13 Laws 2012**

SECTION 13. Section 59A-42-10 NMSA 1978 (being Laws 1984, Chapter 127, Section 759) is amended to read:

"59A-42-10. DUTIES AND POWERS OF THE SUPERINTENDENT.--

A. The superintendent shall:

(1) notify the association of the existence of an insolvent insurer not later than three days after the superintendent receives notice of the determination of the insolvency;

(2) upon request of the board, provide the association with a statement of the premiums in this or another state of each member insurer; and

(3) when an impairment is declared and the amount of the impairment is determined, serve a demand upon the impaired insurer to make good the impairment within a reasonable time. Notice to the impaired insurer shall constitute notice to its shareholders, if any. The failure of the insurer to promptly comply with the demand shall not excuse the association from the performance of its powers and duties pursuant to the Life and Health Insurance Guaranty Association Act.

B. The superintendent may:

(1) suspend or revoke, after notice and hearing, the certificate of authority to transact insurance in this state of a member insurer that fails to pay an assessment when due or that fails to comply with the plan of operation. As an alternative, the superintendent may levy a fine on a member insurer that fails to pay an assessment when due. The fine shall not exceed five percent of the unpaid assessment a month, except that no fine shall be less than one hundred dollars (\$100) a month; and

(2) revoke the designation of a servicing facility if the superintendent finds that claims are being handled unsatisfactorily."

## **Chapter 9 Section 14 Laws 2012**

SECTION 14. Section 59A-42-11 NMSA 1978 (being Laws 1984, Chapter 127, Section 760) is amended to read:

"59A-42-11. PREVENTION OF INSOLVENCIES.--To aid in the detection and prevention of insurance insolvencies:

A. the superintendent shall:

(1) notify the superintendents in other states, within thirty days following the action taken or the date the action occurs, when the superintendent takes any of the following actions against a member insurer:

(a) revokes a license;

(b) suspends a license; or

(c) makes a formal order that the company restrict its premium writing, obtain additional contributions to surplus, withdraw from the state,

reinsure all or a part of its business or increase capital, surplus or another account for the security of policy owners or creditors;

(2) report to the board when the superintendent has taken an action set forth in Paragraph (1) of this subsection or has received a report from another superintendent indicating that an action has been taken in another state. The report to the board shall contain all significant details of the action taken or of the report received from another superintendent;

(3) report to the board when the superintendent has reasonable cause to believe from an examination, whether completed or in process, of a member insurer that the insurer may be an impaired or insolvent insurer; and

(4) furnish to the board the national association of insurance commissioners' insurance regulatory information system ratios and listings of companies not included in the ratios developed by the national association of insurance commissioners. The board may use that information in carrying out its duties and responsibilities pursuant to this section. The report shall be kept confidential by the board until it is made public by the superintendent or other lawful authority;

B. the superintendent may seek the advice and recommendations of the board concerning a matter affecting the duties and responsibilities of the superintendent regarding the financial condition of member insurers and companies seeking admission to transact insurance business in this state; and

C. the board may, upon majority vote:

(1) notify the superintendent of information indicating that a member insurer may be an impaired or insolvent insurer;

(2) make reports and recommendations to the superintendent upon any matter germane to the solvency, liquidation, rehabilitation or conservation of a member insurer or germane to the solvency of a company seeking to do insurance business in this state. The reports and recommendations are not public documents; and

(3) make recommendations to the superintendent for the detection and prevention of insurers' insolvencies."

## **Chapter 9 Section 15 Laws 2012**

SECTION 15. Section 59A-42-12 NMSA 1978 (being Laws 1984, Chapter 127, Section 761, as amended) is amended to read:

"59A-42-12. APPEALS.--

A. A member insurer may appeal to the superintendent from an action of the board by filing with the superintendent a notice of appeal within thirty days after that action.

B. A final order of the superintendent on appeal is subject to judicial review by an action in the district court pursuant to the provisions of Section 39-3-1.1 NMSA 1978."

## **Chapter 9 Section 16 Laws 2012**

SECTION 16. Section 59A-42-13 NMSA 1978 (being Laws 1984, Chapter 127, Section 762) is amended to read:

"59A-42-13. MISCELLANEOUS PROVISIONS.--

A. The Life and Health Insurance Guaranty Association Act shall not be construed to reduce the liability for unpaid assessments of the insureds of an impaired or insolvent insurer operating under a plan with assessment liability.

B. Records shall be kept of all meetings of the board to discuss the activities of the association in carrying out its powers and duties. Records of the meetings with respect to an impaired or insolvent insurer shall be made public only upon the termination of a liquidation, rehabilitation or conservation proceeding involving the impaired or insolvent insurer, upon the termination of the insolvency of the insurer or upon the order of a court of competent jurisdiction. Nothing in this subsection limits the duty of the association to render the reports required by Section 59A-42-14 NMSA 1978.

C. For the purpose of carrying out its obligations, the association shall be deemed to be a creditor of the impaired or insolvent insurer to the extent of assets attributable to covered policies reduced by amounts to which the association is entitled as a subrogee pursuant to Subsection K of Section 59A-42-7 NMSA 1978. Assets of the impaired or insolvent insurer attributable to covered policies shall be used to continue all covered policies and pay all contractual obligations of the impaired or insolvent insurer. Assets attributable to covered policies, as used in this subsection, are that proportion of the assets that the reserves that should have been established for those policies bear to the reserves that should have been established for all policies of insurance written by the impaired or insolvent insurer.

D. As a creditor of the impaired or insolvent insurer and consistent with the Insurers Conservation, Rehabilitation and Liquidation Law, the association and other similar associations shall be entitled to receive a disbursement of assets out of the marshaled assets, from time to time as the assets become available to reimburse it, as a credit against contractual obligations pursuant to the Life and Health Insurance Guaranty Association Act. If the liquidator has not, within one hundred twenty days of a final determination of insolvency of an insurer by the receivership court, made an

application to the court for the approval of a proposal to disburse assets out of marshaled assets to guaranty associations having obligations because of the insolvency, the association shall be entitled to make application to the receivership court for approval of its own proposal to disburse these assets.

E. Prior to the termination of a liquidation, rehabilitation or conservation proceeding, the court may take into consideration the contributions of the respective parties, including the association, the shareholders and policy owners of the insolvent insurer and any other party with a bona fide interest, in making an equitable distribution of the ownership rights of the insolvent insurer. In such a determination, consideration shall be given to the welfare of the policy owners of the continuing or successor insurer.

F. No distribution to stockholders, if any, of an impaired or insolvent insurer shall be made until and unless the total amount of valid claims of the association with interest thereon for funds expended in carrying out its powers and duties with respect to the insurer has been fully recovered by the association."

## **Chapter 9 Section 17 Laws 2012**

SECTION 17. Section 59A-42-14 NMSA 1978 (being Laws 1984, Chapter 127, Section 763) is amended to read:

"59A-42-14. EXAMINATION OF ASSOCIATION--ANNUAL REPORT.--The association is subject to examination and regulation by the superintendent. The board shall submit to the superintendent, not later than May 1 each year, a financial report for the preceding calendar year in form approved by the superintendent and a report of its activities during the preceding calendar year. Upon the request of a member insurer, the association shall provide the member insurer with a copy of the report."

## **Chapter 9 Section 18 Laws 2012**

SECTION 18. Section 59A-42-15 NMSA 1978 (being Laws 1984, Chapter 127, Section 764) is amended to read:

"59A-42-15. IMMUNITY.--There shall be no liability on the part of, and no cause of action shall arise against, a member insurer or its agents or employees, the association or its agents or employees, members of the board or the superintendent or the superintendent's representatives for an act or omission by them in the performance of their powers and duties pursuant to the Life and Health Insurance Guaranty Association Act. This immunity shall extend to the participation in an organization of one or more other state associations with similar purposes and to that organization and its agents or employees."

## **Chapter 9 Section 19 Laws 2012**



SECTION 19. Section 59A-42-16 NMSA 1978 (being Laws 1984, Chapter 127, Section 765) is amended to read:

"59A-42-16. STAY OF PROCEEDINGS--REOPENING DEFAULT JUDGMENTS.--A proceeding in which an insolvent insurer is a party in a court in this state shall be stayed one hundred eighty days from the date an order of liquidation, rehabilitation or conservation is final to permit proper legal action by the association on matters germane to its powers or duties. As to a judgment under a decision, order, verdict or finding based on default, the association may apply to have the judgment set aside by the same court that made the judgment and shall be permitted to defend against the suit on the merits."

## **Chapter 9 Section 20 Laws 2012**

SECTION 20. A new section of the Life and Health Insurance Guaranty Association Act is enacted to read:

"PROHIBITED ADVERTISEMENT--NOTICE TO POLICY OWNERS.--

A. No person, including an insurer, agent or affiliate of an insurer, shall make, publish, disseminate, circulate or place before the public, or cause directly or indirectly to be made, published, disseminated, circulated or placed before the public, in a newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over a radio station or television station, or in any other way, an advertisement, announcement or statement, written or oral, that uses the existence of the association for the purpose of sales, solicitation or inducement to purchase insurance covered by the Life and Health Insurance Guaranty Association Act. However, this subsection shall not apply to the association or any other entity that does not sell or solicit insurance.

B. Within one hundred eighty days of the effective date of this 2012 act, the association shall prepare a summary document describing the general purposes and current limitations of that act and complying with Subsection C of this section. The document shall be submitted to the superintendent for approval. At the expiration of the sixtieth day after the date on which the superintendent approves the document, an insurer shall not deliver a policy or contract to a policy or contract owner unless the summary document is delivered to the policy or contract owner at the time of delivery of the policy or contract. The document shall also be available upon request by a policy owner. The distribution, delivery or contents or interpretation of this document does not guarantee that either the policy or the contract or the owner of the policy or contract is covered in the event of the impairment or insolvency of a member insurer. The description document shall be revised by the association as amendments to the Life and Health Insurance Guaranty Association Act may require. Failure to receive this document does not give the policy owner, contract owner, certificate holder or insured greater rights than those stated in the Life and Health Insurance Guaranty Association Act.

C. The document prepared pursuant to Subsection B of this section shall contain a clear and conspicuous disclaimer on its face. The superintendent shall establish the form and content of the disclaimer. The disclaimer shall:

(1) state the name and address of the association and insurance department;

(2) prominently warn the policy or contract owner that the association may not cover the policy or, if coverage is available, that it will be subject to substantial limitations and exclusions and conditioned on continued residence in this state;

(3) state the types of policies for which guaranty funds will provide coverage;

(4) state that the insurer and its agents are prohibited by law from using the existence of the association for the purpose of sales, solicitation or inducement to purchase any form of insurance;

(5) state that the policy or contract owner should not rely on coverage pursuant to the Life and Health Insurance Guaranty Association Act when selecting an insurer;

(6) explain rights available and procedures for filing a complaint to allege a violation of the provisions of the Life and Health Insurance Guaranty Association Act; and

(7) provide other information as directed by the superintendent, including sources for information about the financial condition of insurers, provided that the information is not proprietary and is subject to disclosure pursuant to the Inspection of Public Records Act.

D. A member insurer shall retain evidence of compliance with Subsection B of this section for as long as the policy or contract for which the notice is given remains in effect."

## **Chapter 9 Section 21 Laws 2012**

### **SECTION 21. TEMPORARY PROVISION--CONTINUATION OF ACCOUNTS, ASSOCIATION, BOARD, PLAN OF OPERATION AND ACTIVITIES.--**

A. The accounts maintained pursuant to the Life and Health Insurance Guaranty Law and in effect on

July 1, 2012 shall continue in full force as the accounts maintained pursuant to the Life and Health Insurance Guaranty Association Act, modified as necessary to comply with that act.

B. The life insurance guaranty association existing pursuant to the Life and Health Insurance Guaranty Law on July 1, 2012 is the life and health insurance guaranty association organized pursuant to the Life and Health Insurance Guaranty Association Act, subject to the provisions of that act.

C. The insurer members of the board of directors of the life insurance guaranty association serving pursuant to the Life and Health Insurance Guaranty Law on July 1, 2012 shall serve as the insurer members of the board of directors of the life and health insurance guaranty association pursuant to the provisions of the Life and Health Insurance Guaranty Association Act.

D. The plan of operation in effect pursuant to the Life and Health Insurance Guaranty Law on July 1, 2012 shall serve as the plan of operation required pursuant to the Life and Health Insurance Guaranty Association Act, modified as necessary to comply with that act.

E. An action, including an assessment, or an obligation of the life insurance guaranty association, board of directors of the life insurance guaranty association or superintendent of insurance initiated or created but not completed pursuant to the Life and Health Insurance Guaranty Law prior to July 1, 2012, shall continue until completed pursuant to the provisions of the Life and Health Insurance Guaranty Law.

## **Chapter 9 Section 22 Laws 2012**

SECTION 22. APPLICABILITY.--The provisions of Section 7 of this act apply only to coverage that the life and health insurance guaranty association provides in connection with any member insurer that is placed under an order of liquidation with a finding of insolvency after July 1, 2012.

## **Chapter 9 Section 23 Laws 2012**

SECTION 23. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2012.

---

Senate Bill 47, aa

Approved February 29, 2012

# **LAWS 2012, CHAPTER 10**

## **AN ACT**

RELATING TO PUBLIC PROPERTY; AMENDING A SECTION OF CHAPTER 13, ARTICLE 6 NMSA 1978 TO PROVIDE FOR AUCTION OF SURPLUS TANGIBLE PERSONAL PROPERTY OF THE DEPARTMENT OF TRANSPORTATION.

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

### **Chapter 10 Section 1 Laws 2012**

SECTION 1. Section 13-6-1 NMSA 1978 (being Laws 1961, Chapter 100, Section 1, as amended) is amended to read:

"13-6-1. DISPOSITION OF OBSOLETE, WORN-OUT OR UNUSABLE TANGIBLE PERSONAL PROPERTY.--

A. The governing authority of each state agency, local public body, school district and state educational institution may dispose of any item of tangible personal property belonging to that authority and delete the item from its public inventory upon a specific finding by the authority that the item of property is:

(1) of a current resale value of five thousand dollars (\$5,000) or less; and

(2) worn-out, unusable or obsolete to the extent that the item is no longer economical or safe for continued use by the body.

B. The governing authority shall, as a prerequisite to the disposition of any items of tangible personal property:

(1) designate a committee of at least three officials of the governing authority to approve and oversee the disposition; and

(2) give notification at least thirty days prior to its action making the deletion by sending a copy of its official finding and the proposed disposition of the property to the state auditor and the appropriate approval authority designated in Section 13-6-2 NMSA 1978, duly sworn and subscribed under oath by each member of the authority approving the action.

C. A copy of the official finding and proposed disposition of the property sought to be disposed of shall be made a permanent part of the official minutes of the governing authority and maintained as a public record subject to the Inspection of Public Records Act.

D. The governing authority shall dispose of the tangible personal property by negotiated sale to any governmental unit of an Indian nation, tribe or pueblo in New Mexico or by negotiated sale or donation to other state agencies, local public bodies, school districts, state educational institutions or municipalities or through the central purchasing office of the governing authority by means of competitive sealed bid or public auction or, if a state agency, through the surplus property bureau of the transportation services division of the general services department.

E. A state agency shall give the surplus property bureau of the transportation services division of the general services department the right of first refusal when disposing of obsolete, worn-out or unusable tangible personal property of the state agency.

F. If the governing authority is unable to dispose of the tangible personal property pursuant to Subsection D or E of this section, the governing authority may sell or, if the property has no value, donate the property to any organization described in Section 501(c)(3) of the Internal Revenue Code of 1986.

G. If the governing authority is unable to dispose of the tangible personal property pursuant to Subsection D, E or F of this section, it may order that the property be destroyed or otherwise permanently disposed of in accordance with applicable laws.

H. If the governing authority determines that the tangible personal property is hazardous or contains hazardous materials and may not be used safely under any circumstances, the property shall be destroyed and disposed of pursuant to Subsection G of this section.

I. No tangible personal property shall be donated to an employee or relative of an employee of a state agency, local public body, school district or state educational institution; provided that nothing in this subsection precludes an employee from participating and bidding for public property at a public auction.

J. This section shall not apply to any property acquired by a museum through abandonment procedures pursuant to the Abandoned Cultural Properties Act.

K. Notwithstanding the provisions of Subsection A of this section, the department of transportation may sell through public auction or dispose of surplus tangible personal property used to manage, maintain or build roads that exceeds five thousand dollars (\$5,000) in value. Proceeds from sales shall be credited to the state road fund. The department of transportation shall notify the department of finance and administration regarding the disposition of all property."

Approved February 29, 2012

## **LAWS 2012, CHAPTER 11**

AN ACT

RELATING TO LICENSES; ALLOWING ELECTRONIC RECORDS OF FOREIGN COLLECTION AGENCIES TO BE MAINTAINED AT A LOCATION WHERE THE FOREIGN COLLECTION AGENCY REGULARLY MAINTAINS ITS RECORDS.

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

### **Chapter 11 Section 1 Laws 2012**

**SECTION 1.** Section 61-18A-14 NMSA 1978 (being Laws 1987, Chapter 252, Section 14) is amended to read:

"61-18A-14. LICENSE TO FOREIGN CORPORATION OR PARTNERSHIP.--No collection agency license shall be issued to any foreign corporation or partnership unless it has fully complied with the laws of the state of New Mexico so as to entitle it to do business in the state; provided that the foreign corporation or partnership shall establish and maintain a collection agency in New Mexico at all times during the life of any collection agency license issued to the foreign corporation or partnership. All records of the collection agency located in New Mexico shall be maintained at the collection agency's principal office in New Mexico unless the collection agency records are maintained electronically, in which case, electronic records may be maintained at a location where the collection agency regularly maintains records."

### **Chapter 11 Section 2 Laws 2012**

**SECTION 2.** EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2012.

---

House Bill 15

Approved February 29, 2012

## **LAWS 2012, CHAPTER 12**

AN ACT

RELATING TO TAXATION; CREATING CERTAIN DEDUCTIONS IN THE GROSS RECEIPTS AND COMPENSATING TAX ACT FOR CONVERTING ELECTRICITY AND

OPERATING AN ELECTRICITY EXCHANGE; PROVIDING FOR AN EXPANDED EXEMPTION FOR FACILITIES FOR TRANSMITTING ELECTRICITY USING VOLTAGE SOURCE CONVERSION TECHNOLOGY.

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

### **Chapter 12 Section 1 Laws 2012**

**SECTION 1.** Section 7-9-38 NMSA 1978 (being Laws 1969, Chapter 144, Section 31) is amended to read:

"7-9-38. EXEMPTION--COMPENSATING TAX--USE OF ELECTRICITY IN THE PRODUCTION, CONVERSION AND TRANSMISSION OF ELECTRICITY.--Exempted from the compensating tax is electricity used in the production and transmission of electricity, including transmission using voltage source conversion technology."

### **Chapter 12 Section 2 Laws 2012**

**SECTION 2.** A new section of the Gross Receipts and Compensating Tax Act is enacted to read:

"DEDUCTION--GROSS RECEIPTS TAX--CONVERTING ELECTRICITY.--

A. Receipts from the transmission of electricity where voltage source conversion technology is employed to provide such services and from ancillary services may be deducted from gross receipts.

B. The department shall report annually to the interim revenue stabilization and tax policy committee on the expansion of voltage source conversion technology use in the transmission of electricity in New Mexico and the use of the deduction provided in this section.

C. As used in this section, "ancillary services" means services that are supplied from or in connection with facilities employing voltage source conversion technology and that are used to support or enhance the efficient and reliable operation of the electric system."

### **Chapter 12 Section 3 Laws 2012**

**SECTION 3.** A new section of the Gross Receipts and Compensating Tax Act is enacted to read:

"DEDUCTION--GROSS RECEIPTS--ELECTRICITY EXCHANGE.--

A. Receipts from operating a market or exchange for the sale or trading of electricity, rights to electricity and derivative products and from providing ancillary services may be deducted from gross receipts.

B. The department shall report annually to the interim revenue stabilization and tax policy committee on use of the deduction provided in this section.

C. As used in this section, "ancillary services" means services that are supplied from or in connection with facilities employing voltage source conversion technology and that are used to support or enhance the efficient and reliable operation of the electric system."

## **Chapter 12 Section 4 Laws 2012**

**SECTION 4. EFFECTIVE DATE.**--The effective date of the provisions of this act is July 1, 2012.

---

House Bill 116, aa

Approved February 29, 2012

## **LAWS 2012, CHAPTER 13**

AN ACT

RELATING TO TAXATION; AMENDING A SECTION OF THE GROSS RECEIPTS AND COMPENSATING TAX ACT TO PROVIDE FOR A DEDUCTION FROM GROSS RECEIPTS FOR SALES OF URANIUM HEXAFLUORIDE.

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

## **Chapter 13 Section 1 Laws 2012**

SECTION 1. Section 7-9-90 NMSA 1978 (being Laws 1999, Chapter 231, Section 3) is amended to read:

"7-9-90. DEDUCTIONS--GROSS RECEIPTS TAX--SALES OF URANIUM HEXAFLUORIDE AND ENRICHMENT OF URANIUM.--

A. Receipts from selling uranium hexafluoride and from providing the service of enriching uranium may be deducted from gross receipts.



B. The department shall annually report to the revenue stabilization and tax policy committee aggregate amounts of deductions taken pursuant to this section, the number of taxpayers claiming the deduction and any other information that is necessary to determine that the deduction is performing a purpose that is beneficial to the state.

C. A taxpayer deducting gross receipts pursuant to this section shall report the amount deducted separately and attribute the amount of the deduction to the authorization provided in this section in a manner required by the department that facilitates the evaluation by the legislature for the benefit to the state of this deduction."

---

Senate Bill 23, aa

Approved March 1, 2012

## **LAWS 2012, CHAPTER 14**

### **AN ACT**

RELATING TO EXECUTIVE ORGANIZATION; ELIMINATING THE OFFICE OF CHILD DEVELOPMENT AND THE CHILD DEVELOPMENT BOARD; ASSIGNING CERTAIN DUTIES TO THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT; AMENDING AND REPEALING SECTIONS OF THE NMSA 1978.

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

### **Chapter 14 Section 1 Laws 2012**

SECTION 1. Section 22-8-19.1 NMSA 1978 (being Laws 1992, Chapter 83, Section 1, as amended) is amended to read:

"22-8-19.1. PRESCHOOL PROGRAMS--SELECTED DISTRICTS.--

A. The children, youth and families department shall fund preschool programs for zero- to five-year-old children in selected school districts. The children, youth and families department shall distribute any appropriation for this purpose to local entities upon approval by that department of an application from an individual school district or community-based early childhood education program. The preschool programs shall collaborate, where possible, with existing headstart programs or with other appropriate early childhood education programs in the community, and the preschool programs shall use one of the following three models:

- (1) a community-based early childhood education program;

- (2) a school-based early childhood education program; or
- (3) a home-based early childhood education program.

B. School districts may choose to contract with licensed community-based early childhood education programs already in existence. School-based early childhood education programs may be housed in a school accredited by the public education department. A home-based early childhood education program may include a parents-as-teachers program, which supports parents in meeting the developmental learning and social growth needs of their young children.

C. Each preschool program shall have a strong parental involvement component, a staff development component and a procedural process to enable the children, youth and families department to monitor and evaluate the program. The curriculum for each program shall comprehensively address the total developmental needs of the child, including physical, cognitive, social and emotional needs, and shall include aspects of health care, nutrition, safety, the needs of the family and multicultural sensitivity, in coordination with other resources for families."

## **Chapter 14 Section 2 Laws 2012**

SECTION 2. REPEAL.--Sections 32A-16-1 through 32A-16-4 NMSA 1978 (being Laws 1989, Chapter 290, Sections 1 through 4 as amended) are repealed.

---

Senate Bill 187

Approved March 1, 2012

## **LAWS 2012, CHAPTER 15**

AN ACT

RELATING TO HEALTH CARE; AMENDING SECTIONS OF THE HEALTH INFORMATION SYSTEM ACT TO TRANSFER DATA MANAGEMENT DUTIES FROM THE NEW MEXICO HEALTH POLICY COMMISSION TO THE DEPARTMENT OF HEALTH; ENACTING A TEMPORARY PROVISION TO TRANSFER ALL PROPERTY, RECORDS AND CONTRACTS DIRECTLY RELATING TO DATA MANAGEMENT DUTIES UNDER THE HEALTH INFORMATION SYSTEM ACT TO THE DEPARTMENT OF HEALTH; RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2005.

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

## **Chapter 15 Section 1 Laws 2012**

**SECTION 1.** Section 24-14A-2 NMSA 1978 (being Laws 1989, Chapter 29, Section 2, as amended) is amended to read:

"24-14A-2. DEFINITIONS.--As used in the Health Information System Act:

A. "aggregate data" means data that are obtained by combining like data elements in a manner that precludes specific identification of a single client or provider;

B. "data source" or "data provider" means a person that possesses health information, including any public or private sector licensed health care practitioner, primary care clinic, ambulatory surgery center, ambulatory urgent care center, ambulatory dialysis unit, home health agency, long-term care facility, hospital, pharmacy, third-party payer and any public entity that has health information;

C. "department" means the department of health;

D. "health information" or "health data" means any data relating to health care; health status, including environmental, social and economic factors; the health system; or health costs and financing;

E. "hospital" means any general or special hospital licensed by the department, whether publicly or privately owned;

F. "long-term care facility" means any skilled nursing facility or nursing facility licensed by the department, whether publicly or privately owned;

G. "record-level data" means a medical record that contains unique and nonaggregated data elements that relate to a single identifiable individual, provider or hospital; and

H. "third-party payer" means any public or private payer of health care services and includes health maintenance organizations and health insurers."

## **Chapter 15 Section 2 Laws 2012**

**SECTION 2.** Section 24-14A-3 NMSA 1978 (being Laws 1989, Chapter 29, Section 3, as amended by Laws 2005, Chapter 321, Section 12 and by Laws 2005, Chapter 322, Section 1) is amended to read:

"24-14A-3. HEALTH INFORMATION SYSTEM--CREATION--DUTIES OF DEPARTMENT.--

A. The "health information system" is created for the purpose of assisting the department, legislature and other agencies and organizations in the state's efforts in collecting, analyzing and disseminating health information to assist:

(1) in the performance of health planning and policymaking functions, including identifying personnel, facility, education and other resource needs and allocating financial, personnel and other resources where appropriate;

(2) consumers in making informed decisions regarding health care;  
and

(3) in administering, monitoring and evaluating a statewide health plan.

B. In carrying out its powers and duties pursuant to the Health Information System Act, the department shall not duplicate databases that exist in the public sector or databases in the private sector to which it has electronic access. Every governmental entity shall provide the department with access to its health-related data as needed by the department. The department shall collect data from data sources in the most cost-effective and efficient manner.

C. The department shall establish, operate and maintain the health information system.

D. In establishing, operating and maintaining the health information system, the department shall:

- (1) obtain information on the following health factors:
- (a) mortality and natality, including accidental causes of death;
  - (b) morbidity;
  - (c) health behavior;
  - (d) disability;
  - (e) health system costs, availability, utilization and revenues;
  - (f) environmental factors;
  - (g) health personnel;
  - (h) demographic factors;

(i) social, cultural and economic conditions affecting health, including language preference;

(j) family status;

(k) medical and practice outcomes as measured by nationally accepted standards and quality of care; and

(l) participation in clinical research trials;

(2) give the highest priority in data gathering to information needed to implement and monitor progress toward achievement of the state health policy, including determining where additional health resources such as personnel, programs and facilities are most needed, what those additional resources should be and how existing resources should be reallocated;

(3) standardize collection and specific methods of measurement across databases and use scientific sampling or complete enumeration for collecting and reporting health information;

(4) take adequate measures to provide health information system security for all health data acquired under the Health Information System Act and protect individual patient and provider confidentiality. The right to privacy for the individual shall be a major consideration in the collection and analysis of health data and shall be protected in the reporting of results;

(5) adopt and promulgate rules necessary to establish and administer the provisions of the Health Information System Act, including an appeals process for data sources and procedures to protect data source proprietary information from public disclosure;

(6) establish definitions, formats and other common information standards for core health data elements of the health information system in order to provide an integrated financial, statistical and clinical health information system, including a geographic information system, that allows data sharing and linking across databases maintained by data sources and federal, state and local public agencies;

(7) develop and maintain health and health- related data inventories and technical documentation on data holdings in the public and private sectors;

(8) collect, analyze and make available health data to support preventive health care practices and to facilitate the establishment of appropriate benchmark data to measure performance improvements over time;

(9) establish and maintain a systematic approach to the collection and storage of health data for longitudinal, demographic and policy impact studies;

(10) use expert system-based protocols to identify individual and population health risk profiles and to assist in the delivery of primary and preventive health care services;

(11) collect health data sufficient for consumers to be able to evaluate health care services, plans, providers and payers and to make informed decisions regarding quality, cost and outcome of care across the spectrum of health care services, providers and payers;

(12) collect comprehensive information on major capital expenditures for facilities, equipment by type and by data source and significant facility capacity reductions; provided that for the purposes of this paragraph and Section 24-14A-5 NMSA 1978, "major capital expenditure" means purchases of at least one million dollars (\$1,000,000) for construction or renovation of facilities and at least five hundred thousand dollars (\$500,000) for purchase or lease of equipment, and "significant facility capacity reductions" means those reductions in facility capacities as defined by the department;

(13) serve as a health information clearinghouse, including facilitating private and public collaborative, coordinated data collection and sharing and access to appropriate data and information, maintaining patient and client confidentiality in accordance with state and federal requirements;

(14) collect data in the most cost-efficient and effective method feasible and adopt rules that place a limit on the maximum amount of unreimbursed costs that a data source can incur in any year for the purposes of complying with the data requirements of the Health Information System Act; and

(15) identify disparities in health care access and quality by aggregating the information collected pursuant to Paragraph (1) of this subsection by population subgroups to include race, ethnicity, gender and age."

## **Chapter 15 Section 3 Laws 2012**

**SECTION 3.** Section 24-14A-4 NMSA 1978 (being Laws 1989, Chapter 29, Section 4, as amended) is amended to read:

"24-14A-4. HEALTH INFORMATION SYSTEM--APPLICABILITY.--

A. All data sources shall participate in the health information system. Requests for health data under the Health Information System Act from a member of a data source category shall, where reasonable and equitable, be made to all members of that data source category.

B. Upon making any request for health data pursuant to the Health Information System Act, the department shall provide reasonable deadlines for

compliance and shall give notice that noncompliance may subject the person to a civil penalty pursuant to Section 24-14A-10 NMSA 1978.

C. To the extent possible, the health information system shall be established in a manner to facilitate the exchange of information with other databases, including those maintained by the Indian health service and various agencies of the federal government."

## **Chapter 15 Section 4 Laws 2012**

**SECTION 4.** Section 24-14A-4.1 NMSA 1978 (being Laws 1994, Chapter 59, Section 11, as amended) is amended to read:

"24-14A-4.1. ANNUAL REVIEW OF DATA NEEDS.--At least once each year, the department shall review its data collection requirements to determine the relevancy of the data elements on which it collects data and review its regulations and procedures for collecting, analyzing and reporting data for efficiency, effectiveness and appropriateness. The review shall consider the cost incurred by data sources to collect and submit data."

## **Chapter 15 Section 5 Laws 2012**

**SECTION 5.** Section 24-14A-4.2 NMSA 1978 (being Laws 1994, Chapter 59, Section 12) is amended to read:

"24-14A-4.2. INVESTIGATORY POWERS.--The department has the right to verify the accuracy of data provided by any data source. The verification may include requiring the data source to submit documentation sufficient to verify the accuracy of the data in question or to provide direct inspection during normal business hours of only the records and documents that pertain directly to the data in question; provided that no data source shall be required to expend more than twenty-five thousand dollars (\$25,000) each year to comply with the provisions of this section."

## **Chapter 15 Section 6 Laws 2012**

**SECTION 6.** Section 24-14A-4.3 NMSA 1978 (being Laws 1994, Chapter 59, Section 15) is amended to read:

"24-14A-4.3. AGENCY COOPERATION.--All state agencies and political subdivisions shall cooperate with and assist the department in carrying out the provisions of the Health Information System Act, including sharing information and joining in any appropriate health information system."

## **Chapter 15 Section 7 Laws 2012**

**SECTION 7.** Section 24-14A-6 NMSA 1978 (being Laws 1989, Chapter 29, Section 6, as amended) is amended to read:

"24-14A-6. HEALTH INFORMATION SYSTEM--ACCESS.--

A. Access to data in the health information system shall be provided in accordance with regulations adopted by the department pursuant to the Health Information System Act.

B. A data provider may obtain data it has submitted to the system, as well as aggregate data, but, except as provided in Subsection D of this section, it shall not have access to data submitted by another provider that is limited only to that provider. Except as provided in Subsection D of this section, in no event may a data provider obtain data regarding an individual patient except in instances where the data were originally submitted by the requesting provider. Prior to the release of any data, in any form, data sources shall be permitted the opportunity to verify the accuracy of the data pertaining to that data source. Data identified in writing as inaccurate shall be corrected prior to the data's release. Time limits shall be set for the submission and review of data by data sources, and penalties shall be established for failure to submit and review the data within the established time.

C. Any person may obtain any aggregate data.

D. Through a secure delivery or transmission process, the department may share record-level data with a federal agency that is authorized to collect, analyze or disseminate health information. The department shall remove identifiable individual or provider information from the record-level data prior to its disclosure to the federal agency. In providing hospital information under an agreement or arrangement with a federal agency, the department shall ensure that any identifiable hospital information disclosed is necessary for the agency's authorized use and that its disclosure meets with state and federal privacy and confidentiality laws, rules and regulations."

## **Chapter 15 Section 8 Laws 2012**

**SECTION 8.** Section 24-14A-7 NMSA 1978 (being Laws 1989, Chapter 29, Section 7, as amended) is amended to read:

"24-14A-7. HEALTH INFORMATION SYSTEM--REPORTS.--

A. A report in printed format that provides information of use to the general public shall be produced annually. The report shall be made available upon request. The department may make the report available on tape or other electronic format.

B. The department shall provide an annual report of its activities, including health care system statistics, to the legislature. The report shall be submitted by November 15 each year."



## **Chapter 15 Section 9 Laws 2012**

**SECTION 9.** Section 24-14A-8 NMSA 1978 (being Laws 1989, Chapter 29, Section 8, as amended) is amended to read:

"24-14A-8. HEALTH INFORMATION SYSTEM--CONFIDENTIALITY.--

A. Health information collected and disseminated pursuant to the Health Information System Act is strictly confidential and shall not be a matter of public record or accessible to the public except as provided in Sections 24-14A-6 and 24-14A-7 NMSA 1978. No data source shall be liable for damages to any person for having furnished the information to the department.

B. Record-level data provided to the department pursuant to Section 24-14A-6 NMSA 1978 are confidential. The agency that receives record-level data shall not disclose the data except to the extent that they are included in a compilation of aggregate data.

C. The individual forms, electronic information or other forms of data collected by and furnished for the health information system shall not be public records subject to inspection pursuant to Section 14-2-1 NMSA 1978. Compilations of aggregate data prepared for release or dissemination from the data collected, except for a report prepared for an individual data provider or the provider's designee containing information concerning only its transactions, shall be public records."

## **Chapter 15 Section 10 Laws 2012**

**SECTION 10.** Section 24-14A-9 NMSA 1978 (being Laws 1989, Chapter 29, Section 9, as amended) is amended to read:

"24-14A-9. HEALTH INFORMATION SYSTEM--FEES.--Except for the annual reports required pursuant to the Health Information System Act, the department may collect a fee of up to one hundred dollars (\$100) per hour to offset partially the costs of producing public-use data aggregations or data for single use special studies. Entities contributing data to the system shall be charged reduced rates. Rates shall be established by regulation and shall be reviewed annually. Fees collected pursuant to this section are appropriated to the department to carry out the provisions of the Health Information System Act."

## **Chapter 15 Section 11 Laws 2012**

**SECTION 11.** TEMPORARY PROVISION--TRANSFER OF PROPERTY, RECORDS AND CONTRACTS DIRECTLY RELATED TO DATA COLLECTION, ANALYSIS AND DISSEMINATION DUTIES UNDER THE HEALTH INFORMATION SYSTEM ACT FROM THE NEW MEXICO HEALTH POLICY COMMISSION TO THE DEPARTMENT OF HEALTH.--On July 1, 2012:

A. all appropriations, money, records, equipment, supplies and other property directly related to the collection, analysis and dissemination of health information data pursuant to the Health Information System Act shall be transferred from the New Mexico health policy commission to the department of health; and

B. all contracts directly related to the collection, analysis and dissemination of health information data pursuant to the Health Information System Act shall be binding and effective on the department of health.

---

House Bill 18

Approved March 1, 2012

## **LAWS 2012, CHAPTER 16**

### **AN ACT**

RELATING TO HEALTH CARE; AMENDING SECTIONS OF THE HEALTH CARE WORK FORCE DATA COLLECTION, ANALYSIS AND POLICY ACT TO DIRECT THAT THE UNIVERSITY OF NEW MEXICO ASSUME DATA-RELATED DUTIES PURSUANT TO THAT ACT; PROVIDING THE DEPARTMENT OF HEALTH ACCESS TO DATA; TRANSFERRING ALL DATA, APPROPRIATIONS, PROPERTY, PERSONNEL, RECORDS AND CONTRACTS RELATED TO DATA COLLECTION, ANALYSIS, STORAGE OR USE UNDER THE HEALTH CARE WORK FORCE DATA COLLECTION, ANALYSIS AND POLICY ACT FROM THE DEPARTMENT OF HEALTH TO THE UNIVERSITY OF NEW MEXICO.

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

### **Chapter 16 Section 1 Laws 2012**

**SECTION 1.** Section 24-14C-1 NMSA 1978 (being Laws 2011, Chapter 152, Section 1) is amended to read:

"24-14C-1. SHORT TITLE.--Chapter 24, Article 14C NMSA 1978 may be cited as the "Health Care Work Force Data Collection, Analysis and Policy Act"."

### **Chapter 16 Section 2 Laws 2012**

**SECTION 2.** Section 24-14C-2 NMSA 1978 (being Laws 2011, Chapter 152, Section 2) is amended to read:

"24-14C-2. DEFINITIONS.--As used in the Health Care Work Force Data Collection, Analysis and Policy Act:

A. "board" means any state health care work force licensing or regulatory board, including the New Mexico medical board; the board of osteopathic medical examiners; the New Mexico board of dental health care; the board of nursing; the board of pharmacy; any other licensing or regulatory board that the chancellor designates; any other health professional licensing board listed in Chapter 61 NMSA 1978; and the university;

B. "chancellor" means the chancellor for health sciences of the university of New Mexico;

C. "database" means the health care work force database created pursuant to the Health Care Work Force Data Collection, Analysis and Policy Act;

D. "ethnicity" means an individual's self-identification or affiliation as either "Hispanic or Latino" or "not Hispanic or Latino" according to cultural, historical, linguistic or religious ties;

E. "New Mexico center for health care workforce analysis" means a state entity that collects, analyzes and reports data regarding the state's health care work force and collaborates with the federal national center for health care workforce analysis pursuant to Section 5103 of the federal Patient Protection and Affordable Care Act;

F. "race" means an individual's self-identification or affiliation with one of the following categories used to identify individuals according to historical or phenotypical characteristics:

(1) American Indian or Alaska Native;

(2) Asian;

(3) Black or African American;

(4) Native Hawaiian or other Pacific Islander;

(5) White; or

(6) a mixture of any of the categories listed in Paragraphs (1) through (5) of this subsection; and

G. "university" means the university of New Mexico."

## **Chapter 16 Section 3 Laws 2012**

**SECTION 3.** Section 24-14C-3 NMSA 1978 (being Laws 2011, Chapter 152, Section 3) is amended to read:

"24-14C-3. HEALTH CARE WORK FORCE DATABASE--COLLECTION OF DATA-- HOUSING OF DATA--ANALYSIS AND REPORTING.--

A. Subject to the availability of state, federal or private foundation funding or other sources of funding, the chancellor shall create and maintain the "health care work force database". The chancellor shall:

(1) enter into agreements with entities to create, house and provide information to state agencies, the legislature and the governor and, as the legislature or governor deems appropriate, any others regarding the state's health care work force; and

(2) seek federal or other sources of funding to create a New Mexico center for health care workforce analysis and to ensure the additional funding and staffing needed to achieve the anticipated outcomes.

B. A board shall supply the university with data pertaining to licensed health care providers for inclusion in the database. A board shall collect a core essential data set at the time of new licensure or licensure renewal, including, but not limited to, a provider's:

(1) demographics, including race, ethnicity and primary and other languages spoken;

(2) practice status, including, but not

limited to:

(a) active practices in New Mexico and other locations;

(b) practice type; and

(c) practice settings, such as hospitals, public schools, higher education institutions, clinics and other clinical settings;

(3) education, training and primary and secondary specialties for all health professions as appropriate;

(4) average hours worked per week and the average number of weeks worked per year in the licensed profession over the past twelve months;

(5) percentage of practice engaged in direct patient care and in other activities, such as teaching, research and administration, in the licensed profession;

(6) practice plans for the next five years, including retiring from a health care profession, moving out of state or changing health care work hours; and

(7) professional liability insurance costs and availability as they relate to barriers to practice.

C. The chancellor shall provide to the department of health, in a manner that conforms to department of health rules, access to health care work force data that the university administers pursuant to the Health Care Work Force Data Collection, Analysis and Policy Act."

## **Chapter 16 Section 4 Laws 2012**

**SECTION 4.** Section 24-14C-4 NMSA 1978 (being Laws 2011, Chapter 152, Section 4) is amended to read:

"24-14C-4. DATABASE ESTABLISHMENT AND MAINTENANCE--  
DELEGATION.--

A. The chancellor may contract and collaborate with a private or public entity to establish and maintain the database, to analyze data collected, to develop reports for the legislature or the executive branch or to perform other duties to carry out the provisions of the Health Care Work Force Data Collection, Analysis and Policy Act.

B. An entity that establishes, maintains or analyzes data or develops reports by contract pursuant to Subsection A of this section shall provide to the department of health, in a manner that conforms to department of health rules, access to any health care work force data that the entity establishes, maintains, analyzes or reports."

## **Chapter 16 Section 5 Laws 2012**

**SECTION 5.** Section 24-14C-5 NMSA 1978 (being Laws 2011, Chapter 152, Section 5) is amended to read:

"24-14C-5. HEALTH CARE WORK FORCE DATA COLLECTION BY BOARDS--  
MANDATORY COMPLIANCE FOR APPLICANTS--REPORTING BY BOARDS--  
CONFIDENTIALITY OF DATA--RULEMAKING.--

A. An applicant for a license from a board or renewal of a license by a board shall provide the information prescribed by the chancellor pursuant to Subsection

C of this section. This section applies to applicants for health professional licensure or renewal of health professional licensure pursuant to Chapter 61 NMSA 1978.

B. A board shall not approve a subsequent application for a license or renewal of a license until the applicant provides the information pursuant to Subsection C of this section.

C. A board shall adopt rules regarding the manner, form and content of reporting data; the consistency of data entry fields used; and the information that an applicant, pursuant to Subsection A of this section, shall provide to a board. At a minimum, the rules shall provide for a core essential data set, including the applicant's:

(1) demographics, including race, ethnicity and primary and other languages spoken;

(2) practice status, including, but not limited to:

(a) active practices in New Mexico and other locations;

(b) practice type; and

(c) practice settings, such as hospital, clinic or other clinical settings;

(3) education, training and primary and secondary specialties;

(4) average hours worked per week and the average number of weeks worked per year in the licensed profession;

(5) percentage of practice engaged in direct patient care and in other activities, such as teaching, research and administration, in the licensed profession; and

(6) practice plans for the next five years, including retiring from the health care profession, moving out of state or changing health care work hours.

D. A board shall report health care work force information collected pursuant to this section to the chancellor.

E. A board shall keep confidential and not release personally identifiable data collected under this section for any person licensed, registered or certified by the board. The provisions of this subsection do not apply to the release of information to a law enforcement agency for investigative purposes or to the release to the chancellor for state health planning purposes. A person with whom the university contracts to perform data collection, storage and analysis shall protect the privacy of that data. The chancellor shall ensure that the responses of applicants shall be kept confidential,

including taking special precautions when the identity of an applicant may be ascertained due to the applicant's location or occupation.

F. A board shall promulgate rules as necessary to perform the board's duties pursuant to this section, including rules for collecting, storing and analyzing data in addition to the information required to be collected by the Health Care Work Force Data Collection, Analysis and Policy Act."

## **Chapter 16 Section 6 Laws 2012**

**SECTION 6.** Section 24-14C-6 NMSA 1978 (being Laws 2011, Chapter 152, Section 6) is amended to read:

"24-14C-6. HEALTH CARE WORK FORCE WORK GROUP--WORK FORCE DATA ANALYSIS--RECRUITMENT PLANNING--STRATEGIC PLAN FOR IMPROVING HEALTH CARE ACCESS--WORK FORCE SURVEY.--The chancellor for health sciences of the university of New Mexico shall convene a health care work force work group that includes representatives of health care consumers; health care providers; organized groups representing physicians, physician assistants, nurses, nurse practitioners, dentists, dental hygienists and pharmacists; health care work force training institutions; the department of health; the public education department; the higher education department; and the boards. The work group shall:

A. analyze and make recommendations to the legislature regarding incentives to attract qualified individuals, including those from minority groups underrepresented among health care professions, to pursue health care education and practice in New Mexico;

B. develop a short-term plan and a five-year plan to improve health care access, with a draft report on the plans to be submitted to the interim legislative health and human services committee by November 1, 2011. Beginning October 1, 2012, the work group shall make detailed annual reports to the legislative health and human services committee by October 1 of each year;

C. analyze the collected data and make recommendations to the legislature for building healthier communities and improving health outcomes; and

D. devise an electronic survey, designed to be completed by applicants within fifteen minutes, for boards to provide to applicants for licensure or renewal of licensure, which includes questions regarding the information required pursuant to Subsection C of Section 24-14C-5 NMSA 1978 and any other survey questions that the chancellor and the work group deem appropriate."

## **Chapter 16 Section 7 Laws 2012**

**SECTION 7.** Laws 2011, Chapter 152, Section 7 is amended to read:

**"SECTION 7. TEMPORARY PROVISION--APPLICATION FOR GRANTS PURSUANT TO THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT.--**In order to carry out the provisions set forth in the Health Care Work Force Data Collection, Analysis and Policy Act, the chancellor for health sciences of the university of New Mexico shall seek funding pursuant to Section 5102 of the federal Patient Protection and Affordable Care Act, as well as funding from any other source, public or private, that the chancellor deems appropriate."

## **Chapter 16 Section 8 Laws 2012**

**SECTION 8. TEMPORARY PROVISION--TRANSFER OF DATA, APPROPRIATIONS, PROPERTY, PERSONNEL, RECORDS AND CONTRACTS TO THE BOARD OF REGENTS OF THE UNIVERSITY OF NEW MEXICO.--**On July 1, 2012:

A. all data, appropriations, property, personnel and records related to data collection, analysis, storage or use pursuant to the Health Care Work Force Data Collection, Analysis and Policy Act shall be transferred from the department of health to the university of New Mexico; and

B. any contracts related to data collection, analysis, storage or use that are binding on the department of health pursuant to the Health Care Work Force Data Collection, Analysis and Policy Act shall be binding on the board of regents of the university of New Mexico.

---

HHGAC/House Bill 19

Approved March 1, 2012

## **LAWS 2012, CHAPTER 17**

AN ACT

RELATING TO 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 17 Section 1 Laws 2012**

**SECTION 1. AUTHORIZATION OF PROJECTS.--**Pursuant to the provisions of 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 qualified 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 city of Belen in Valencia county for a flood prevention project;
2. to the city of Grants in Cibola county for a flood prevention project;
3. to the middle Rio Grande conservancy district in Socorro county for a flood prevention project;
4. to the village of Milan in Cibola county for a flood prevention project;
5. to Socorro county for a flood prevention project;
6. to the city of Socorro in Socorro county for a flood prevention project;
7. to the Agua Sana water users association in Rio Arriba county for a water conservation, treatment, recycling or reuse project;
8. to the city of Hobbs in Lea county for a water conservation, treatment, recycling or reuse project;
9. to the city of Las Vegas in San Miguel county for a water conservation, treatment, recycling or reuse project;
10. to the lower Rio Grande public water works authority in Dona Ana county for a water conservation, treatment, recycling or reuse project;
11. to the city of Moriarty in Torrance county for a water conservation, treatment, recycling or reuse project;
12. to Dona Ana county for a water conservation, treatment, recycling or reuse project;
13. to acequia del Monte del Rio Chiquito in Taos county for a water storage, conveyance and delivery project;
14. to the Agua Fria community water system association in Santa Fe county for a water conservation, treatment, recycling or reuse project;
15. to the Albuquerque-Bernalillo county water utility authority in Bernalillo county for a water storage, conveyance and delivery project;
16. to the Alto lakes water and sanitation district in Lincoln county for a water storage, conveyance and delivery project;

17. to the Canoncito at Apache Canyon mutual domestic water consumers association and mutual sewage works association in Santa Fe county for a water storage, conveyance and delivery project;

18. to the village of Capitan in Lincoln county for a water storage, conveyance and delivery project;

19. to the town of Carrizozo in Lincoln county for a water storage, conveyance and delivery project;

20. to the greater Chimayo mutual domestic water association in Santa Fe and Rio Arriba counties for a water storage, conveyance and delivery project;

21. to the Cordova mutual domestic water consumers association in Rio Arriba county for a water storage, conveyance and delivery project;

22. to the city of Deming in Luna county for a water storage, conveyance and delivery project;

23. to the Dona Ana mutual domestic water consumers association in Dona Ana county for a water storage, conveyance and delivery project;

24. to the eastern New Mexico water utility authority in Curry, Quay and Roosevelt counties for a water storage, conveyance and delivery project;

25. to El Creston mutual domestic water consumers association in San Miguel county for a water storage, conveyance and delivery project;

26. to El Prado water and sanitation district in Taos county for a water storage, conveyance and delivery project;

27. to El Valle de Los Ranchos water and sanitation district in Taos county for a water storage, conveyance and delivery project;

28. to the Eldorado area water and sanitation district in Santa Fe county for a water storage, conveyance and delivery project;

29. to the Eldorado area water and sanitation district in Santa Fe county for a water storage, conveyance and delivery project;

30. to the town of Estancia in Torrance county for a water storage, conveyance and delivery project;

31. to the city of Eunice in Lea county for a water storage, conveyance and delivery project;

32. to the city of Gallup in McKinley county for a water storage, conveyance and delivery project;
33. to the greater Glorieta community regional mutual domestic water consumers and sewage works association in Santa Fe county for a water storage, conveyance and delivery project;
34. to the village of Hatch in Dona Ana county for a water storage, conveyance and delivery project;
35. to the Pueblo of Laguna in Cibola county for a water storage, conveyance and delivery project;
36. to the city of Las Vegas in San Miguel county for a water storage, conveyance and delivery project;
37. to Los Ojos mutual domestic water consumers and sewage works association in Rio Arriba county for a water storage, conveyance and delivery project;
38. to McKinley county for a water storage, conveyance and delivery project;
39. to the city of Moriarty in Torrance county for a water storage, conveyance and delivery project;
40. to the Otis mutual domestic water consumers and sewage works association in Eddy county for a water storage, conveyance and delivery project;
41. to the Santa Cruz water association in Rio Arriba county for a water storage, conveyance and delivery project;
42. to Santa Fe county for a water storage, conveyance and delivery project;
43. to Santa Fe county for a water storage, conveyance and delivery project;
44. to the town of Springer in Colfax county for a water storage, conveyance and delivery project;
45. to the village of Taos Ski Valley in Taos county for a water storage, conveyance and delivery project;
46. to the town of Taos in Taos county for a water storage, conveyance and delivery project;

47. to the city of Tucumcari in Quay county for a water storage, conveyance and delivery project;

48. to the village of Wagon Mound in Mora county for a water storage, conveyance and delivery project;

49. to the Canadian River soil and water conservation district in Harding county for a watershed restoration and management project;

50. to the Claunch-Pinto soil and water conservation district in Bernalillo, Santa Fe, Taos and Torrance counties for a watershed restoration and management project;

51. to the Claunch-Pinto soil and water conservation district in Lincoln, Socorro, Torrance and Valencia counties for a watershed restoration and management project;

52. to the city of Raton in Colfax county for a watershed restoration and management project;

53. to Santa Fe county for a watershed restoration and management project;

54. to the Upper Hondo soil and water conservation district in Lincoln county for a watershed restoration and management project; and

55. to the Ute Creek soil and water conservation district in Harding county for a watershed restoration and management project.

## **Chapter 17 Section 2 Laws 2012**

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

---

House Bill 95, aa, w/ec

Approved March 1, 2012

# **LAWS 2012, CHAPTER 18**

AN ACT

RELATING TO SOLE COMMUNITY PROVIDER FUNDING; PROVIDING FOR FUNDS THAT MAY BE COUNTED IN THE COUNTY CONTRIBUTION FOR SUPPORT OF SOLE COMMUNITY PROVIDER PAYMENTS; DECLARING AN EMERGENCY.

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

## **Chapter 18 Section 1 Laws 2012**

**SECTION 1.** Section 27-5-4 NMSA 1978 (being Laws 1965, Chapter 234, Section 4, as amended) is amended to read:

"27-5-4. DEFINITIONS.--As used in the Indigent Hospital and County Health Care Act:

A. "alcohol rehabilitation center" means an agency of local government, a state agency, a private nonprofit entity or combination thereof that operates alcohol abuse rehabilitation programs that meet the standards set by the department of health;

B. "ambulance provider" or "ambulance service" means a specialized carrier based within the state authorized under provisions and subject to limitations as provided in individual carrier certificates issued by the public regulation commission to transport persons alive, dead or dying en route by means of ambulance service. The rates and charges established by public regulation commission tariff shall govern as to allowable cost. Also included are air ambulance services approved by the board. The air ambulance service charges shall be filed and approved pursuant to Subsection D of Section 27-5-6 NMSA 1978 and Section 27-5-11 NMSA 1978;

C. "board" means a county indigent hospital and county health care board;

D. "commission" means the New Mexico health policy commission or the commission's successor agency;

E. "cost" means all allowable costs of providing health care services, to the extent determined by resolution of a board, for an indigent patient. Allowable costs shall be based on medicaid fee-for-service reimbursement rates for hospitals, licensed medical doctors and osteopathic physicians;

F. "county" means a county except a class A county with a county hospital operated and maintained pursuant to a lease with a state educational institution named in Article 12, Section 11 of the constitution of New Mexico;

G. "department" means the human services department;

H. "drug rehabilitation center" means an agency of local government, a state agency, a private nonprofit entity or combination thereof that operates drug abuse

rehabilitation programs that meet the standards and requirements set by the department of health;

I. "fund" means a county indigent hospital claims fund;

J. "health care provider" means:

(1) a nursing home;

(2) an in-state home health agency;

(3) an in-state licensed hospice;

(4) a community-based health program operated by a political subdivision of the state or other nonprofit health organization that provides prenatal care delivered by New Mexico licensed, certified or registered health care practitioners;

(5) a community-based health program operated by a political subdivision of the state or other nonprofit health care organization that provides primary care delivered by New Mexico licensed, certified or registered health care practitioners;

(6) a drug rehabilitation center;

(7) an alcohol rehabilitation center;

(8) a mental health center;

(9) a licensed medical doctor, osteopathic physician, dentist, optometrist or expanded practice nurse when providing emergency services, as determined by the board, in a hospital to an indigent patient; or

(10) a licensed medical doctor or osteopathic physician, dentist, optometrist or expanded practice nurse when providing services in an outpatient setting, as determined by the board, to an indigent patient with a life-threatening illness or disability;

K. "health care services" means treatment and services designed to promote improved health in the county indigent population, including primary care, prenatal care, dental care, provision of prescription drugs, preventive care or health outreach services, to the extent determined by resolution of the board;

L. "hospital" means a general or limited hospital licensed by the department of health, whether nonprofit or owned by a political subdivision, and may include by resolution of a board the following health facilities if licensed or, in the case of out-of-state hospitals, approved by the department of health:

(1) for-profit hospitals;

(2) state-owned hospitals; or

(3) licensed out-of-state hospitals where treatment provided is necessary for the proper care of an indigent patient when that care is not available in an in-state hospital;

M. "indigent patient" means a person to whom an ambulance service, a hospital or a health care provider has provided medical care, ambulance transportation or health care services and who can normally support the person's self and the person's dependents on present income and liquid assets available to the person but, taking into consideration the person's income, assets and requirements for other necessities of life for the person and the person's dependents, is unable to pay the cost of the ambulance transportation or medical care administered or both; provided that if the definition of "indigent patient" is adopted by a board in a resolution, the definition shall not include any person whose annual income together with that person's spouse's annual income totals an amount that is fifty percent greater than the per capita personal income for New Mexico as shown for the most recent year available in the survey of current business published by the United States department of commerce. Every board that has a balance remaining in the fund at the end of a given fiscal year shall consider and may adopt at the first meeting of the succeeding fiscal year a resolution increasing the standard for indigency; "indigent patient" includes a minor who has received ambulance transportation or medical care or both and whose parent or the person having custody of that minor would qualify as an indigent patient if transported by ambulance, admitted to a hospital for care or treated by a health care provider;

N. "medicaid eligible" means a person who is eligible for medical assistance from the department;

O. "mental health center" means a not-for-profit center that provides outpatient mental health services that meet the standards set by the department of health;

P. "planning" means the development of a countywide or multicounty health plan to improve and fund health services in the county based on the county's needs assessment and inventory of existing services and resources and that demonstrates coordination between the county and state and local health planning efforts;

Q. "public entity" means a state, local or tribal government or other political subdivision or agency of that government;

R. "sole community provider hospital" means:

(1) a hospital that is a sole community provider hospital under the provisions of the federal medicare guidelines; or

(2) an acute care general hospital licensed by the department of health that is qualified, pursuant to rules adopted by the state agency primarily responsible for the medicaid program, to receive distributions from the sole community provider fund; and

S. "tribal" means of or pertaining to a federally recognized Indian nation, tribe or pueblo."

## **Chapter 18 Section 2 Laws 2012**

**SECTION 2.** Section 27-5-6.1 NMSA 1978 (being Laws 1993, Chapter 321, Section 18) is amended to read:

"27-5-6.1. SOLE COMMUNITY PROVIDER FUND CREATED.--

A. The "sole community provider fund" is created in the state treasury. The sole community provider fund, which shall be administered by the department, shall consist of funds provided by counties through intergovernmental transfers from counties, other public entities or other public funds or expenditures determined by the department and the federal government as allowable to match federal funds for medicaid sole community provider hospital payments. Money in the fund shall be invested by the state treasurer as other state funds are invested. Any unexpended or unencumbered balance remaining in the fund at the end of any fiscal year shall not revert.

B. Money in the sole community provider fund is appropriated to the department to make sole community provider hospital payments pursuant to the state medicaid program. No sole community provider hospital payments or money in the sole community provider fund shall be used to supplant any general fund support for the state medicaid program.

C. Money in the sole community provider fund shall be remitted back to the individual counties from which it came if federal medicaid matching funds are not received for medicaid sole community provider hospital payments."

## **Chapter 18 Section 3 Laws 2012**

**SECTION 3.** Section 27-5-12.2 NMSA 1978 (being Laws 1993, Chapter 321, Section 15, as amended) is amended to read:

"27-5-12.2. DUTIES OF THE COUNTY--SOLE COMMUNITY PROVIDER HOSPITAL PAYMENTS.--A county that authorizes payment for services to a sole community provider hospital shall:



A. determine eligibility for benefits and determine an amount payable on each claim for services to indigent patients from sole community provider hospitals;

B. notify the sole community provider hospital of its decision on each request for payment while not actually reimbursing the hospital for the services that are reimbursed with federal funds under the state medicaid program;

C. confirm the amount of the sole community provider hospital payments authorized for each hospital for the past fiscal year by September 30 of the current fiscal year based on a report prepared by the hospital using a format jointly prescribed by the counties and hospitals that provides aggregate data, including the number of indigent patients served and the total cost of uncompensated care provided by the hospital;

D. negotiate agreements with each sole community provider hospital providing services for county residents on the anticipated amount of the payments for the following fiscal year; provided that the agreements shall be in compliance with federal regulations regarding intergovernmental transfers and provider contributions and shall not include provisions for reimbursements to counties of matching and sole community provider fund allocations; and

E. provide the department by January 15 of each year, or on a date determined by the secretary of human services and provided to each county by January 15 of each year, with the budgeted amount of sole community provider

hospital payments, by hospital, for the following fiscal year."

## **Chapter 18 Section 4 Laws 2012**

**SECTION 4. REPEAL.**--Section 27-5-4.1 NMSA 1978 (being Laws 1978, Chapter 123, Section 2) is repealed.

## **Chapter 18 Section 5 Laws 2012**

**SECTION 5. EMERGENCY.**--It is necessary for the public peace, health and safety that this act take effect immediately.

---

HFL/House Bill 323, w/ec

Approved March 1, 2012

# **LAWS 2012, CHAPTER 19**

## 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 19 Section 1 Laws 2012**

Section 1. **SHORT TITLE.**--This act may be cited as the "General Appropriation Act of 2012".

### **Chapter 19 Section 2 Laws 2012**

Section 2. **DEFINITIONS.**--As used in the General Appropriation Act of 2012:

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 Lands Leasing Act;

E. "full-time equivalent" or "FTE" means one or more authorized positions that alone or together receives or receive compensation for not more than two thousand eighty hours worked in fiscal year 2013. 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 2012;

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 2012;

(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 19 Section 3 Laws 2012**

### 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 2012, or so much as may be necessary, are appropriated from the indicated source for expenditure in fiscal year 2013 for the objects expressed.

D. Unexpended balances in agency accounts remaining at the end of fiscal year 2012 shall revert to the general fund by October 1, 2012, unless otherwise indicated in the General Appropriation Act of 2012 or otherwise provided by law.

E. Unexpended balances in agency accounts remaining at the end of fiscal year 2013 shall revert to the general fund by October 1, 2013, unless otherwise indicated in the General Appropriation Act of 2012 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 2012, appropriations are made in that act for the expenditures of agencies and for other purposes as required by existing law for fiscal year 2013. If any other act of the second session of the fiftieth 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 2012 shall 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 2013 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.] LINE-ITEM VETOED~~

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. For fiscal year 2013, the number of permanent and term full-time equivalent positions specified for each agency shows the maximum number of employees intended by the legislature for that agency, unless another provision of the General Appropriation Act of 2012 or another act of the second session of the fiftieth legislature provides for additional employees. For purposes of the General Appropriation Act of 2012 and any other act of the second session of the fiftieth legislature, no employee shall be deemed to have an annual salary greater than twenty thousand dollars (\$20,000) unless the employee's full-time equivalent base annual salary is greater than that amount or unless the employee's base hourly wage is greater than nine dollars fifty-seven and nine tenths cents (\$9.579).] LINE-ITEM VETOED~~

K. 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 2012 may be expended for payment of agency-issued credit card invoices.

L. To prevent unnecessary spending, expenditures from the General Appropriation Act of 2012 for gasoline for state-owned vehicles at public gasoline service stations shall be made only for self-service gasoline provided that a state agency head may provide exceptions from the requirement to accommodate disabled persons or for other reasons the public interest may require.

M. For the purpose of administering the General Appropriation Act of 2012, 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 19 Section 4 Laws 2012

Item	General State Fund	Other Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
------	--------------------	-------------	-------------------------------------	---------------	--------------

Section 4. FISCAL YEAR 2013 APPROPRIATIONS.--

### A. LEGISLATIVE

**LEGISLATIVE COUNCIL SERVICE:**

(1) Legislative building services:

Appropriations:

(a)	Personal services and employee benefits	2,659.2	2,659.2
(b)	Contractual services	97.3	97.3
(c)	Other	1,125.1	1,125.1

Authorized FTE: 49.00 Permanent

(2) Energy council dues:

Appropriations:	32.0	32.0
Subtotal		3,913.6
TOTAL LEGISLATIVE	3,913.6	3,913.6

**B. JUDICIAL**

**SUPREME COURT LAW LIBRARY:**

The purpose of the supreme court law library is to provide and produce legal information for the judicial, legislative and executive branches of state government, the legal community and the public at large so they may have equal access to the law, effectively address the courts, make laws and write regulations, better understand the legal system, and conduct their affairs in accordance with the principles of law.

Appropriations:

(a)	Personal services and employee benefits	628.9	628.9
(b)	Contractual services	380.4 1.8	382.2
(c)	Other	496.3	496.3

Authorized FTE: 8.00 Permanent

Performance measures:

(a) Output: Number of research requests	8,000
Subtotal	1,507.4

**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) Personal services and			
employee benefits	506.6		506.6
(b) Contractual services	939.7	400.0	1,339.7
(c) Other	133.0		133.0

Authorized FTE: 5.00 Permanent; 1.00 Term

Subtotal	1,979.3
----------	---------

**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) Personal services and			
employee benefits	607.2		607.2
(b) Contractual services	28.0		28.0
(c) Other	107.7	25.0	132.7

Authorized FTE: 7.00 Permanent

Performance measures:

(a) Efficiency: On knowledge of cause for emergency interim suspension,

time for commission to file petition for temporary  
suspension, in days 4

Subtotal 767.9

### **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) Personal services and employee benefits	5,051.0	5,051.0
(b) Contractual services	75.8	75.8
(c) Other	387.5 1.0	388.5

Authorized FTE: 61.50 Permanent

#### Performance measures:

(a) Explanatory:	Cases disposed as a percent of cases filed	95%
------------------	--------------------------------------------	-----

Subtotal 5,515.3

### **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) Personal services and employee benefits	2,777.0	2,777.0
(b) Contractual services	14.2	14.2
(c) Other	88.1	88.1



Authorized FTE: 34.00 Permanent

Notwithstanding the provisions of Sections 35-8-7 and 38-5-15 NMSA 1978, the supreme court has the authority to reduce juror pay as needed to stay within the appropriation for the jury and witness fund.

Performance measures:

(a) Explanatory: Cases disposed as a percent of cases filed 98%

Subtotal 2,879.3

**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	3,034.9	50.0	75.0	3,159.9	
(b)	Contractual services	491.8	100.0	469.4	634.8	1,696.0
(c)	Other	3,744.5	2,025.0	100.0	256.3	6,125.8

Authorized FTE: 38.80 Permanent; 3.00 Term

Performance measures:

(a) Output: Average cost per juror \$50

(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	2,306.2	2,391.9	4,698.1
(b)	Contractual services		1,066.2	1,066.2

(c) Other 230.4 2,960.7 3,191.1

Authorized FTE: 42.50 Permanent; 9.00 Term

Performance measures:

(a) Quality: Percent of accurate driving-while-intoxicated court reports 98%

(b) Quality: Average time to respond to automation calls for assistance,  
in minutes 25

(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	17,126.4	2,478.1	19,604.5	
(b) Contractual services	40.2	498.3	200.0	738.5
(c) Other	6,042.6	1,365.4	600.0	8,008.0

Authorized FTE: 284.50 Permanent; 57.50 Term

Performance measures:

(a) Outcome: Bench warrant revenue collected annually, in millions \$2.8

(b) Explanatory: Percent of cases disposed as a percent of cases filed 95%

(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) Personal services and employee benefits	431.1	431.1
------------------------------------------------	-------	-------

(b)	Contractual services	5,575.0	291.6	5,866.6
(c)	Other 20.6	20.6		
(d)	Other financing uses	1,656.8	648.4	2,305.2

Authorized FTE: 4.50 Permanent

Notwithstanding the provisions of Section 11-6A-3 NMSA 1978 or other substantive law, the internal service funds/interagency transfers appropriation to the special court services program of the administrative office of the courts in the other financing uses category includes five hundred thousand dollars (\$500,000) from the local DWI grant fund for drug courts. Any unexpended balances from appropriations made from the local DWI grant fund remaining at the end of fiscal year 2013 shall revert to the local DWI grant fund.

~~[The general fund appropriation to the special court services program of the administrative office of the courts in the other financing uses category includes twenty-two thousand dollars (\$22,000) to support the operations of the judicial nominating commission.] LINE-ITEM VETOED~~

Performance measures:

(a) Output: Number of required events attended by attorneys in abuse and neglect cases 7,000

(b) Output: Number of cases to which court-appointed special advocates volunteers are assigned 1,000

(c) Output: Number of monthly supervised child visitations and exchanges conducted 1,000

Subtotal 56,911.6

### **SUPREME COURT BUILDING COMMISSION:**

The purpose of the supreme court building commission is to retain custody and control of the supreme court building and its grounds, to provide care, preservation, repair, cleaning, heating and lighting and to hire necessary employees for these purposes.

Appropriations:

(a)	Personal services and employee benefits	665.1	665.1	
(b)	Contractual services	10.7		10.7

(c) Other 157.6 157.6

Authorized FTE: 15.00 Permanent

Subtotal 833.4

## 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) Personal services and

employee benefits	5,879.3	328.5	296.4	6,504.2
-------------------	---------	-------	-------	---------

(b) Contractual services	181.1	35.0	148.2	364.3
--------------------------	-------	------	-------	-------

(c) Other	115.3	103.4	44.5	263.2
-----------	-------	-------	------	-------

Authorized FTE: 86.00 Permanent; 8.80 Term

Performance measures:

(a) Explanatory: Cases disposed as a percent of cases filed 100%

(b) Quality: Recidivism of adult drug-court graduates 9%

(c) Quality: Recidivism of juvenile drug-court graduates 15%

(d) Output: Number of adult drug-court graduates 20

(e) Output: Number of juvenile drug-court graduates 17

(f) Output: Number of days to process juror payment vouchers 5

(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)	Personal services and				
	employee benefits	20,219.9	1,620.2	932.1	22,772.2
(b)	Contractual services	142.1	100.0		242.1
(c)	Other	689.5	275.0	44.2	1,008.7

Authorized FTE: 326.50 Permanent; 32.00 Term

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed 95%
- (b) Quality: Recidivism of adult drug-court graduates 8%
- (c) Quality: Recidivism of juvenile drug-court graduates 10%
- (d) Output: Number of adult drug-court graduates 130
- (e) Output: Number of juvenile drug-court graduates 20
- (f) Output: Number of days to process juror payment vouchers 14

(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)	Personal services and				
	employee benefits	5,378.6	95.7	474.4	5,948.7
(b)	Contractual services	570.7	92.5	116.2	779.4
(c)	Other	115.1	8.0	78.2	201.3

Authorized FTE: 85.30 Permanent; 6.50 Term

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed 95%
- (b) Quality: Recidivism of adult drug-court graduates 10%
- (c) Quality: Recidivism of juvenile drug-court graduates 15%
- (d) Output: Number of adult drug-court graduates 30
- (e) Output: Number of juvenile drug-court graduates 25
- (f) Output: Number of days to process juror payment vouchers 14

(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) Personal services and  
employee benefits 1,944.5 1,944.5
- (b) Contractual services 10.3 7.0 48.4 65.7
- (c) Other 112.2 20.0 132.2

Authorized FTE: 29.50 Permanent

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed 95%
- (b) Output: Number of days to process juror payment vouchers 7
- (c) Explanatory: Graduation rate, juvenile drug court 70%
- (d) Quality: Recidivism of juvenile drug-court graduates 15%
- (e) Output: Number of juvenile drug-court graduates 10

(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)	Personal services and				
	employee benefits	5,359.8		48.4	5,408.2
(b)	Contractual services	300.0	75.0	216.2	591.2
(c)	Other	180.0	50.0	3.8	233.8

Authorized FTE: 82.00 Permanent; 1.00 Term

Performance measures:

(a) Explanatory:	Cases disposed as a percent of cases filed	95%
(b) Output:	Number of days to process juror payment vouchers	7
(c) Quality:	Recidivism of family drug-court graduates	15%
(d) Output:	Number of family drug-court graduates	9

(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)	Personal services and				
	employee benefits	2,386.0			2,386.0
(b)	Contractual services	496.6	14.8	98.8	610.2
(c)	Other	127.7	11.0		138.7

Authorized FTE: 35.50 Permanent; .50 Term

Performance measures:

(a) Explanatory:	Cases disposed as a percent of cases filed	95%
------------------	--------------------------------------------	-----

- (b) Quality: Recidivism of juvenile drug-court graduates 13%
- (c) Output: Number of days to process juror payment vouchers 14
- (d) Explanatory: Graduation rate, juvenile drug court 90%

(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) Personal services and  
employee benefits 1,769.9 264.4 2,034.3
- (b) Contractual services 241.6 28.0 98.3 367.9
- (c) Other 113.4 3.0 35.5 151.9

Authorized FTE: 32.00 Permanent; 4.00 Term

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed 95%
- (b) Output: Number of days to process juror payment vouchers 7

(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) Personal services and  
employee benefits 1,933.7 1,933.7
- (b) Contractual services 605.1 30.0 95.3 730.4
- (c) Other 74.8 26.0 100.8



Authorized FTE: 30.00 Permanent

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed 95%
- (b) Quality: Recidivism of adult drug-court graduates 10%
- (c) Quality: Recidivism of juvenile drug-court graduates 5%
- (d) Output: Number of adult drug-court graduates 20
- (e) Output: Number of juvenile drug-court graduates 15
- (f) Output: Number of days to process juror payment vouchers 7

(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) Personal services and  
employee benefits 2,953.9 459.2 3,413.1
- (b) Contractual services 29.5 16.5 68.1 114.1
- (c) Other 95.4 41.5 79.8 216.7

Authorized FTE: 43.80 Permanent; 5.50 Term

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed 95%
- (b) Output: Number of days to process juror payment vouchers 10

(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)	Personal services and employee benefits	671.3		671.3
(b)	Contractual services	14.5	26.5	41.0
(c)	Other	65.8	8.5	74.3

Authorized FTE: 10.00 Permanent

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed 95%
- (b) Output: Number of days to process juror payment vouchers 7

(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)	Personal services and employee benefits	5,060.4	383.3	5,443.7	
(b)	Contractual services	420.0	94.0	124.3	638.3
(c)	Other	250.0	38.9	3.2	292.1

Authorized FTE: 79.50 Permanent; 6.50 Term

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed 95%
- (b) Quality: Recidivism of adult drug-court graduates 10%
- (c) Quality: Recidivism of juvenile drug-court graduates 10%
- (d) Output: Number of adult drug-court graduates 40

(e) Output: Number of juvenile drug-court graduates 16

(f) Output: Number of days to process juror payment vouchers 7

(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) Personal services and

employee benefits	2,599.9			2,599.9
-------------------	---------	--	--	---------

(b) Contractual services	163.0	34.5	91.2	288.7
--------------------------	-------	------	------	-------

(c) Other	163.9	21.0	184.9	
-----------	-------	------	-------	--

Authorized FTE: 45.50 Permanent

Performance measures:

(a) Explanatory: Cases disposed as a percent of cases filed 95%

(b) Quality: Recidivism of juvenile drug-court participants 15%

(c) Output: Number of juvenile drug-court graduates 12

(d) Output: Number of days to process juror payment vouchers 7

(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) Personal services and

employee benefits	5,165.5	282.6		5,448.1
-------------------	---------	-------	--	---------

(b) Contractual services	774.5	101.9	250.8	1,127.2
--------------------------	-------	-------	-------	---------

(c) Other 334.8 4.0 25.0 363.8

Authorized FTE: 78.50 Permanent; 4.00 Term

Performance measures:

(a) Explanatory: Cases disposed as a percent of cases filed 90%

(b) Quality: Recidivism of juvenile drug-court graduates 15%

(c) Output: Number of juvenile drug-court graduates 30

(d) Output: Number of days to process juror payment vouchers 10

Subtotal 75,830.8

### **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) Personal services and  
employee benefits 17,452.3 1,806.0 116.5 19,374.8

(b) Contractual services 2,415.2 942.1 3,357.3

(c) Other 2,070.3 361.4 2,431.7

(d) Other financing uses 15.0 15.0

Authorized FTE: 299.00 Permanent; 44.00 Term

Performance measures:

(a) Explanatory: Cases disposed as a percent of cases filed 100%

(b) Efficiency: Cost per client per day for adult drug-court participants  
\$11

(c) Quality: Recidivism of driving-while-intoxicated drug-court graduates 4%

(d) Output: Number of driving-while-intoxicated drug-court graduates 240

(e) Explanatory: Graduation rate of drug-court participants 80%

(f) Outcome: Fees and fines collected as a percent of fees and fines  
assessed 95%

Subtotal 25,178.8

### 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	4,309.0	79.8	4,388.8
(b) Contractual services	15.1		15.1
(c) Other	315.7	315.7	

Authorized FTE: 70.00 Permanent; 2.00 Term

#### Performance measures:

(a) Outcome: Percent of cases dismissed under the six-month rule <1%  
(b) Output: Number of cases prosecuted 5,000  
(c) Output: Number of cases referred for screening 7,000

(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	15,880.9	519.3	95.3	187.3	16,682.8
------------------------------------------------	----------	-------	------	-------	----------

(b)	Contractual services	40.5	56.0	96.5	
(c)	Other	492.8	217.3	1.3	711.4

Authorized FTE: 283.00 Permanent; 9.00 Term

Performance measures:

(a) Outcome: Percent of cases dismissed under the six-month rule <1.8%

(b) Output: Number of cases prosecuted 22,300

(c) Output: Number of cases referred for screening 28,000

(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	4,030.2	514.3	177.9	463.0	5,185.4
(b)	Contractual services	13.3				13.3
(c)	Other	257.2				257.2

Authorized FTE: 62.00 Permanent; 19.00 Term

Performance measures:

(a) Output: Number of cases referred for screening 5,800

(b) Output: Number of cases prosecuted 4,600

(c) Outcome: Percent of cases dismissed under the six-month rule 0.05%

(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	2,712.5	2,712.5
(b)	Contractual services	29.6	29.6
(c)	Other	164.3	164.3

Authorized FTE: 42.00 Permanent

Performance measures:

- (a) Output: Number of cases referred for screening 2,220
- (b) Outcome: Percent of cases dismissed under the six-month rule <1%
- (c) Output: Number of cases prosecuted 2,100

(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	4,022.8	4,022.8
(b)	Contractual services	16.4	16.4
(c)	Other	170.7	170.7

Authorized FTE: 60.00 Permanent

Performance measures:

- (a) Outcome: Percent of cases dismissed under the six-month rule <1%
- (b) Output: Number of cases prosecuted 3,000
- (c) Output: Number of cases referred for screening 3,500

(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	2,305.9	42.8	102.7	2,451.4
(b)	Contractual services	19.2			19.2
(c)	Other	152.1		152.1	

Authorized FTE: 35.00 Permanent; 3.00 Term

Performance measures:

- (a) Outcome: Percent of cases dismissed under the six-month rule <1%
- (b) Output: Number of cases prosecuted 1,900
- (c) Output: Number of cases referred for screening 2,200

(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	2,086.2			2,086.2
(b)	Contractual services	12.5			12.5
(c)	Other	133.1		133.1	

Authorized FTE: 36.00 Permanent

Performance measures:

- (a) Outcome: Percent of cases dismissed under the six-month rule <1.25%



(b) Output: Number of cases prosecuted 1,900

(c) Output: Number of cases referred for screening 2,000

(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	2,244.2	2,244.2
(b)	Contractual services	10.6	10.6
(c)	Other	142.9	142.9

Authorized FTE: 36.00 Permanent

Performance measures:

(a) Output: Number of cases referred for screening 2,100

(b) Output: Number of cases prosecuted 1,500

(c) Outcome: Percent of cases dismissed under the six-month rule <1%

(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	2,479.7	2,479.7
(b)	Contractual services	10.3	10.3
(c)	Other	104.8	104.8

Authorized FTE: 39.00 Permanent

Performance measures:

- (a) Output: Number of cases prosecuted 3,000
- (b) Output: Number of cases referred for screening 3,400
- (c) Outcome: Percent of cases dismissed under the six-month rule <1%

(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 860.7 860.7
- (b) Contractual services 11.4 11.4
- (c) Other 85.2 85.2

Authorized FTE: 13.00 Permanent

Performance measures:

- (a) Outcome: Percent of cases dismissed under the six-month rule <1%
- (b) Output: Number of cases prosecuted 1,000
- (c) Output: Number of cases referred for screening 900

(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 2,979.1 459.3 130.2 89.1 3,657.7
- (b) Contractual services 16.0 16.0

(c) Other 141.7 141.7

Authorized FTE: 55.00 Permanent; 11.70 Term

Performance measures:

(a) Output: Number of cases referred for screening 4,300

(b) Output: Number of cases prosecuted 3,000

(c) Outcome: Percent of cases dismissed under the six-month rule <0.5%

(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 1,908.8 167.4 2,076.2

(b) Contractual services 13.0 13.0

(c) Other 91.0 91.0

Authorized FTE: 33.00 Permanent; 3.00 Term

Performance measures:

(a) Outcome: Percent of cases dismissed under the six-month rule <1%

(b) Output: Number of cases prosecuted 2,250

(c) Output: Number of cases referred for screening 3,000

(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	2,317.4	48.0	328.4	2,693.8
(b)	Contractual services	30.0		2.2	32.2
(c)	Other	159.5	0.3		159.8

Authorized FTE: 39.00 Permanent; 8.50 Term

Performance measures:

(a) Outcome: Percent of cases dismissed under the six-month rule <0.5%

(b) Output: Number of cases prosecuted 3,400

(c) Output: Number of cases referred for screening 5,000

(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	4,320.6	139.2		4,459.8
(b)	Contractual services	22.2			22.2
(c)	Other	255.8	10.2		266.0

Authorized FTE: 80.00 Permanent; 2.00 Term

Performance measures:

(a) Outcome: Percent of cases dismissed under the six-month rule <0.2%

(b) Output: Number of cases prosecuted 5,200

(c) Output: Number of cases referred for screening 6,800

Subtotal 59,216.2

**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 safehouse 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	1,015.3		1,015.3
(b)	Contractual services	47.2		47.2
(c)	Other	777.5	200.0	977.5
<del>(d)</del>	<del>Other financing uses</del>	<del>410.0</del>		<del>410.0</del>

*LINE-ITEM VETOED*

Authorized FTE: 13.00 Permanent

~~[The general fund appropriation to the administrative support program of the administrative office of the district attorneys in the other financing uses category includes four hundred ten thousand dollars (\$410,000) for unanticipated shortfalls in district attorney offices.]~~ *LINE-ITEM VETOED*

	Subtotal		2,450.0		
TOTAL JUDICIAL	199,458.3	23,043.2	8,349.9	2,218.6	233,070.0

**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	6,321.7	7,025.0	13,346.7

(b)	Contractual services	191.5	379.0	570.5
(c)	Other	1,256.4	686.3	1,942.7

Authorized FTE: 158.00 Permanent; 1.00 Term

The other state funds appropriations to the legal services program of the attorney general include eight million ninety thousand three hundred dollars (\$8,090,300) from the consumer settlement fund.

Performance measures:

- (a) Outcome: Percent of initial responses to requests for attorney general opinions made within three days of request 95%

(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	425.0	1,274.8	1,699.8	
(b)	Contractual services	2.0	5.9	7.9	
(c)	Other	62.1	32.4	186.4	280.9

Authorized FTE: 21.00 Permanent

Performance measures:

- (a) Outcome: Three-year projected savings resulting from fraud investigations, in millions \$30

(b) Explanatory: Total medicaid fraud recoveries identified, in thousands \$3,000

Subtotal 17,848.5

**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	2,072.7	386.1	198.9	2,657.7
(b)	Contractual services	65.7			65.7
(c)	Other	378.2	43.9	22.3	444.4

Authorized FTE: 33.00 Permanent

Performance measures:

(a) Explanatory: Percent of audits completed by regulatory due date 80%

Subtotal 3,167.8

**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	15,840.9	7,153.3		1,239.5
		24,233.7			
(b)	Contractual services	121.2	48.3	15.0	184.5
(c)	Other	5,567.8	502.9	192.8	6,263.5

Authorized FTE: 470.50 Permanent; 26.00 Term; 29.50 Temporary

Performance measures:

(a) Output: Percent of electronically filed returns for personal income

tax and combined reporting system 65%

(b) Outcome: Collections as a percent of collectable audit assessments

generated in the current fiscal year 45%

(c) Outcome: Collections as a percent of collectable outstanding

balances from the end of the prior fiscal year 15%

(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	6,316.1	8,894.0	15,210.1
-------------------	---------	---------	----------

(b) Contractual services	1,183.6	2,648.1	
	3,831.7		

(c) Other	3,541.2	2,229.0	5,770.2
-----------	---------	---------	---------

Authorized FTE: 342.00 Permanent; 3.00 Term; 3.00 Temporary

Performance measures:

(a) Efficiency: Average call center wait time to reach an agent, in minutes  
6

(b) Outcome: Percent of registered vehicles with liability insurance 92%

(c) Efficiency: Average wait time in qmatic-equipped offices, in minutes  
20

(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	2,487.2	2,487.2
(b)	Contractual services	91.2	91.2
(c)	Other	645.1	645.1

Authorized FTE: 41.00 Permanent

Performance measures:

(a) Output: Percent of appraisals or valuations for companies  
conducting business within the state subject to state  
assessment 100%

(b) Outcome: Percent of counties in compliance with sales ratio standard  
of eighty-five percent assessed value-to-market value 90%

(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	1,533.5	251.2	1,784.7
(b)	Contractual services	8.2		8.2
(c)	Other	262.0	262.0	

Authorized FTE: 28.00 Permanent

Performance measures:

(a) Outcome: Number of tax investigations referred to prosecutors as a  
percent of total investigations assigned during the year 40%

(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	12,891.3	804.7	374.5	14,070.5
(b)	Contractual services	2,185.6	103.5	46.3	2,335.4
(c)	Other	3,890.7	21.5	72.9	3,985.1

Authorized FTE: 193.00 Permanent

Notwithstanding any contrary provision in the Tax Administration Act, the department shall withhold an administrative fee in the amount of three and twenty-five hundredths percent of the distributions specified in Section 7-1-6.46 NMSA 1978 and 7-1-6.47 NMSA 1978 and in Subsection E of Section 7-1-6.41 NMSA 1978.

Notwithstanding any contrary provision in the Tax Administration Act, of the amounts withheld, an amount equal to three percent of the distributions specified in Subsection E of Section 7-1-6.41 NMSA 1978 shall be deposited into the general fund and the remainder of the amounts withheld shall be retained by the department and is included in the other state fund appropriations to the department.

Performance measures:

(a) Outcome: Percent of driving-while-intoxicated drivers' license

revocations rescinded due to failure to hold hearings

within ninety days <1%

Subtotal 81,163.1

**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	3,677.3	3,677.3
(b)	Contractual services	29,837.3	29,837.3
(c)	Other	793.6	793.6

Authorized FTE: 32.00 Permanent

The other state funds appropriation to the state investment council in the contractual services category includes twenty-three million eight hundred forty-two thousand nine hundred dollars (\$23,842,900) to be used only for investment manager fees.

The other state funds appropriation to the state investment council in the contractual services category includes five million eight hundred fifty thousand dollars (\$5,850,000) to be used only for attorney fees and related legal services.

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 34,308.2

## 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	3,204.6	3,204.6
(b)	Contractual services	105.1	105.1
(c)	Other	184.1	184.1

Authorized FTE: 37.00 Permanent

Performance measures:

(a) Outcome: General fund reserves as a percent of recurring

appropriations 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	1,740.5	1,071.5	460.3	3,272.3
-------------------	---------	---------	-------	---------

(b) Contractual services	1,625.2	2,078.4	29.2	3,732.8
--------------------------	---------	---------	------	---------

(c) Other	73.3	32,017.4	14,268.1	46,358.8
-----------	------	----------	----------	----------

(d) Other financing uses		800.0	800.0	
--------------------------	--	-------	-------	--

Authorized FTE: 26.00 Permanent; 21.00 Term

Notwithstanding the provisions of Section 11-6A-3 NMSA 1978 or other substantive law, the other state funds appropriation in the other financing uses category includes five hundred thousand dollars (\$500,000) from the local DWI grant fund, including local DWI grant program distributions, to be transferred to the administrative office of the courts for drug courts.

The other state funds appropriations to the community development, local government assistance and fiscal oversight program of the department of finance and administration include fifteen million four hundred ninety-five thousand five hundred dollars (\$15,495,500) from the 911 enhancement fund; eighteen million four hundred thousand dollars (\$18,400,000) from the local DWI grant fund; and two million sixty thousand three hundred dollars (\$2,060,300) from the civil legal services fund.

Performance measures:

(a) Output: Percent of local entity budgets submitted to the local

government division by established deadline 90%

(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	4,141.1	595.5	4,736.6
(b)	Contractual services	239.6		239.6
(c)	Other	506.2	506.2	

Authorized FTE: 65.00 Permanent

Performance measures:

(a) Efficiency: Percent of vendor and employee payment vouchers processed

within five working days 75%

(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 administer the executive's exempt salary plan and to review and approve all state professional service contracts.

Appropriations:

(a)	Personal services and employee benefits	1,400.1		1,400.1
(b)	Contractual services	86.5		86.5
(c)	Other	68.2	68.2	

Authorized FTE: 19.00 Permanent

(5) Dues and membership fees/special appropriations:

Appropriations:

(a)	Council of state governments	107.2		107.2
-----	------------------------------	-------	--	-------

(b)	Western interstate commission for higher education	131.0		131.0
(c)	Education commission of the states	60.5	60.5	
(d)	National association of state budget officers	17.1		17.1
(e)	National conference of state legislatures	137.9		137.9
(f)	Western governors' association	36.0		36.0
(g)	Governmental accounting standards board	15.6		15.6
(h)	National center for state courts	106.6	106.6	
(i)	National conference of insurance legislators	10.0		10.0
(j)	National council of legislators from gaming states	3.0		3.0
(k)	National governors' association	83.8	83.8	
(l)	Citizens' review board	405.7	174.3	580.0
(m)	Emergency water supply fund	118.4		118.4
(n)	Fiscal agent contract	1,085.0		1,085.0

(o)	State planning districts	670.2	670.2
(p)	Youth mentoring program	2,317.7	2,317.7
(q)	Statewide teen court	190.0	190.0
(r)	Law enforcement protection fund	7,809.4	7,809.4
(s)	Leasehold community assistance	128.9	128.9
(t)	County detention of prisoners	3,300.0	3,300.0
(u)	Acequia and community ditch education program	200.0	200.0
(v)	New Mexico acequia commission	35.4	35.4
(w)	Food banks	439.4	439.4
(x)	Land grant council	50.0	50.0

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 one million seven hundred fifty thousand dollars (\$1,750,000) in fiscal year 2013.

The department of finance and administration shall not distribute a general fund appropriation made in items (o) through (u) 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.

Subtotal	82,328.0
----------	----------

**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	284,885.2	284,885.2
(b)	Other financing uses	636.3	636.3

Performance measures:

(a) Outcome: Average number of days to resolve inquiries and appeals  
related to customer service claims      12

(b) Output: Number of participants covered by health plans 56,000

(2) Risk:

The purpose of the risk program is to provide economical and comprehensive property, liability and workers' compensation programs to educational entities so they are protected against injury and loss.

Appropriations:

(a)	Contractual services	63,989.8	63,989.8
(b)	Other financing uses	636.3	636.3

Performance measures:

(a) Outcome: Average cost per claim for current fiscal year as compared  
with prior fiscal year \$5,250

(b) Outcome: Total claims count for current fiscal year as compared with  
prior fiscal year      1,600

(3) Program support:

The purpose of program support is to provide administrative support for the benefits and risk programs and to assist the agency in delivering services to its constituents.

Appropriations:

(a) Personal services and



	employee benefits	874.5	874.5
(b)	Contractual services	190.6	190.6
(c)	Other	217.4	217.4
Authorized FTE: 11.00 Permanent			
	Subtotal	351,430.1	

## RETIREE HEALTH CARE AUTHORITY:

### (1) Health care 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	243,479.6	243,479.6
(b)	Other financing uses	2,684.0	2,684.0

#### Performance measures:

- (a) Output: Minimum number of years of solvency 15
- (b) Efficiency: Total revenue increase to the reserve fund, in millions \$22

### (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	1,698.2	1,698.2
(b)	Contractual services	477.7	477.7
(c)	Other	508.1	508.1

Authorized FTE: 25.00 Permanent

Any unexpended balances in program support of the retiree health care authority remaining at the end of fiscal year 2013 shall revert to the healthcare benefits administration program.

Subtotal		248,847.6
----------	--	-----------

**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	21,000.0	21,000.0
(b)	Other	350,000.0	350,000.0
(c)	Other financing uses	1,820.8	1,820.8

Performance measures:

(a) Outcome: Percent of state group prescriptions filled with generic drugs 75%

(b) Explanatory: Percent of eligible state employees purchasing state health insurance 90%

(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	3,992.6	3,992.6
(b)	Contractual services	153.6	153.6
(c)	Other	567.1	567.1
(d)	Other financing uses	2,838.2	2,838.2

Authorized FTE: 63.00 Permanent

Performance measures:

(a) Explanatory: Projected financial position of the public property fund 30%

(b) Explanatory: Projected financial position of the workers' compensation  
fund 29%

(c) Explanatory: Projected financial position of the public liability fund 50%

(3) Risk management funds:

Appropriations:

(a)	Public liability	31,731.2	31,731.2
(b)	Surety bond	145.3	145.3
(c)	Public property reserve	10,880.9	10,880.9
(d)	Local public body unemployment compensation reserve	3,559.0	3,559.0
(e)	Workers' compensation retention	16,652.6	16,652.6
(f)	State unemployment compensation	16,046.5	16,046.5
(g)	Employee assistance program	200.0	200.0

(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	1,163.9	1,163.9
-----	--------------------------------------------	---------	---------

(b)	Contractual services		18.0	18.0
(c)	Other	651.6	651.6	
(d)	Other financing uses		104.5	104.5

Authorized FTE: 18.00 Permanent

Performance measures:

(a) Output: Revenue generated per employee compared with previous  
fiscal year \$90,000

(5) Business office space management and maintenance services:

The purpose of the business office space management and maintenance services 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	6,102.1		6,102.1
(b)	Contractual services	312.3		312.3
(c)	Other	5,467.5	5,467.5	
(d)	Other financing uses	111.7		111.7

Authorized FTE: 157.50 Permanent

Performance measures:

(a) Efficiency: Percent of property control capital projects on schedule  
within approved budget 90%

(b) Efficiency: Percent of operating costs for Santa Fe state-owned  
buildings below industry standard 5%

(c) Explanatory: Percent of state-controlled office space occupied 95%

(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		2,368.1	2,368.1
(b)	Contractual services		89.6	89.6
(c)	Other	5,351.7	5,351.7	
(d)	Other financing uses		454.3	454.3

Authorized FTE: 36.00 Permanent

Performance measures:

- (a) Explanatory: Percent of short-term vehicle use 55%
- (b) Explanatory: Percent of state vehicle fleet beyond five-year/one hundred thousand miles standard 30%

(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	1,172.2	619.5	1,791.7
(b)	Other	129.0	50.3	179.3
(c)	Other financing uses	89.8	28.4	118.2

Authorized FTE: 29.00 Permanent

Performance measures:

- (a) Output: Number of small business clients assisted 300

(b) Output: Number of government employees trained on Procurement Code compliance and methods 525

(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	2,983.9	2,983.9
(b)	Contractual services	241.3	241.3
(c)	Other	431.4	431.4

Authorized FTE: 37.00 Permanent

Any unexpended balances in program support of the general services department remaining at the end of fiscal year 2013 shall revert to the procurement services, printing services, risk management, employee group benefits, business office space management and maintenance, and transportation services programs based on the proportion of each individual programs' assessment for program support.

Subtotal	487,528.9
----------	-----------

#### **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	4,888.6	4,888.6
(b)	Contractual services	32,097.7	32,097.7
(c)	Other	837.0	837.0

Authorized FTE: 60.00 Permanent; 2.00 Term

The other state funds appropriation to the educational retirement program of the educational retirement board in the contractual services category includes twenty-seven million two hundred fifteen thousand six hundred dollars (\$27,215,600) to be used only for investment manager fees.

The other state funds appropriation to the educational retirement program of the educational retirement board in the contractual services category includes one million three hundred fifty thousand dollars (\$1,350,000) for payment of custody services associated with the fiscal agent contract.

The other state funds appropriation to the educational retirement program of the educational retirement board in the contractual services category includes one million nine hundred seventeen thousand five hundred dollars (\$1,917,500) for payment of legal services.

Performance measures:

(a) Outcome: Average rate of return over a cumulative five-year period 7.75%

(b) Outcome: Funding period of unfunded actuarial accrued liability, in  
years 30

Subtotal 37,823.3

**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 529.8 25.4 555.2

(b) Other 4.6 4.6

Performance measures:

(a) Output: Number of research projects completed 13

Subtotal 559.8

**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	24,259.1		24,259.1
(b)	Contractual services	10,662.3	49.6	10,711.9
(c)	Other	5,223.9	195.4	5,419.3

Authorized FTE: 391.00 Permanent

The general fund appropriation to the criminal legal services program of the public defender department in the other category includes one hundred thousand dollars (\$100,000) contingent on the public defender department opening an office in McKinley county.

Performance measures:

(a) Output:	Number of alternative sentencing treatment placements for felony and juvenile clients	4,500
(b) Efficiency:	Percent of cases in which application fees were collected	40%
(c) Quality:	Percent of felony cases resulting in a reduction of original formally filed charges	51%
	Subtotal	40,390.3

**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	2,774.4		2,774.4
(b)	Contractual services	100.8		100.8



(c) Other 516.4 516.4

Authorized FTE: 27.00 Permanent

Performance measures:

(a) Outcome: Percent of constituent service cases closed within thirty  
days of initial receipt 90%

Subtotal 3,391.6

### **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 491.2 491.2  
(b) Contractual services 39.8 39.8  
(c) Other 48.9 48.9

Authorized FTE: 5.00 Permanent

Performance measures:

(a) Outcome: Percent of constituent service files closed within thirty  
days 80%

Subtotal 579.9

### **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	669.8	669.8
(b)	Other	17.3	17.3
(c)	Other financing uses	157.4	157.4

Authorized FTE: 7.00 Permanent

(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	13,129.5	13,129.5
(b)	Contractual services	6,510.2	6,510.2
(c)	Other	20,918.5	20,918.5
(d)	Other financing uses	7,869.4	7,869.4

Authorized FTE: 152.00 Permanent

Performance measures:

- (a) Output: Queue-time to reach a customer service representative at the help desk, in seconds <0:19
- (b) Output: Percent of service desk incidents resolved within the timeframe specified for their priority level 90%

(3) Equipment replacement revolving funds:

Appropriations:

(a)	Other	3,862.1	3,862.
-----	-------	---------	--------

(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	3,367.0	3,367.0
(b)	Contractual services	38.2	38.2
(c)	Other	208.1	208.1

Authorized FTE: 41.00 Permanent

Performance measures:

(a) Outcome: Dollar amount of account receivables over sixty days \$5,000,000

Subtotal 56,747.5

**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	5,448.6	5,448.6
(b)	Contractual services	23,244.3	23,244.3
(c)	Other	1,029.3	1,029.3

Authorized FTE: 75.00 Permanent

The other state funds appropriation to the pension administration program of the public employees retirement association in the contractual services category includes eighteen million nine hundred forty-three thousand three hundred dollars (\$18,943,300) to be used only for investment manager and consulting fees.

The other state funds appropriation to the pension administration program of the public employees retirement association in the contractual services category includes two million dollars (\$2,000,000) for payment of custody services associated with the fiscal agent contract.

The other state funds appropriation to the pension administration program of the public employees retirement association in the contractual services category includes one million one hundred fifty-five thousand dollars (\$1,155,000) to be used only for information technology services.

The other state funds appropriation to the pension administration program of the public employees retirement association in the contractual services category includes one million one hundred forty-six thousand dollars (\$1,146,000) to be used only for investment-related legal services.

Performance measures:

(a) Efficiency: Average number of days to respond to requests for benefit estimates, military buy-backs and service credit verifications 25-30

(b) Explanatory: Number of years needed to finance the unfunded actuarial accrued liability for the public employees retirement fund with current statutory contribution rates 30

Subtotal 29,722.2

**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	2,255.8	53.1	11.5	2,320.4
(b)	Contractual services	42.7	10.0	16.0	68.7
(c)	Other	245.5	155.3	22.5	423.3

Authorized FTE: 40.00 Permanent; 2.00 Term

Performance measures:

(a) Outcome: Percent of requests for access to public records in its

custody that the commission is able to satisfy 98%

(b) Outcome: Percent of total records items scheduled, reviewed, amended

or replaced within a five-year period 40%

Subtotal 2,812.4

**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 2,530.0 2,530.0

(b) Contractual services 228.6 228.6

(c) Other 222.9 222.9

Authorized FTE: 38.00 Permanent; 1.00 Term

(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) Contractual services 714.8 714.8

(b) Other 884.4 1,696.0 2,580.4

Notwithstanding the provisions of Section 1-19A-10 NMSA 1978, the other state funds appropriation to the elections program of the secretary of state includes one million six hundred ninety-six thousand dollars (\$1,696,000) from the public elections fund.

Any unexpended balances in the elections program of the secretary of state at the end of fiscal year 2013 from appropriations made from the public elections fund shall revert to the public elections fund.

Performance measures:

(a) Outcome: Percent of eligible registered voters registered to vote 80%

(b) Outcome: Percent of campaign reports filed electronically by the due date 98%

Subtotal 6,276.7

**PERSONNEL BOARD:**

(1) Human resource management:

The purpose of the human resource management program is to provide a flexible system of merit-based opportunity, 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	3,593.8	3,593.8
(b)	Contractual services	28.5 29.0	57.5
(c)	Other	273.8	273.8

Authorized FTE: 57.00 Permanent

~~[Any unexpended balances remaining in the state employees' career development conference fund at the end of fiscal year 2013 shall not revert to the general fund.] LINE-ITEM VETOED~~

Performance measures:

(a) Outcome: Average number of days to fill a vacant position 40

(b) Efficiency: Average state employee compa-ratio 91%

(c) Explanatory: Employee turnover (leaving state service) 18%

(d) Explanatory: Number of disciplinary actions and number appealed to state

personnel board 5

Subtotal 3,925.1

**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 right to organize and bargain collectively with their employers or to refrain from such.

Appropriations:

(a)	Personal services and		
	employee benefits	161.5	161.5
(b)	Contractual services	4.3	4.3
(c)	Other	48.2	48.2

Authorized FTE: 2.00 Permanent

Subtotal 214.0

**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	3,012.6	3,012.6
(b)	Contractual services	175.5	175.5
(c)	Other	384.2	122.3
			506.5

Authorized FTE: 40.00 Permanent

Performance measures:

(a) Outcome: One-year annualized investment return on general fund core portfolio to exceed internal benchmarks, in basis points 5

Subtotal		3,694.6		
TOTAL GENERAL CONTROL	160,634.1	779,450.9	534,952.6	17,722.0
	1,492,759.6			

**D. COMMERCE AND INDUSTRY**

**BOARD OF EXAMINERS FOR ARCHITECTS:**

(1) Architectural registration:

The purpose of the architectural registration program is to provide architectural registration to approved applicants so they can practice architecture.

Appropriations:

(a)	Personal services and employee benefits	260.8	260.8
(b)	Contractual services	11.6	11.6
(c)	Other	90.1	90.1

Authorized FTE: 4.00 Permanent

Performance measures:

(a) Output: Number of registration applications processed 2,100

(b) Outcome: Percent of registrants audited to ensure compliance with  
continuing education requirements Off Year

(c) Output: Number of days after the receipt of a complaint to process  
and deliver the complaint to the enforcement subcommittee 11

Subtotal	362.5
----------	-------

**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	205.3	85.1	290.4
(b)	Contractual services	55.4	22.9	78.3
(c)	Other	72.7	30.1	102.8

Authorized FTE: 4.00 Permanent

Performance measures:

(a) Outcome: Annual trade share of New Mexico ports within the west

	Texas and New Mexico region	21%
Subtotal		471.5

**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	1,559.5		1,559.5
(b)	Contractual services	450.3		450.3
(c)	Other	3,824.4	30.0	3,854.4

Authorized FTE: 37.50 Permanent

~~[The general fund appropriation to the marketing and promotion program of the tourism department in the other category includes seventy-five thousand dollars (\$75,000) to promote adventure tourism in McKinley county.] LINE-ITEM VETOED~~

Performance measures:

- (a) Outcome: New Mexico's domestic tourism market share 1.25%
- (b) Output: Broadcast conversion rate 34%
- (c) Explanatory: Number of visits to visitor information centers 1,500,000

(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 145.3            151.2            296.5
- (b) Contractual services            92.8            96.6            189.4
- (c) Other 747.7            777.9            1,525.6

Authorized FTE: 4.00 Permanent

Performance measures:

- (a) Outcome: Number of partnered cooperative advertising applications  
received 35

(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            905.8            905.8
- (b) Contractual services            836.9            836.9
- (c) Other            1,662.4            1,662.4

Authorized FTE: 12.00 Permanent; 2.00 Term

Performance measures:

- (a) Output: Advertising revenue per issue, in thousands \$110
- (b) Outcome: Circulation rate 100,000
- (c) Output: Collection rate 99.2%

(4) Sports authority:

The purpose of the sports authority program is to recruit new events and retain existing events of professional and amateur sports to advance the economy and tourism in the state.

Appropriations:

- (a) Personal services and  
employee benefits 75.8 75.8
- (b) Contractual services 30.0 30.0

Authorized FTE: 1.00 Permanent

(5) 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 1,029.0 1,029.0
- (b) Contractual services 27.6 27.6
- (c) Other 393.3 393.3

Authorized FTE: 14.00 Permanent

Subtotal 12,836.5

**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	1,691.3	1,691.3
(b)	Contractual services	1,132.4	1,132.4
(c)	Other	157.6	157.6

Authorized FTE: 26.00 Permanent

~~[The general fund appropriation to the economic development program of the economic development department in the contractual services category includes an additional seventy-five thousand dollars (\$75,000) for the mainstreet program.] LINE- ITEM VETOED~~

Performance measures:

- (a) Outcome: Percent of employees whose wages were subsidized by the job training incentive program 60%
- (b) Outcome: Total number of jobs created due to economic development department efforts 2,500
- (c) Outcome: Number of rural jobs created 1,100
- (d) Outcome: Number of jobs created through business relocations facilitated by the economic development partnership 2,200
- (e) Outcome: Number of jobs created by mainstreet 600

(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	655.2	655.2
-----	--------------------------------------------	-------	-------

(b)	Contractual services	97.8	97.8
(c)	Other	121.8	121.8

Authorized FTE: 9.00 Permanent

Performance measures:

(a) Output: Number of media industry worker days 150,000

(3) Mexican affairs:

The purpose of the Mexican affairs program is to produce new high-paying employment opportunities for New Mexicans so they can increase their wealth and improve their quality of life.

Appropriations:

(a)	Contractual services	51.8	51.8
(b)	Other	36.5	36.5

(4) Technology commercialization:

The purpose of the technology commercialization program is to increase the start-up, relocation and growth of technology-based business in New Mexico to give New Mexicans the opportunity for high-paying jobs.

Appropriations:

(a)	Contractual services	6.0	6.0
(b)	Other	14.0	14.0

(5) 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	1,512.6	1,512.6
(b)	Contractual services	872.0	872.0
(c)	Other	223.2	223.2

Authorized FTE: 21.00 Permanent

Subtotal 6,572.2

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	7,120.4	7,120.4
(b)	Contractual services	27.8	27.8
(c)	Other	869.1 195.2 250.0 25.0	1,339.3
(d)	Other financing uses	13.2	13.2

Authorized FTE: 113.00 Permanent; 3.00 Term

Performance measures:

(a) Output: Percent of consumer complaint cases resolved out of the  
total number of complaints filed 85%

(b) Efficiency: Percent of all inspections performed, including  
installations of manufactured homes in the field, within  
seven days of inspection request 85%

(2) Financial institutions and securities:

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 that capital formation is maximized and a secure financial infrastructure is available to support economic development.

Appropriations:

(a)	Personal services and employee benefits	2,091.7	885.9	2,977.6
(b)	Contractual services	18.5	176.5	195.0
(c)	Other	213.4	284.1	497.5
(d)	Other financing uses		80.4	80.4

Authorized FTE: 49.00 Permanent

Performance measures:

- (a) Outcome: Percent of statutorily complete applications processed  
within a standard number of days by type of application 95%
- (b) Outcome: Percent of examination reports mailed to a depository  
institution within thirty days of exit from the institution  
or the exit conference meeting 95%

(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	772.5	772.5
(b)	Contractual services	39.1	39.1
(c)	Other	33.1	33.1

Authorized FTE: 16.00 Permanent

Performance measures:

- (a) Output: Number of days to resolve an administrative citation that  
does not require a hearing 70

(b) Outcome: Number of days to issue a restaurant (beer and wine) liquor

license 120

(4) 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	1,235.0	1,102.5	2,337.5
(b)	Contractual services	138.2	224.4	362.6
(c)	Other	202.1	298.5	500.6

Authorized FTE: 31.70 Permanent; 3.00 Term

(5) New Mexico public accountancy board:

The purpose of the public accountancy board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and			
	employee benefits	306.4	306.4	
(b)	Contractual services		16.6	16.6
(c)	Other	117.6	117.6	
(d)	Other financing uses		82.6	82.6

Authorized FTE: 5.00 Permanent

(6) Board of acupuncture and oriental medicine:

The purpose of the acupuncture and oriental medicine board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.



Appropriations:

(a)	Personal services and employee benefits	151.0	151.0
(b)	Contractual services	22.1	22.1
(c)	Other	21.8	21.8
(d)	Other financing uses	39.3	39.3

Authorized FTE: 3.20 Permanent

(7) New Mexico athletic commission:

The purpose of the New Mexico athletic commission program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	49.4	49.4
(b)	Contractual services	9.0	9.0
(c)	Other	19.5	19.5
(d)	Other financing uses	19.8	19.8

Authorized FTE: 1.00 Permanent

(8) Athletic trainer practice board:

The purpose of the athletic trainer practice board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	9.8	9.8
(b)	Contractual services	0.5	0.5

(c)	Other	5.8	5.8	
(d)	Other financing uses		3.9	3.9

Authorized FTE: .20 Permanent

(9) Board of barbers and cosmetologists:

The purpose of the barbers and cosmetology board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits		585.9	585.9
(b)	Contractual services		45.0	45.0
(c)	Other	92.0	92.0	
(d)	Other financing uses		215.4	215.4

Authorized FTE: 11.40 Permanent

(10) Chiropractic board:

The purpose of the chiropractic board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits		107.8	107.8
(b)	Contractual services		4.1	4.1
(c)	Other	17.8	17.8	
(d)	Other financing uses		27.6	27.6

Authorized FTE: 2.10 Permanent

(11) Counseling and therapy practice board:

The purpose of the counseling and therapy practice board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	300.4	300.4
(b)	Contractual services	10.5	10.5
(c)	Other            57.9	57.9	
(d)	Other financing uses	88.1	88.1

Authorized FTE: 5.90 Permanent

(12) New Mexico board of dental health care:

The purpose of the dental health care board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	243.1	243.1
(b)	Contractual services	25.0	25.0
(c)	Other            64.6	64.6	
(d)	Other financing uses	83.6	83.6

Authorized FTE: 4.90 Permanent

(13) Interior design board:

The purpose of the interior design board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	13.1	13.1
-----	--------------------------------------------	------	------

(b)	Other	6.7	6.7	
(c)	Other financing uses		3.7	3.7

Authorized FTE: .20 Permanent

(14) Board of landscape architects:

The purpose of the landscape architects board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits		17.9	17.9
(b)	Contractual services		0.5	0.5
(c)	Other	8.0	8.0	
(d)	Other financing uses		5.5	5.5

Authorized FTE: .30 Permanent

(15) Massage therapy board:

The purpose of the massage therapy board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits		195.9	195.9
(b)	Contractual services		2.0	2.0
(c)	Other	12.6	12.6	
(d)	Other financing uses		57.5	57.5

Authorized FTE: 3.50 Permanent

(16) Board of nursing home administrators:

The purpose of the nursing home administrators board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	30.3	30.3
(b)	Other	6.0	6.0
(c)	Other financing uses	7.3	7.3

Authorized FTE: .60 Permanent

(17) Nutrition and dietetics practice board:

The purpose of the nutrition and dietetics practice board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	13.8	13.8
(b)	Other	14.1	14.1
(c)	Other financing uses	7.3	7.3

Authorized FTE: .30 Permanent

(18) Board of examiners for occupational therapy:

The purpose of the examiners for occupational therapy board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	42.0	42.0
(b)	Contractual services	3.0	3.0

(c)	Other	20.1	20.1	
(d)	Other financing uses		15.0	15.0

Authorized FTE: .80 Permanent

(19) Board of optometry:

The purpose of the optometry board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits		41.1	41.1
(b)	Contractual services		10.6	10.6
(c)	Other	7.3	7.3	
(d)	Other financing uses		11.2	11.2

Authorized FTE: .80 Permanent

(20) Board of osteopathic medical examiners:

The purpose of the osteopathic medical examiners board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits		55.2	55.2
(b)	Contractual services		2.0	2.0
(c)	Other	20.7	20.7	
(d)	Other financing uses		15.1	15.1

Authorized FTE: 1.00 Permanent

(21) Board of pharmacy:

The purpose of the pharmacy board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	1,284.2	1,284.2
(b)	Contractual services	73.1	73.1
(c)	Other            230.7	230.7	
(d)	Other financing uses	266.8	266.8

Authorized FTE: 14.00 Permanent

(22) Physical therapy board:

The purpose of the physical therapy board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	76.2	76.2
(b)	Contractual services	10.0	10.0
(c)	Other            50.0	50.0	
(d)	Other financing uses	23.9	23.9

Authorized FTE: 1.40 Permanent

(23) Board of podiatry:

The purpose of the podiatry board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	14.5	14.5
-----	--------------------------------------------	------	------

(b)	Contractual services	1.0	1.0
(c)	Other	10.9	10.9
(d)	Other financing uses	5.0	5.0

Authorized FTE: .30 Permanent

(24) Private investigations advisory board:

The purpose of the private investigations advisory board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	85.9	85.9
(b)	Contractual services	5.0	5.0
(c)	Other	38.2	38.2
(d)	Other financing uses	76.7	76.7

Authorized FTE: 1.40 Permanent

(25) New Mexico state board of psychologist examiners:

The purpose of the psychologist examiners board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	144.1	144.1
(b)	Contractual services	13.4	13.4
(c)	Other	29.3	29.3
(d)	Other financing uses	31.2	31.2

Authorized FTE: 2.30 Permanent



(26) Real estate appraisers board:

The purpose of the real estate appraisers board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	166.9	166.9
(b)	Contractual services	11.5	11.5
(c)	Other            23.5	23.5	
(d)	Other financing uses	36.6	36.6

Authorized FTE: 3.10 Permanent

(27) New Mexico real estate commission:

The purpose of the real estate commission program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	569.7	569.7
(b)	Contractual services	8.0	8.0
(c)	Other            158.9	158.9	
(d)	Other financing uses	166.8	166.8

Authorized FTE: 9.00 Permanent

(28) Advisory board of respiratory care practitioners:

The purpose of the respiratory care practitioners advisory board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	52.9	52.9
-----	--------------------------------------------	------	------

(b)	Other	3.5	3.5	
(c)	Other financing uses		13.4	13.4

Authorized FTE: .80 Permanent

(29) Board of social work examiners:

The purpose of the social work examiners board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits		264.2	264.2
(b)	Contractual services		4.0	4.0
(c)	Other	39.2	39.2	
(d)	Other financing uses		72.0	72.0

Authorized FTE: 5.00 Permanent

(30) Speech language pathology, audiology and hearing aid dispensing practices board:

The purpose of the speech language pathology, audiology and hearing aid dispensing practices board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits		105.8	105.8
(b)	Contractual services		7.7	7.7
(c)	Other	19.4	19.4	
(d)	Other financing uses		32.8	32.8

Authorized FTE: 2.00 Permanent

(31) Board of thanatopractice:

The purpose of the thanatopractice board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	92.2	92.2
(b)	Contractual services	5.7	5.7
(c)	Other 23.3	23.3	
(d)	Other financing uses	23.9	23.9

Authorized FTE: 1.80 Permanent

(32) Animal sheltering services board:

The purpose of the animal sheltering services board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	57.6	57.6
(b)	Contractual services	23.2	23.2
(c)	Other 5.6 0.3	5.9	
(d)	Other financing uses	19.7	19.7

Authorized FTE: 1.00 Permanent

(33) Signed language interpreting practices board:

The purpose of the signed language interpreting practices board program is to provide efficient licensing, compliance and regulatory services to protect the public by ensuring that licensed professionals are qualified to practice.

Appropriations:

(a)	Personal services and employee benefits	80.0	80.0
-----	--------------------------------------------	------	------

(b)	Contractual services		11.0	11.0
(c)	Other	13.8	25.0	38.8
(d)	Other financing uses		21.2	21.2
Authorized FTE: 1.40 Permanent				
	Subtotal		24,415.4	

**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	4,992.4	1,450.2	6,442.6
(b)	Contractual services	168.3		168.3
(c)	Other	578.8	578.8	

Authorized FTE: 78.70 Permanent

The internal service funds/interagency transfers appropriation to the policy and regulation program of the public regulation commission in the personal services and employee benefits category includes two hundred twenty-three thousand four hundred dollars (\$223,400) from the patient's compensation fund, three hundred thirty-six thousand dollars (\$336,000) from the pipeline safety fund, one hundred sixteen thousand five hundred dollars (\$116,500) from the public regulation commission reproduction fund, one hundred thirty-seven thousand dollars (\$137,000) from the fire protection fund, four hundred fifty-two thousand two hundred dollars (\$452,200) from the insurance operations fund, ninety-seven thousand five hundred dollars (\$97,500) from the title insurance maintenance assessment fund, and eighty-seven thousand six hundred dollars (\$87,600) from the insurance fraud fund.

Performance measures:

(a) Efficiency: Average number of days for a rate case to reach final order <215

(b) Outcome: Comparison of average commercial electric rates between major New Mexico utilities and selected utilities in

regional western states +/-4%

(c) Explanatory: The amount of kilowatt hours of renewable energy provided annually by New Mexico's electric utilities, measured as a percent of total retail kilowatt hours sold by New Mexico's electric utilities to New Mexico's retail electric utility customers 10%

(d) Explanatory: Comparison of average residential electric rates between major New Mexico utilities and selected utilities in regional western states +/-5%

(2) 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	5,288.0	5,288.0
(b) Contractual services	298.1	298.1
(c) Other	571.2	571.2

Authorized FTE: 83.00 Permanent

The internal service funds/interagency transfers appropriations to the insurance policy program of the public regulation commission include two hundred six thousand two hundred dollars (\$206,200) from the patient's compensation fund, thirty-two thousand nine hundred dollars (\$32,900) from the title insurance maintenance assessment fund, eighty-nine thousand one hundred dollars (\$89,100) from the insurance fraud fund, and four million five hundred fifteen thousand six hundred dollars (\$4,515,600) from the insurance operations fund.

The internal service funds/interagency transfers appropriations to the insurance policy program of the public regulation commission include nine hundred eighty thousand eight hundred dollars (\$980,800) for the insurance fraud bureau from the insurance fraud fund.

The internal service funds/interagency transfers appropriations to the insurance policy program of the public regulation commission include three hundred thirty-two thousand seven hundred dollars (\$332,700) for the title insurance bureau from the title insurance maintenance assessment fund.

Performance measures:

(a) Efficiency: Percent of insurance fraud bureau complaints processed  
and  
recommended for either further administrative action or  
closure within sixty days 87%

(3) 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	3,090.3	364.5	3,454.8
(b) Contractual services	385.9	64.1	450.0
(c) Other	1,327.4	173.3	1,500.7

Authorized FTE: 52.30 Permanent; 1.00 Term

The internal service funds/interagency transfers appropriations to the public safety program of the public regulation commission include two million two hundred one thousand five hundred dollars (\$2,201,500) for the office of the state fire marshal from the fire protection fund.

The internal service funds/interagency transfers appropriations to the public safety program of the public regulation commission include one million five hundred fifty thousand five hundred dollars (\$1,550,500) for the firefighter training academy from the fire protection fund.

The internal service funds/interagency transfers appropriations to the public safety program of the public regulation commission include eight hundred seventeen thousand three hundred dollars (\$817,300) for the pipeline safety bureau from the pipeline safety fund.

Performance measures:

(a) Output: Number of personnel completing training through the state  
firefighter training academy 3,250

(b) Outcome: Percent of statewide fire districts with insurance office ratings of eight or better 60%

(4) 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	1,696.7	989.0	2,685.7
(b)	Contractual services	121.6		121.6
(c)	Other	279.0	279.0	

Authorized FTE: 47.00 Permanent

The internal service funds/interagency transfers appropriation to program support of the public regulation commission includes two hundred twenty-eight thousand three hundred dollars (\$228,300) from the insurance fraud fund, three hundred twelve thousand three hundred dollars (\$312,300) from the fire protection fund, seventy-three thousand dollars (\$73,000) from the title insurance maintenance assessment fund, seventy-five thousand five hundred dollars (\$75,500) from the public regulation commission reproduction fund, one hundred twenty-one thousand four hundred dollars (\$121,400) from the patient's compensation fund, sixty-two thousand seven hundred dollars (\$62,700) from the pipeline safety fund and one hundred fifteen thousand eight hundred dollars (\$115,800) from the insurance operations fund.

(5) Patient's compensation fund:

Appropriations:

(a)	Personal services and employee benefits	55.7	55.7	
(b)	Contractual services	489.3		489.3
(c)	Other	15,012.7	15,012.7	
(d)	Other financing uses	551.4		551.4

Authorized FTE: 1.00 Term

Subtotal 37,947.9

**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	1,044.8	1,044.8
(b)	Contractual services	288.3	288.3
(c)	Other	287.7	287.7

Authorized FTE: 14.00 Permanent

Performance measures:

(a) Output:	Number of triennial physician licenses issued or renewed	3,200
(b) Output:	Number of biennial physician assistant licenses issued or renewed	225
(c) Outcome:	Number of days to issue a physician license	65
Subtotal		1,620.8

**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	1,194.6	1,194.6
(b)	Contractual services	194.2	194.2



(c)	Other	585.3	585.3	
(d)	Other financing uses		400.0	400.0

Authorized FTE: 17.00 Permanent

Performance measures:

(a)	Output:	Number of licensed practical nurse, registered nurse and advanced practice licenses issued	12,000	
(b)	Output:	Number of months to resolution of a disciplinary matter		6
(c)	Quality:	Number of rule reviews	1	
	Subtotal		2,374.1	

**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	3,898.0	3,898.0	
(b)	Contractual services	4,384.0	4,384.0	
(c)	Other	3,188.3	695.0	3,883.3

Authorized FTE: 51.00 Permanent

The internal service funds/interagency transfers appropriation to the New Mexico state fair in the other category includes six hundred ninety-five thousand dollars (\$695,000) from parimutuel revenues for debt service on negotiable bonds issued for capital improvements.

~~[The other state funds appropriation to the New Mexico state fair in the other category includes one hundred thousand dollars (\$100,000) for the African American performing arts center and exhibit hall for operations, administration, programs and services.]~~ *LINE-ITEM VETOED*

Performance measures:

(a)	Output:	Number of paid attendees at annual state fair event	410,000	
-----	---------	-----------------------------------------------------	---------	--

Subtotal 12,165.3

**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	535.8	535.8
(b)	Contractual services	122.4	122.4
(c)	Other	110.6	110.6

Authorized FTE: 8.00 Permanent

Performance measures:

(a) Output:	Number of licenses or certifications issued	700
Subtotal		768.8

**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	3,784.1	3,784.1
(b)	Contractual services	766.9	766.9
(c)	Other	916.5	916.5

Authorized FTE: 58.00 Permanent

Performance measures:

(a) Quality: Percent of time the central monitoring system is operational 100%

(b) Outcome: Ratio of gaming revenue generated to general fund revenue  
expended 28:1

(c) Output: Percent variance identified between actual tribal quarterly  
payments to the state and the audited revenue sharing as  
calculated by the gaming control board for the current  
calendar year <7%

Subtotal 5,467.5

**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	1,163.3	1,163.3
(b) Contractual services	713.7	713.7
(c) Other	106.0	106.0

Authorized FTE: 16.30 Permanent; .60 Term; 1.80 Temporary

Performance measures:

(a) Outcome: Percent of equine samples testing positive for illegal  
substances 0.08%

(b) Output: Total amount collected from parimutuel revenues, in millions \$0.9

Subtotal 1,983.0

**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	147.8		147.8
(b)	Contractual services		126.3	126.3
(c)	Other	54.1	54.1	

Authorized FTE: 3.00 Permanent

Performance measures:

(a) Output:	Number of veterinarian licenses issued annually	1,000
Subtotal		328.2

**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	52.0	67.5	119.5
(b)	Contractual services	6.5	3,380.7	3,387.2
(c)	Other	28.5	35.6	64.1

Authorized FTE: 2.10 Permanent

Performance measures:

(a) Output: Revenue generated from ticket sales, in millions \$3.3

Subtotal 3,570.8

**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 109.4 109.4

(b) Contractual services 3.1 3.1

(c) Other 13.1 13.1

Authorized FTE: 1.00 Permanent

Subtotal 125.6

**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 321.6 327.1 648.7

(b) Contractual services 52.8 53.8 106.6

(c) Other 81.8 83.3 165.1

Authorized FTE: 7.00 Permanent

Performance measures:

(a) Outcome: Annual aerospace jobs created due to spaceport authority efforts 150

Subtotal 920.4

TOTAL COMMERCE AND INDUSTRY 44,040.3 50,242.1 17,021.2 626.9  
111,930.5

**E. AGRICULTURE, ENERGY AND NATURAL RESOURCES**

**CULTURAL AFFAIRS DEPARTMENT:**

(1) Museums and monuments:

The purpose of the museums and monuments 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 13,692.8 2,544.9 89.5 16,327.2

(b) Contractual services 351.9 494.3 100.0 946.2

(c) Other 3,976.4 1,190.0 33.2 5,199.6

Authorized FTE: 303.80 Permanent; 39.00 Term

Performance measures:

(a) Output: Attendance to museum and monument exhibitions,  
performances, films and other presenting programs 805,000

(b) Output: Number of participants at off-site educational, outreach  
and special events related to museum missions 100,000

(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	434.4	2,465.9	726.6	3,626.9
(b)	Contractual services		325.8	40.0	365.8
(c)	Other	88.6	668.0	143.6	900.2

Authorized FTE: 28.00 Permanent; 29.50 Term; 1.00 Temporary

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.

Performance measures:

- (a) Output: Number of participants in educational, outreach and special events related to preservation mission 13,500
- (b) Output: Number of historic structures preservation projects completed annually using preservation tax credits 32
- (c) Output: Dollar value of construction underway on historic buildings using state and federal tax credits, in millions \$7.5

(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	1,808.9	62.1	624.7	2,495.7
(b)	Contractual services		643.2	334.9	978.1
(c)	Other	1,094.5	35.0	431.1	1,560.6

Authorized FTE: 34.00 Permanent; 13.00 Term

~~[The general fund appropriation to the library services program of the cultural affairs department in the contractual services category includes an additional one hundred fifty thousand dollars (\$150,000) for adult literacy programs.] LINE-ITEM VETOED~~

(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	626.8	85.5	141.8	854.1
(b)	Contractual services		681.1	406.9	1,088.0
(c)	Other	160.8	0.6	161.4	

Authorized FTE: 10.00 Permanent; 3.50 Term

~~[The general fund appropriation to the arts program of the cultural affairs department in the contractual services category includes an additional one hundred thousand dollars (\$100,000) for youth education programs at the lensic performing arts center in Santa Fe in Santa Fe county.] LINE-ITEM VETOED~~

Performance measures:

(a) Output:	Attendance at programs provided by arts organizations				
	statewide, funded by New Mexico arts from recurring				
	appropriations		1,200,000		

(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	3,671.5	240.7		3,912.2
(b)	Contractual services		171.0		171.0
(c)	Other	161.2	61.1	222.3	



Authorized FTE: 53.00 Permanent

[Any unexpended balance in the cultural affairs department remaining at the end of fiscal year 2013 from appropriations made from the general fund shall not revert.] *LINE-ITEM VETOED*

Subtotal 38,809.3

**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	459.4	3,888.1	4,347.5
(b) Contractual services		220.1	220.1
(c) Other	1,014.2		1,014.2

Authorized FTE: 75.00 Permanent

Performance measures:

- (a) Efficiency: Average percentage of investigation findings completed within one month 60%
- (b) Output: Number of road stops per month 75
- (c) Outcome: Number of livestock thefts reported per one thousand head inspected 1
- (d) Outcome: Number of disease cases per one thousand head inspected 0.15

Subtotal 5,581.8

**DEPARTMENT OF GAME AND FISH:**

(1) Sport hunting and fishing:

The purpose of the sport hunting and fishing program is to provide a statewide system for hunting activities as well as self- sustaining and hatchery-supported fisheries, taking into account hunter safety, quality hunts, high-demand areas, guides and outfitters, quotas and assuring that local and financial interests receive consideration.

Appropriations:

(a)	Personal services and			
	employee benefits	9,763.6	3,558.7	13,322.3
(b)	Contractual services	851.0	567.4	1,418.4
(c)	Other	3,804.1	2,536.1	6,340.2
(d)	Other financing uses	198.9	298.4	497.3

Authorized FTE: 200.00 Permanent; 2.00 Term; 2.50 Temporary

Performance measures:

- (a) Outcome: Number of days of elk hunting opportunity provided to New Mexico resident hunters on an annual basis 165,000
- (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 455,000

(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	1,649.6	968.8	2,618.4
(b)	Contractual services	990.5	864.9	1,855.4

(c)	Other	2,002.5	1,335.1	3,337.6
-----	-------	---------	---------	---------

Authorized FTE: 32.00 Permanent; 8.00 Term; .50 Temporary

Performance measures:

(a)	Outcome: Number of acres of wildlife habitat conserved, enhanced or positively affected statewide	100,000
-----	---------------------------------------------------------------------------------------------------	---------

(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, annoyances or risks to public safety caused by protected wildlife.

Appropriations:

(a)	Personal services and employee benefits	269.0	269.0
(b)	Contractual services	130.7	130.7
(c)	Other	639.3	639.3

Authorized FTE: 4.00 Permanent

Performance measures:

(a)	Outcome: Percent of depredation complaints resolved within the mandated one-year timeframe	90%
-----	--------------------------------------------------------------------------------------------	-----

(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	4,159.7	215.2	4,374.9
(b)	Contractual services	722.4	722.4	

(c) Other 3,132.1 3,132.1

Authorized FTE: 60.00 Permanent

Subtotal 38,658.0

**ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT:**

(1) Renewable energy and energy efficiency:

The purpose of the renewable energy and energy efficiency program is to develop and implement clean energy programs to decrease per capita energy consumption, utilize 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 572.0 161.3 733.3

(b) Contractual services 3.1 3.1

(c) Other 19.2 18.3 37.5

Authorized FTE: 10.00 Permanent

(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 2,525.7 177.2 1,386.7 4,089.6

(b) Contractual services 48.4 1.0 372.7 422.1

(c) Other 364.5 331.3 2,937.0 3,632.8

(d) Other financing uses 36.0 36.0

Authorized FTE: 58.00 Permanent; 10.00 Term

Performance measures:

- (a) Output: Number of nonfederal wildland firefighters provided professional and technical incident command system training 600
- (b) Output: Number of acres treated in New Mexico's forest and watersheds 8,000
- (c) Output: Number of at-risk communities or local fire departments provided funding for wildland firefighting equipment or training 60

(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	8,562.0	4,796.4	411.5	13,769.9
(b)	Contractual services	141.3	196.4	976.5	1,314.2
(c)	Other	1,151.3	5,624.2	2,773.2	3,022.8
					12,571.5
(d)	Other financing uses		3,412.7		3,412.7

Authorized FTE: 231.00 Permanent; 6.00 Term; 48.00 Temporary

The general fund appropriation to the state parks program of the energy, minerals and natural resources department in the personal services and employee benefits category includes forty-five thousand dollars (\$45,000) to employ one law enforcement employee[at the site of the proposed Pecos canyon state park].  
*LINE-ITEM VETOED*

Performance measures:

- (a) Explanatory: Number of visitors to state parks 4,000,000
- (b) Explanatory: Self-generated revenue per visitor, in dollars \$0.87

(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	478.2	558.5	1,793.2	2,829.9
(b)	Contractual services			164.3	4,599.9
					4,764.2
(c)	Other	7.7	197.5	251.7	456.9

Authorized FTE: 17.00 Permanent; 15.00 Term

Performance measures:

(a)	Outcome: Percent of permitted mines with approved reclamation plans	
	and adequate financial assurance posted to cover the cost	
	of reclamation	100%

(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	2,950.2	752.6	257.5	3,960.3
(b)	Contractual services			121.1	3,900.0
					5.9
					4,027.0
(c)	Other	516.0	259.4	4.1	20.0
					799.5
(d)	Other financing uses			165.9	115.0
					280.9

Authorized FTE: 56.00 Permanent; 5.00 Term

Performance measures:

(a)	Output: Number of inspections of oil and gas wells and associated	
	facilities	23,500

(b) Output: Percent of renewal of uncontested discharge permits within  
 thirty days of expiration 75%

(6) Program leadership and support:

The purpose of program leadership and support is to provide leadership, set policy and provide support for every division in achieving their goals.

Appropriations:

(a)	Personal services and				
	employee benefits	2,276.2	1,208.9	642.9	4,128.0
(b)	Contractual services	125.4		125.4	
(c)	Other	297.4	26.3	323.7	
(d)	Other financing uses			1,375.4	1,375.4

Authorized FTE: 45.00 Permanent; 2.00 Term

Subtotal 63,093.9

**YOUTH CONSERVATION CORPS:**

The purpose of the youth conservation program 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	154.8		154.8	
(b)	Contractual services		3,800.1		3,800.1
(c)	Other	43.5	43.5		
(d)	Other financing uses		250.0		250.0

Authorized FTE: 2.00 Permanent

Performance measures:

(a) Output: Number of youth employed annually	925
Subtotal	4,248.4

**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) Contractual services	105.0	105.0
Subtotal	105.0	

**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	10,256.4	10,256.4
(b) Contractual services	519.8	519.8
(c) Other	1,952.7	1,952.7
(d) Other financing uses	493.7	493.7

Authorized FTE: 153.00 Permanent

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 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: Bonus income per leased acre from oil and gas activities,



in dollars \$297

(b) Outcome: Dollars generated through oil, natural gas and mineral

audit activities, in millions \$2

(c) Output: Average income per acre from oil, natural gas and mineral

activities, in dollars \$158

Subtotal 13,222.6

**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 to any person so they can maintain their quality of life and to provide safety inspections of all nonfederal dams within the state for owners and operators of such dams so they can operate the dam safely.

Appropriations:

(a) Personal services and

employee benefits	9,438.7	451.7	1,062.1	10,952.5
-------------------	---------	-------	---------	----------

(b) Contractual services

1.3	692.2	693.5
-----	-------	-------

(c) Other 113.6 1,411.1

1,524.7
---------

Authorized FTE: 167.00 Permanent

The internal service funds/interagency transfers appropriations to the water resource allocation program of the state engineer include one hundred forty-seven thousand six hundred dollars (\$147,600) from the improvement of Rio Grande income fund and three million seventeen thousand eight hundred dollars (\$3,017,800) from the New Mexico irrigation works construction fund.

Performance measures:

(a) Output: Average number of unprotested new and pending applications

processed per month 65

(b) Explanatory: Number of unprotested and unaggrieved water right

applications backlogged 650

(c) Outcome: Number of dams inspected per year to establish baseline 100

(d) Outcome: Number of transactions abstracted annually into the water

administration technical engineering resource system

database 23,000

(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	1,841.8	72.9	1,700.9	189.6	3,805.2
-------------------	---------	------	---------	-------	---------

(b) Contractual services		32.0	5,410.0	64.0	5,506.0
--------------------------	--	------	---------	------	---------

(c) Other	16.0	3,871.1	93.5	3,980.6	
-----------	------	---------	------	---------	--

Authorized FTE: 44.00 Permanent; 5.00 Term

The internal service funds/interagency transfers appropriations to the interstate stream compact compliance and water development program of the state engineer include one million six hundred seventy-nine thousand one hundred dollars (\$1,679,100) from the improvement of Rio Grande income fund and eight million eight hundred fifty-six thousand seven hundred dollars (\$8,856,700) from the irrigation works construction 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 state engineer use of the revenue is appropriated to the interstate stream commission for the conservation and recovery of the listed species in the middle Rio Grande basin, including optimizing middle Rio Grande conservancy district operations.

The internal service funds/interagency transfers appropriation to the interstate stream compact compliance and water development program of the state engineer includes one hundred thousand dollars (\$100,000) from the game protection fund for Ute dam operations. Any unexpended balances remaining at the end of fiscal year 2013 from this appropriation shall revert to the game protection fund.

The internal service funds/interagency transfers appropriation to the interstate stream compact compliance and water development program of the state engineer in the other category includes eighty-two thousand three hundred dollars (\$82,300) from the game protection fund for Eagle Nest dam operation. Any unexpended balances remaining at the end of fiscal year 2013 from this appropriation shall revert to the game protection fund.

The appropriations to the interstate stream compact compliance and water development program of the state engineer include one million nine hundred thousand dollars (\$1,900,000) to (a) match seventeen and one-half percent of the cost of work undertaken by the United States army corps of engineers pursuant to the Federal Water Resources Development Act of 1986, provided that no amount of this appropriation shall be expended for any project unless the appropriate acequia system or community ditch has agreed to provide seven and one-half percent of the cost from any source other than the irrigation works construction fund or improvement of Rio Grande income fund and provided that no more than two hundred fifty thousand dollars (\$250,000) shall be allocated to one acequia per fiscal year; and (b) for the construction, improvement, repair and protection from floods of dams, reservoirs, ditches, flumes and appurtenances of community ditches in the state through the interstate stream commission 80/20 program, provided that not more than one hundred twenty thousand dollars (\$120,000) of this appropriation shall be used for any one community ditch and that the state funds up to three hundred thousand dollars (\$300,000) for engineering services for approved acequia projects.

The interstate stream commission's authority to make loans for irrigation improvements includes five hundred thousand dollars (\$500,000) for loans to acequia, irrigation and conservancy districts. The interstate stream commission's authority also 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.

The interstate stream commission's authority to make loans from the irrigation works construction fund includes two million dollars (\$2,000,000) for irrigation districts, acequias, conservancy districts and soil and water conservation districts for purchase and installation of meters and measuring equipment. The maximum loan term is five years.

(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	504.9	4,119.5	4,624.4
(b)	Contractual services		1,466.5	1,466.5
(c)	Other	376.5	376.5	

Authorized FTE: 68.00 Permanent

The internal service funds/interagency transfers appropriations to the litigation and adjudication program of the state engineer include three million five hundred thirty-seven thousand five hundred dollars (\$3,537,500) from the New Mexico irrigation works construction fund and two million four hundred twenty-five thousand dollars (\$2,425,000) from the water project fund pursuant to Section 72-4A-9 NMSA 1978.

Performance measures:

(a) Outcome: Number of offers to defendants in adjudications 800

(b) Outcome: Percent of all water rights that have judicial determinations 52%

(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	2,991.5	223.6	3,215.1
(b)	Contractual services		169.5	169.5
(c)	Other	487.9	487.9	

Authorized FTE: 43.00 Permanent

The internal service funds/interagency transfers appropriations to program support of the state engineer include eight hundred eighty-one thousand dollars (\$881,000) from the New Mexico irrigation works construction fund.

(5) New Mexico irrigation works construction fund:

Appropriations:

(a)	Other financing uses		16,293.0	16,293.0
-----	----------------------	--	----------	----------

(6) Improvement of Rio Grande income fund:

Appropriations:

(a)	Other financing uses		1,826.7	1,826.7
	Subtotal		54,922.1	

TOTAL AGRICULTURE, ENERGY AND NATURAL RESOURCES	63,064.1	98,460.7	25,116.2	32,000.1
	218,641.1			

**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	354.3		354.3
(b)	Contractual services	186.1		186.1
(c)	Other	140.6	140.6	
Authorized FTE: 5.00 Permanent				
	Subtotal		681.0	

**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		973.3	973.3
(b)	Contractual services	300.0	1,805.4	2,105.4
(c)	Other	257.9	257.9	
(d)	Other financing uses		491.0	491.0

Authorized FTE: 15.00 Permanent

The internal service funds/interagency transfers appropriation to the deaf and hard-of-hearing program of the commission for the deaf and hard-of-hearing persons in the other financing uses category includes four hundred sixty-six thousand dollars (\$466,000) 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.

The internal service funds/interagency transfers appropriation to the deaf and hard-of-hearing program of the commission for the deaf and hard-of-hearing persons in the other financing uses category

includes 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.

The general fund appropriation to the deaf and hard-of-hearing program of the commission for deaf and hard-of-hearing persons in the contractual services category includes three hundred thousand dollars (\$300,000) for deaf and deaf-blind support service provider programs.

Performance measures:

(a) Output:	Hours provided by the sign language interpreter referral service	30,000	
(b) Output:	Number of accessible technology equipment distributions		800
(c) Output:	Number of clients provided assistance to reduce or eliminate communication barriers	1,000	
Subtotal			3,827.6

**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	109.3	109.3
(b)	Contractual services	10.9	10.9
(c)	Other	78.6	78.6
	Authorized FTE: 2.00 Permanent		
Subtotal			198.8

**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	1,034.6	280.7	3,417.1	4,732.4
(b)	Contractual services	61.8	22.6	113.4	197.8
(c)	Other	933.9	105.6	1,731.0	2,770.5

Authorized FTE: 92.50 Permanent

Any unexpended balances in the blind services program of the commission for the blind remaining at the end of fiscal year 2013 from appropriations made from the general fund shall not revert.

Performance measures:

(a)	Output:	Number of quality employment opportunities obtained for	
		agency's blind or visually impaired clients	40
(b)	Output:	Number of blind or visually impaired clients trained in the	
		skills of blindness to enable them to live independently in	
		their homes and communities	600
(c)	Outcome:	Average hourly wage for the blind or visually impaired	
		person	\$13.50
	Subtotal		7,700.7

**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	1,063.9			1,063.9
(b) Contractual services	237.6	249.3		486.9
(c) Other	1,173.4		1,173.4	

Authorized FTE: 15.00 Permanent

The other state funds appropriations to the Indian affairs program of the Indian affairs department include 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 general fund appropriation to the Indian affairs program of the Indian affairs department includes seventy five thousand dollars (\$75,000) for Navajo nation emergency management services.]~~ *LINE-ITEM VETOED*

Performance measures:

- (a) Outcome: Percent of capital projects over \$50,000 dollars completed and closed 75%

Subtotal 2,724.2

**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 persons 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	1,746.2	427.4	823.5	2,997.1
(b) Contractual services	66.0		11.0	77.0
(c) Other	112.1	31.5	238.9	382.5

Authorized FTE: 41.50 Permanent; 6.00 Term

Performance measures:



(a) Output: Number of ombudsman complaints resolved 3,900

(b) Outcome: Percent of resident-requested transitions from nursing homes to home- and community-based services completed to the satisfaction of the resident within nine months from the request 85%

(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	106.3	39.0	145.3	
(b)	Contractual services	92.8	10.0	102.8	
(c)	Other	26,927.9	80.0	8,832.6	35,840.5

Authorized FTE: 1.00 Permanent; .50 Term

The general fund appropriation to the aging network program of the aging and long-term services department in the other category to supplement the federal Older Americans Act shall be contracted to the designated area agencies on aging.

~~[The general fund appropriation to the aging network program of the aging and long-term services department in the other category includes sufficient funding to expand the home-delivered meals program.]~~ LINE-ITEM VETOED

Any unexpended balances remaining at the end of fiscal year 2013 in other state funds from conference registration fees shall not revert.

Performance measures:

(a) Outcome: Percent of individuals exiting from the federal older worker program who obtain unsubsidized employment 25%

(b) Output: Number of persons receiving aging network community services 95,000

(c) Outcome: Percent of older New Mexicans whose food insecurity is alleviated by meals received through the aging network 55%

(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	7,698.0		7,698.0
(b) Contractual services	785.9	2,498.6	3,284.5
(c) Other	1,622.8	1,622.8	

Authorized FTE: 132.00 Permanent

Performance measures:

(a) Output: Number of adults receiving adult protective services investigations of abuse, neglect or exploitation 6,050

(b) Outcome: Number of adults who receive in-home services or interventions through adult protective services as a result of an investigation of abuse, neglect or exploitation 1,100

(c) Outcome: Percent of emergency or priority one investigations in which a caseworker makes initial face-to-face contact with the alleged victim within prescribed timeframes 95%

(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	3,232.8	442.1	3,674.9
(b)	Contractual services	128.7		128.7
(c)	Other	182.7	182.7	365.4
Authorized FTE: 53.00 Permanent; 1.00 Term				
	Subtotal		56,319.5	

**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 health care.

Appropriations:

(a)	Personal services and employee benefits	1,858.0	158.8	430.4	9,562.0	12,009.2
(b)	Contractual services	8,361.3	2,721.6	6.1	37,320.5	48,409.5
(c)	Other	801,551.9	149,820.3	126,087.9	2,492,500.3	3,569,960.4
(d)	Other financing uses	5,939.6	805.1	1,158.0	24,597.7	32,500.4

Authorized FTE: 158.50 Permanent; 11.00 Term

The other state funds appropriations to the medical assistance program of the human services department include one million three hundred twelve thousand four hundred dollars (\$1,312,400) from the tobacco settlement program fund for the breast and cervical cancer treatment program and twenty-seven million one hundred ninety thousand dollars (\$27,190,000) from the tobacco settlement program fund for medicaid programs.

Notwithstanding the provisions of Section 24-1-24, Subsection F of Section 35-7-4, Subsection G of Section 66-8-116.3, Paragraph (7) of Subsection B of Section 66-8-119 NMSA 1978, Section 13 of Chapter 23 of Laws 2004, or other substantive law, the administrative office of the courts and the taxation and revenue department shall remit all brain injury services fees assessed and collected in fiscal year 2013 to the human services department. The other state funds appropriation to the medical assistance program of the human services department in the contractual services category includes one million seven hundred twenty-two thousand four hundred dollars (\$1,722,400) from brain injury services fees for

the statewide brain injury services program. Any unexpended balances of brain injury services fees remitted to the human services department shall not revert.

The general fund appropriation to the medical assistance program of the human services department in the other category includes one million dollars (\$1,000,000) for a nursing home rate increase[for publicly-operated facilities]. *LINE-ITEM VETOED*

Performance measures:

- (a) Outcome: Percent of coordinated long-term services c waiver clients who receive services within ninety days of eligibility determination 94%
- (b) Output: Number of consumers who transition from nursing facilities placement to community-based services 150
- (c) Outcome: The percent of children two to twenty-one years of age enrolled in medicaid managed care who had at least one dental visit during the measurement year 70%
- (d) Outcome: The percent of infants in medicaid managed care who had six or more well-child visits with a primary care physician during the first fifteen months 65%
- (e) Outcome: Average percent of children and youth age twelve months to nineteen years in medicaid managed care who received a visit with a primary care physician during the measurement year 92%
- (f) Outcome: Percent of emergency room visits per one thousand medicaid member months 62%
- (g) Outcome: Percent hospital readmissions for adults eighteen and over, within thirty days of discharge 10%

(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 health care.

Appropriations:

(a)	Other	87,329.0	205,301.0	292,630.0
-----	-------	----------	-----------	-----------

Performance measures:

(a) Outcome: Percent of readmissions to same level of care or higher for children or youth discharged from residential treatment centers and inpatient care 8%

(b) Output: Number of individuals served annually in substance abuse or mental health programs administered through the behavioral health collaborative statewide entity contract 83,000

(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	21,669.5	1,038.7	25,979.9
	48,688.1			
(b)	Contractual services	3,136.2	75.3	17,321.5
	20,533.0			
(c)	Other	15,817.2	3,186.6	770,078.7
				789,082.5
(d)	Other financing uses			24,533.5
				24,533.5

Authorized FTE: 976.00 Permanent; 34.00 Term; 50.00 Temporary

~~[No less than fifteen percent and no more than twenty-five percent of the federal funds for the low income home energy assistance program shall be used for weatherization programs.] LINE-ITEM VETOED~~

The federal funds appropriations to the income support program of the human services department include ten million five hundred seventeen thousand eight hundred dollars (\$10,517,800) 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 seventy million four hundred twenty-seven thousand six hundred dollars (\$70,427,600) 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 and state-funded payments to aliens.

The federal funds appropriations to the income support program of the human services department include nine million two hundred thousand dollars (\$9,200,000) from the federal temporary assistance for needy families block grant for job training and placement, five hundred thousand dollars (\$500,000) for job-related transportation services and seven hundred thousand dollars (\$700,000) for employment related costs.

The federal funds appropriations to the income support program of the human services department include twenty-three million seven hundred seventy-seven thousand five hundred dollars (\$23,777,500) from the federal temporary assistance for needy families block grant for transfer to the children, youth and families department for childcare programs.

The appropriations to the income support program of the human services department include six million seven hundred seventy-seven thousand three hundred dollars (\$6,777,300) from the general fund and two million eight hundred fifty-nine thousand four hundred dollars (\$2,859,400) from other state funds for general assistance. Any unexpended balances remaining at the end of fiscal year 2013 from the other state funds appropriation derived from reimbursements received from the social security administration for the general assistance program shall not revert.

The general fund appropriations to the income support program of the human services department include two hundred ten thousand nine hundred dollars (\$210,900) for the Navajo sovereign temporary assistance for needy families program.

The general fund appropriations to the income support program of the human services department include thirty-one thousand dollars (\$31,000) for the Zuni sovereign temporary assistance for needy families program.

~~[The general fund appropriations to the income support program of the human services department include eighty thousand dollars (\$80,000) for the Gallup food bank.]~~ *LINE-ITEM VETOED*

The general fund appropriations to the income support program of the human services department include six hundred thousand dollars (\$600,000) to cover the costs of food commodity delivery to schools.

The human services department shall provide the department of finance and administration and the legislative finance committee quarterly reports on the expenditures of the federal temporary assistance for needy families block grant and state maintenance-of-effort expenditures.

Performance measures:

(a) Outcome: Percent of parent participants who meet temporary assistance for needy families federal work participation

requirements 50%

(b) Outcome: Percent of temporary assistance for needy families

two-parent recipients meeting federal work participation

requirements 60%

(c) Outcome: Percent of eligible children in families with incomes of

one hundred thirty percent of the federal poverty level

participating in the supplemental nutrition assistance

program 88%

(d) Outcome: Percent of adult temporary assistance for needy families

recipients who become newly employed during the report year 50%

(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 that the program fosters recovery and supports the health and resilience of all New Mexicans.

Appropriations:

(a) Personal services and

employee benefits	1,791.1	712.4	2,503.5
-------------------	---------	-------	---------

(b) Contractual services	39,594.1	13,441.7
	53,035.8	

(c) Other	417.3	21.0	71.9	510.2
-----------	-------	------	------	-------

(d) Other financing uses	279.4	1,073.3	1,352.7
--------------------------	-------	---------	---------

Authorized FTE: 26.00 Permanent; 7.00 Term

The general fund appropriation to the behavioral health services program of the human services department in the contractual services category includes seven hundred fifty thousand dollars (\$750,000) for operational expenses of the Los Lunas substance abuse treatment center.

The general fund appropriation to the behavioral health services program of the human services department in the contractual services category includes an additional two hundred fifty thousand dollars (\$250,000) for non medicaid in-patient psychiatric services in southern New Mexico.

Performance measures:

- (a) Outcome: Percent of people receiving substance abuse treatments who demonstrate improvement in the alcohol domain on the addiction severity index 85%
- (b) Outcome: Percent of people receiving substance abuse treatments who demonstrate improvement in the drug domain on the addiction severity index 76%
- (c) Outcome: Number of youth suicides among fifteen to nineteen year olds served by the statewide entity 3
- (d) Outcome: Percent of individuals discharged from inpatient facilities who receive follow-up services at thirty days 57%

(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 4,679.9 3,488.3 11,645.0  
19,813.2
- (b) Contractual services 1,666.0 1,241.8 4,145.6  
7,053.4
- (c) Other 1,331.9 992.7 3,314.2 5,638.8

Authorized FTE: 383.00 Permanent

Performance measures:

- (a) Outcome: Amount of child support collected, in millions \$120
- (b) Outcome: Percent of current support owed that is collected 60%



(c) Outcome: Percent of cases with support orders 75%

(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	4,034.6	3,038.2	10,511.9
17,584.7			

(b) Contractual services	3,892.0	129.1	7,058.6
11,079.7			

(c) Other	4,115.7	689.2	8,160.9	12,965.8
-----------	---------	-------	---------	----------

Authorized FTE: 239.00 Permanent

Performance measures:

(a) Outcome: Percent of federal grant reimbursements completed that

minimize the use of state cash reserves in accordance with  
established cash management plans 100%

(b) Output: Percent of intentional violations in the supplemental

nutrition assistance program investigated by the office of  
inspector general completed and referred for an  
administrative disqualification hearing within ninety days  
from the date of assignment 95%

Subtotal	4,969,884.4
----------	-------------

**WORKFORCE SOLUTIONS DEPARTMENT:**

(1) Workforce transition services:

The purpose of the workforce transition 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	713.3	1,002.0	11,931.2	13,646.5
(b)	Contractual services		80.0	591.5	671.5
(c)	Other	659.6	73.5	1,107.4	1,840.5
(d)	Other financing uses		639.0		639.0

Authorized FTE: 249.00 Permanent; 18.00 Term

Performance measures:

- (a) Outcome: Percent of adult participants receiving workforce development services through the public workforce system employed in the first quarter after the exit quarter 67%
- (b) Outcome: Percent of Workforce Investment Act dislocated workers receiving workforce development services employed in the first quarter after the exit quarter 71%
- (c) Outcome: Percent of youth participants in employment or enrolled in postsecondary education or advanced training in the first quarter after the exit quarter 55%
- (d) Output: Percent of eligible unemployment insurance claims issued a determination within twenty-one days from the date of claim 80%
- (e) Output: Average time to complete a transaction with the unemployment insurance call center, in minutes <5

(2) Labor relations division:

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	1,291.2	795.0	184.5	2,270.7
(b)	Contractual services		62.2	6.8	69.0
(c)	Other	1,499.5	60.1	1,559.6	
(d)	Other financing uses		1,347.3		1,347.3

Authorized FTE: 32.00 Permanent; 3.00 Term

The internal service funds/interagency transfers appropriations to the labor relations program of the workforce solutions department include one million dollars (\$1,000,000) from the workers' compensation administration fund.

Performance measures:

(a) Outcome: Percent of wage claims investigated and resolved within one hundred twenty days 90%

(b) Output: Number of targeted public works inspections completed 1,500

(3) Workforce technology division:

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	486.9	197.9	2,005.6	2,690.4
(b)	Contractual services	251.7		813.1	1,064.8
(c)	Other	103.0	663.4	49.1	815.5
(d)	Other financing uses		826.3		826.3

Authorized FTE: 34.00 Permanent

Performance measures:

(a) Outcome: Percent of time unemployment insurance benefits are paid  
 within two business days of claimant certification 95%

(4) Business services division:

The purpose of the business 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		1,785.1	1,785.1
(b)	Contractual services		123.8	123.8
(c)	Other	1,989.4	1,989.4	

Authorized FTE: 28.00 Permanent

Performance measures:

(a) Output: Number of personal contacts made by field office personnel  
 with New Mexico businesses to inform them of available  
 services 43,000

(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	169.4	697.2	4,933.7	5,800.3
(b)	Contractual services			93.8	666.5 760.3
(c)	Other	97.5	12,624.2	12,721.7	
(d)	Other financing uses		811.6		811.6

Authorized FTE: 85.00 Permanent; 4.00 Term

Subtotal 51,433.3

**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	7,482.0	7,482.0
(b) Contractual services	348.7	348.7
(c) Other	1,615.1	1,615.1
(d) Other financing uses	1,000.0	1,000.0

Authorized FTE: 124.00 Permanent

Performance measures:

(a) Outcome: Percent of formal claims resolved without trial	86%
(b) Outcome: Rate of serious injuries and illnesses caused by workplace conditions per one hundred workers	0.62
(c) Outcome: Percent of employers referred for investigation that are determined to be in compliance with insurance requirements of the Workers' Compensation Act	67%
(d) Output: Number of first reports of injury processed	37,200

(2) Uninsured employers' fund:

Appropriations:

(a) Contractual services	100.0	100.0
--------------------------	-------	-------

(b)	Other	1,068.5		1,068.5	Subtotal
		11,614.3			

**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	2,604.3	17.0	313.2	9,569.6	12,504.1
(b)	Contractual services	156.5	35.0		583.4	774.9
(c)	Other	1,652.2	57.1	466.0	12,360.8	14,536.1

Authorized FTE: 186.00 Permanent; 18.00 Term

The internal service funds/interagency transfers appropriation to the rehabilitation services program of the division of vocational rehabilitation in the other category includes four hundred sixty-six thousand dollars (\$466,000) to match with federal funds to support and enhance deaf and hard-of-hearing rehabilitation services.

Any unexpended balances in the division of vocational rehabilitation remaining at the end of fiscal year 2013 from appropriations made from the general fund shall not revert.

Performance measures:

(a)	Outcome: Number of clients achieving suitable employment for a	
	minimum of ninety days	950
(b)	Outcome: Percent of clients achieving suitable employment outcomes	
	of all cases closed after receiving planned services	55.8%

(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) Personal services and  
employee benefits 62.0 62.0

(b) Other 1,144.3 250.0 1,394.3

Authorized FTE: 1.00 Permanent

Performance measures:

(a) Output: Number of independent living plans developed 800

(b) Output: Number of individuals served for independent living 1,000

(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 6,204.4 6,204.4

(b) Contractual services 295.0 295.0

(c) Other 10,296.8 10,296.8

Authorized FTE: 90.00 Permanent; 6.00 Term

Performance measures:

(a) Efficiency: Number of days for completing an initial disability claim  
90

(b) Quality: Percent of disability determinations completed accurately  
98.8%

Subtotal 46,067.6

## **GOVERNOR'S COMMISSION ON DISABILITY:**

(1) Information and advocacy:

The purpose of the governor's commission on disability 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 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	625.1	21.4	646.5
(b)	Contractual services	133.8	60.0	193.8
(c)	Other	93.7	20.0	113.7

Authorized FTE: 8.00 Permanent

Performance measures:

- (a) Output: Number of architectural plans reviewed and sites inspected 200
- (b) Output: Number of meetings held to develop collaborative partnerships with other state agencies and private disability agencies to ensure that quality of life issues for New Mexicans with disabilities are being addressed 325

Subtotal 954.0

**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	440.1	149.0	589.1
(b)	Contractual services	9.7	306.5	316.2



(c) Other 239.3 75.0 56.1 370.4

Authorized FTE: 8.50 Permanent

(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	66.5		66.5
(b) Contractual services	8.8		8.8
(c) Other	21.0	21.0	

Authorized FTE: 1.00 Permanent

(3) 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	435.7		435.7
(b) Contractual services	3,261.5	400.0	3,661.5
(c) Other	71.4	71.4	

Authorized FTE: 5.50 Permanent

Any unexpended balances in the office of guardianship of the developmental disabilities planning council remaining at the end of fiscal year 2013 from appropriations made from the ~~general fund and~~ internal service funds/interagency transfers shall not revert. *LINE-ITEM VETOED*

Performance measures:

(a) Outcome: Percent of protected persons properly served with the least

restrictive means as evidenced by an annual technical  
 compliance audit 95%

Subtotal 5,540.6

**MINERS' HOSPITAL OF NEW MEXICO:**

(1) Healthcare:

The purpose of miners' hospital of New Mexico 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	13,747.9	266.6	14,014.5
(b)	Contractual services	3,158.9		3,158.9
(c)	Other 6,120.5	55.2	6,175.7	
(d)	Other financing uses	160.7	4,863.1	5,023.8

Authorized FTE: 211.50 Permanent; 13.50 Term

The internal service funds/interagency transfers appropriation to the healthcare program of the miners' hospital of New Mexico in the other financing uses category includes four million eight hundred sixty-three thousand one hundred dollars (\$4,863,100) from the miners' trust fund.

Performance measures:

- (a) Outcome: Annual percentage of healthcare-associated infections  
 (formerly nosocomial) <2%
- (b) Outcome: Rate of unassisted patient falls per one thousand patient  
 days in the long-term care facility <0.5%
- (c) Quality: Percent of patients readmitted to the hospital within 30  
 days with the same or similar diagnosis <15%

Subtotal 28,372.9

## 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 health care.

#### Appropriations:

##### (a) Personal services and

employee benefits	28,741.5	2,168.4	2,594.8	23,221.0
56,725.7				

(b) Contractual services	19,938.1	2,110.9	10,328.4
8,445.9	40,823.3		

(c) Other	17,572.8	25,908.0	248.6	47,485.9	91,215.3
-----------	----------	----------	-------	----------	----------

(d) Other financing uses	662.1		662.1
--------------------------	-------	--	-------

Authorized FTE: 343.50 Permanent; 620.50 Term

The other state funds appropriations to the public health program of the department of health include five million six hundred eighty-two thousand dollars (\$5,682,000) from the tobacco settlement program fund for smoking cessation and prevention programs, seven hundred forty-eight thousand dollars (\$748,000) 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 human immunodeficiency virus/acquired immune deficiency syndrome 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.

Any unexpended balances in the public health program of the department of health in the contractual services category from appropriations made from the county-supported medicaid fund for the support of primary health care services related to the Rural Primary Health Care Act remaining at the end of fiscal year 2013 shall not revert.

The general fund appropriation to the public health program of the department of health in the contractual services category includes one hundred thousand dollars (\$100,000) to replicate and disseminate statewide a health professional workforce model developed in southwest New Mexico.

~~[The general fund appropriation to the public health program of the department of health in the contractual services category includes one hundred thousand dollars (\$100,000) for a traditional healing training program in Rio Arriba county for treating persons in northern New Mexico with substance abuse and related disorders.]~~

~~\_\_\_\_\_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) for operational support for a women's health services program in Santa Fe county.] LINE-ITEM VETOED~~

The general fund appropriation to the public health program of the department of health in the contractual services category includes twenty-nine thousand dollars (\$29,000) for nurse advice in New Mexico.

Performance measures:

(a) Output: Number of teens ages fifteen to seventeen receiving family planning services in agency-funded family planning clinics 7,000

~~[(b) Output: Number of human immunodeficiency virus/acquired immune deficiency syndrome prevention interventions 22,000]~~

*LINE-ITEM VETOED*

(c) Output: Percent of preschoolers (nineteen to thirty-five months) fully immunized 90%

(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	4,145.2	967.3	93.6	6,251.3	11,457.4
(b)	Contractual services	594.8	309.7	36.0	4,728.5	5,669.0
(c)	Other	3,283.4	139.5	53.1	2,969.7	6,445.7

Authorized FTE: 45.00 Permanent; 125.00 Term

The epidemiology and response program of the department of health includes sufficient funding to operate the birth defects prevention and surveillance system.

~~[Performance measures:~~

~~(a) Output: Number of designated trauma centers in the state 11~~

~~(b) Output: Number of health emergency exercises conducted to assess~~

and improve state and local capability—105]

*LINE-ITEM VETOED*

(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 to provide timely identification of threats to the health of New Mexicans.

Appropriations:

(a)	Personal services and			
	employee benefits	5,079.0	1,278.8	1,122.7
		7,480.5		
(b)	Contractual services	153.6	37.2	190.8
(c)	Other	1,973.5	1,521.5	1,016.0
				4,511.0

Authorized FTE: 84.00 Permanent; 49.00 Term

Performance measures:

~~[(a) Outcome: Percent of public health threat samples for communicable diseases and other threatening illnesses analyzed within specified turnaround times 95%]~~

*LINE-ITEM VETOED*

(b) Efficiency: Percent of blood alcohol tests from driving-while-intoxicated cases analyzed and reported within ten business days 95%

(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	47,341.6	61,038.8	723.5	109,103.9
(b)	Contractual services	7,893.6	3,650.2	4,243.4	
(c)	Other	11,487.5	10,518.9	22,006.4	

Authorized FTE: 2,206.00 Permanent; 5.00 Term; 21.00 Temporary

Performance measures:

(a) Output: Percent of operational capacity beds filled at all agency

facilities 100%

(b) Efficiency: Percent of collectable third-party revenues at all agency

facilities 90%

(c) Explanatory: Total dollar amount, in millions, of uncompensated care at

all agency facilities \$38

~~[(d) Outcome: Number of substantiated cases of abuse, neglect and~~

~~exploitation per one hundred residents in agency-operated~~

~~long-term care programs confirmed by the division of health~~

~~improvement or adult protective services0]~~

*LINE-ITEM VETOED*

(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	4,429.7	5,626.2	458.7	10,514.6
-----	--------------------------------------------	---------	---------	-------	----------

(b) Contractual services	14,086.0	1,400.0	945.8	1,061.2
17,493.0				
(c) Other	17,476.0	995.2	1,081.6	19,552.8
(d) Other financing uses	95,691.0			95,691.0

Authorized FTE: 69.00 Permanent; 97.00 Term

The general fund appropriation to the developmental disabilities support program of the department of health in the other financing uses category includes ninety-five million six hundred ninety-one thousand dollars (\$95,691,000) for medicaid waiver services in local communities: one million two hundred sixty-one thousand five hundred dollars (\$1,261,500) for medically fragile services and ninety-four million four hundred twenty-nine thousand five hundred dollars (\$94,429,500) for services to the developmentally disabled.

The general fund appropriation to the developmental disabilities support program of the department of health in the contractual services category includes fifteen thousand dollars (\$15,000) for the Las Vegas special olympics.

~~[Payments due to the plaintiffs' attorneys, their consultants and expert witnesses, and other related court costs as a result of the Jackson v. Ft. Stanton lawsuit and related actions shall not exceed one hundred thousand dollars (\$100,000). There are no other appropriations for this purpose in the General Appropriation Act of 2012 and the department of health shall not expend any other appropriation for this purpose.]~~ *LINE-ITEM VETOED*

Performance measures:

(a) Outcome: Percent of adults receiving developmental disabilities day

services who are engaged in community-integrated employment 38%

(b) Efficiency: Percent of developmental disabilities waiver applicants who

have a service plan in place within ninety days of income

and clinical eligibility determination 100%

(c) Explanatory: Number of individuals on developmental disabilities waiver

receiving services 3,997

(d) Explanatory: Number of individuals on developmental disabilities waiver

waiting list 4,535

(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 health care and that vulnerable populations are safe from abuse, neglect and exploitation.

Appropriations:

(a)	Personal services and				
	employee benefits	3,464.8	1,095.8	3,032.9	1,647.3
		9,240.8			
(b)	Contractual services	296.7	15.1	311.8	
(c)	Other	602.9	1,160.3	392.0	338.2
				2,493.4	

Authorized FTE: 44.00 Permanent; 100.00 Term

Performance measures:

(a) Output: Percent of developmental disabilities, medically fragile, behavioral health and family, infant, toddler providers receiving a survey by the quality management bureau 100%

~~[(b) Output: Percent of required compliance surveys completed for adult-residential care and adult daycare facilities — 85%]~~

*LINE-ITEM VETOED*

(7) 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	5,151.3	40.2	1,088.4	3,299.3
		9,579.2			
(b)	Contractual services	2,144.2		129.4	773.2
					3,046.8
(c)	Other	4,175.6	149.1	521.2	4,845.9



Authorized FTE: 133.00 Permanent; 4.00 Term

The general fund appropriation to the administration program of the department of health in the contractual services category includes two hundred thousand dollars (\$200,000) for evaluation and services for victims of sexual assault.

Subtotal 536,954.0

**DEPARTMENT OF ENVIRONMENT:**

(1) Field operations and infrastructure:

The purpose of the field operations and infrastructure program is to protect public health and the environment through specific programs that provide regulatory oversight over food service and food processing facilities, compliance with the Safe Drinking Water Act, regulation of on-site treatment and disposal of liquid wastes, regulation of public swimming pools and baths, application of the mosquito abatement regulation, and oversight of waste isolation pilot plant transportation.

Appropriations:

(a)	Personal services and				
	employee benefits	4,240.1	7,094.2	1,238.1	
		12,572.4			
(b)	Contractual services	1.6	2,622.9	27.0	2,651.5
(c)	Other	680.5	1,322.9	247.5	2,250.9

Authorized FTE: 130.00 Permanent; 64.00 Term

Performance measures:

- (a) Output: Percent of new septic tanks inspections completed 60%
- (b) Outcome: Percent of high-risk food-related violations corrected within the time frames noted on the inspection report issued to permitted commercial food establishments 100%
- (c) Efficiency: Percent of public drinking water systems inspected within one week of confirmation of system problems that might acutely impact public health 100%
- (d) Output: Percent of public water systems surveyed to ensure

compliance with drinking water regulations 90%

(2) Resource protection:

The purpose of the resource protection program is to protect the quality of New Mexico's ground- and surface-water resources to ensure clean and safe water supplies are available now and in the future to support domestic, agricultural, economic and recreational activities and provide healthy habitat for fish, plants and wildlife and to ensure that hazardous waste generation, storage, treatment and disposal are conducted in a manner protective of public health and environmental quality.

Appropriations:

(a) Personal services and

employee benefits	1,766.1	8,220.2	7,251.6
17,237.9			

(b) Contractual services		1,135.0	4,374.7
5,509.7			

(c) Other	158.7	1,379.2	970.1	2,508.0
-----------	-------	---------	-------	---------

Authorized FTE: 51.00 Permanent; 182.50 Term

Performance measures:

(a) Output: Percent of groundwater discharge permitted facilities

receiving annual field inspections and compliance

evaluations 50%

(b) Outcome: Percent of permitted facilities where monitoring results

demonstrate compliance with groundwater standards 70%

(c) Output: Percent of large quantity hazardous waste generators

inspected 20%

(d) Outcome: Percent of underground storage tank facilities in

significant operational compliance with release prevention

and release detection requirements of the petroleum storage

tanks regulations 90%

(3) Environmental protection:

The purpose of the environmental protection program is to regulate medical radiation and radiological technologist certification, provide public outreach about radon in homes and public buildings, ensure solid waste is handled and disposed without harming natural resources, ensure New Mexicans breathe healthy air and ensure every employee has safe and healthful working conditions.

Appropriations:

(a) Personal services and

employee benefits	1,643.7	7,608.2	2,334.8
	11,586.7		

(b) Contractual services	28.7	372.1	350.2	751.0
--------------------------	------	-------	-------	-------

(c) Other	326.7	1,486.4	619.0	2,432.1
-----------	-------	---------	-------	---------

Authorized FTE: 72.00 Permanent; 91.00 Term

Performance measures:

(a) Outcome: Percent of active solid waste facilities and infectious

waste generators inspected that were found to be in

substantial compliance with the New Mexico solid waste rules 80%

(b) Output: Percent of radiation-producing machine inspections

completed within the timeframes identified in radiation

control bureau policies 85%

(4) Resource management:

The purpose of the resource management program is to provide overall leadership, administrative, legal and information management support to programs to operate in the most knowledgeable, efficient and cost-effective manner so the public can receive the information it needs to hold the department accountable.

Appropriations:

(a) Personal services and

employee benefits	2,035.8	36.5	2,406.3	1,632.2
	6,110.8			

(b) Contractual services 156.8 54.2 224.0 245.1 680.1

(c) Other 217.5 2.8 372.3 261.3 853.9

Authorized FTE: 45.00 Permanent; 31.00 Term

Performance measures:

(a) Output: Percent of enforcement actions brought within one year of  
inspection or documentation of violation 90%

(5) Special revenue funds:

Appropriations:

(a) Personal services and

employee benefits	456.5	456.5
-------------------	-------	-------

(b) Contractual services	3,524.1	3,524.1
--------------------------	---------	---------

(c) Other	7,798.4	7,798.4
-----------	---------	---------

(d) Other financing uses	30,746.7	30,746.7
--------------------------	----------	----------

Authorized FTE: 5.00 Permanent

Subtotal	107,670.7
----------	-----------

**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	35.7	213.9	249.6
-------------------	------	-------	-------

(b) Contractual services	7.5	1,988.9	1,996.4
--------------------------	-----	---------	---------

(c) Other	43.8	43.8
-----------	------	------

Authorized FTE: 3.75 Permanent

Performance measures:

(a) Outcome: Number of acres of habitat restoration 500

(b) Outcome: Number of acre-feet of water conserved through restoration 500

Subtotal 2,289.8

**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	1,860.0	150.0 2,010.0
(b)	Contractual services	739.2	739.2
(c)	Other	274.6 62.1	336.7

Authorized FTE: 35.00 Permanent; 4.00 Term

Performance measures:

(a) Output: Number of veterans served by veterans' services department  
field offices 38,000

(b) Output: Number of homeless veterans provided overnight shelter for  
a period of two weeks or more 200

(c) Output: Compensation received by New Mexico veterans as a result of  
the department's contracts with veterans' organizations, in  
millions \$100

(d) Output: Number of property tax waiver and exemption certificates

issued to New Mexico veterans	8,000
Subtotal	3,085.9

**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	49,209.4	2,555.2	855.3	101.0	52,720.9
(b) Contractual services	8,844.9		509.4	1,277.1	
	10,631.4				
(c) Other	5,873.3	327.1	17.5	6,217.9	

Authorized FTE: 892.30 Permanent; 3.00 Term

Performance measures:

- (a) Outcome: Percent of clients who complete formal probation 92%
- (b) Outcome: Percent of incidents in juvenile justice services facilities requiring use of force resulting in injury 2.5%
- (c) Outcome: Percent of clients recommitted to a children, youth and families department facility within two years of discharge from facilities 9%
- (d) 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 6%
- (e) Output: Number of physical assaults in juvenile justice facilities <800

(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	35,888.7	694.1	14,439.2	51,022.0
(b)	Contractual services	10,208.0	822.4	79.4	10,905.2
		22,015.0			
(c)	Other	25,259.5	1,873.8	24,787.0	51,920.3
(d)	Other financing uses			2,734.3	2,734.3

Authorized FTE: 848.80 Permanent; 6.00 Term

Performance measures:

- (a) Outcome: Percent of children who are not the subject of substantiated maltreatment within six months of a prior determination of substantiated maltreatment 93%
- (b) Output: Percent of children who are not the subject of substantiated maltreatment while in foster care 99.7%

(3) Early childhood services:

The purpose of the early childhood services program is to provide quality childcare, nutrition services, early childhood education and training to enhance the physical, social and emotional growth and development of children.

Appropriations:

(a)	Personal services and				
	employee benefits	2,820.6	47.6	5,162.9	8,031.1
(b)	Contractual services	14,900.0		3,007.7	
		17,907.7			

(c) Other 30,768.2 1,350.0 24,337.5 73,995.4 130,451.1

Authorized FTE: 101.50 Permanent; 50.00 Term

The internal service funds/interagency transfers appropriations to the early childhood services program of the children, youth and families department include twenty-three million seven hundred seventy-seven thousand five hundred dollars (\$23,777,500) for childcare programs from the temporary assistance for needy families block grant to New Mexico.

The federal funds appropriations to the early childhood services program of the children, youth and families department include thirty million seven hundred forty-four thousand eight hundred dollars (\$30,744,800) for childcare programs from the child care and development block grant to New Mexico.

~~[The children, youth and families department shall develop a plan to address the childcare program's waiting list for clients from families with income between one hundred percent and one hundred fifty percent of the federal poverty level. The department shall report the details of the plan to the department of finance and administration and the legislative finance committee by July 31, 2012.]~~ *LINE-ITEM VETOED*

The general fund appropriations to the early childhood services program of the children, youth and families department include no less than eight million three hundred twelve thousand three hundred ten dollars (\$8,312,310) for direct services and no more than nine hundred twenty-three thousand five hundred ninety dollars (\$923,590) for administrative and program support in the prekindergarten program.

Performance measures:

(a) Outcome: Percent of licensed childcare providers participating in stars/aim high levels three through five or with national accreditation 25%

(b) Outcome: Percent of children in state funded prekindergarten showing measurable progress on the preschool readiness kindergarten tool 70%

(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 10,607.4 202.1 3,072.4 13,881.9



(b) Contractual services	10,665.9	491.7	2,428.0
	13,585.6		

(c) Other	2,686.7	118.6	1,599.6	4,404.9
-----------	---------	-------	---------	---------

Authorized FTE: 187.00 Permanent; 12.00 Term

Performance measures:

(a) Outcome: Turnover rate for youth care specialists 18%

Subtotal	385,524.1
----------	-----------

TOTAL HEALTH, HOSPITALS AND HUMAN SERVICES	1,584,644.0	372,255.1	233,905.4
	4,030,038.9	6,220,843.4	

**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	2,836.9	100.1	4,739.9	7,676.9
---------------------------------------------	---------	-------	---------	---------

(b) Contractual services	394.1		3,410.8	3,804.9
--------------------------	-------	--	---------	---------

(c) Other	3,091.7	74.2	3,787.6	6,953.5
-----------	---------	------	---------	---------

Authorized FTE: 29.00 Permanent; 98.00 Term

Performance measures:

(a) Outcome: Rate of attrition of the New Mexico army national guard 16%

(b) Outcome: Percent of strength of the New Mexico national guard 92%

(c) Output: Number of New Mexico youth challenge academy cadets who

earn their high school equivalency annually 38

(d) Outcome: Percent of cadets successfully graduating from the youth

challenge academy 91%

Subtotal 18,435.3

**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	339.6	339.6
(b) Contractual services	7.6	7.6
(c) Other	116.5	116.5

Authorized FTE: 6.00 Permanent

Performance measures:

(a) Efficiency: Percent of revocation hearings held within thirty days of a parolee's return to the corrections department 95%

(b) Outcome: Percent of parole certificates issued within ten days of hearing or ten days of receiving relevant information needed 95%

Subtotal 463.7

**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 re-victimizing the community.

Appropriations:

(a) Contractual services	4.0	4.0
--------------------------	-----	-----

(b) Other	16.0	16.0
Subtotal		20.0

**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	90,393.1	12,731.5	113.7	103,238.3
(b) Contractual services	45,925.6		35.0	45,960.6
(c) Other	90,702.1	2,047.8	64.9 67.1	92,881.9

Authorized FTE: 1,892.50 Permanent; 32.00 Term

The general fund appropriation to the inmate management and control program of the corrections department in the other category includes two hundred thousand dollars (\$200,000) to provide an increase based on the consumer price index to the private women's prison contractor contingent on the contractor demonstrating a disparity in correctional officer compensation when compared with state correctional officer compensation that would merit a salary increase.

Performance measures:

- (a) Outcome: Recidivism rate of the success for offenders after release  
program by thirty-six months 35%
- (b) Outcome: Percent of female offenders successfully released in  
accordance with their scheduled release dates, excluding  
in-house parole 90%
- (c) Outcome: Percent turnover of correctional officers in public  
facilities 13%

- (d) Outcome: Percent of male offenders successfully released in accordance with their scheduled release dates, excluding in-house parole 90%
- (e) Efficiency: Daily cost per inmate, in dollars, for prior fiscal year \$106.65
- (f) Output: Percent of inmates testing positive for drug use or refusing to be tested in a random monthly drug test 2%
- (g) Output: Number of inmate-on-inmate assaults with serious injury 23
- (h) Output: Number of inmate-on-staff assaults with serious injury 10
- (i) Output: Number of escapes from a publicly run corrections department facility 0
- (j) Output: Number of escapes from a secure privately operated corrections department facility 0
- (k) Output: Average number of days an inmate waits for medical, dental or psychiatric services 3
- (l) Outcome: Percent of eligible sex offenders within three years of release who are receiving treatment 65%

(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 | 1,683.8 | 1,683.8 |
| (b) Contractual services                    | 25.4    | 25.4    |

(c) Other 2,264.6 2,264.6

Authorized FTE: 31.00 Permanent; 3.00 Term

Performance measures:

(a) Outcome: Profit and loss ratio break-even

(b) Outcome: Percent of eligible inmates employed 6%

(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 17,779.8 1,334.9 19,114.7

(b) Contractual services 44.5 44.5

(c) Other 9,629.1 925.2 10,554.3

Authorized FTE: 382.00 Permanent

Performance measures:

(a) Outcome: Percent turnover of probation and parole officers 20%

(b) Outcome: Percent of out-of-office contacts per month with offenders  
on high and extreme supervision on standard caseloads 90%

(4) Community corrections:

The purpose of the community corrections program is to provide selected offenders on probation and parole with residential and nonresidential service settings and to provide intermediate sanctions and post-incarceration support services as a cost-effective alternative to incarceration without undue risk to the public.

Appropriations:

(a) Personal services and

	employee benefits	882.9		882.9
(b)	Contractual services	5.5		5.5
(c)	Other	2,281.4	637.8	2,919.2

Authorized FTE: 17.00 Permanent

The appropriations for the community offender management program of the corrections department are appropriated to the community corrections grant fund.

Performance measures:

- (a) Output: Percent of male offenders who complete the residential treatment center program 75%
- (b) Output: Percent of female offenders who complete the residential treatment center program 75%
- (c) Output: Percent of female offenders who complete the halfway house program 75%

(5) 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	5,725.2	251.7	90.4 6,067.3
(b)	Contractual services	589.2		589.2
(c)	Other	1,735.6	12.7	1,748.3

Authorized FTE: 90.00 Permanent

Performance measures:

- (a) Outcome: Percent of prisoners reincarcerated back into the

corrections department system within thirty-six months due to new charges or pending charges 40%

(b) Outcome: Percent of prisoners reincarcerated back into the corrections department within thirty-six months due to technical parole violations including absconders and sanctioned parole violators 40%

(c) Outcome: Percent of sex offenders reincarcerated back into the corrections department within thirty-six months 40%

Subtotal 287,980.5

**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	866.0	866.0
(b)	Contractual services	214.7	214.7
(c)	Other	629.3 579.5	1,208.8

Authorized FTE: 16.00 Permanent

Performance measures:

(a) Output:	Number of formal regional trainings conducted annually	8
(b) Output:	Number of formal internal staff trainings conducted annually	6
(c) Efficiency:	Average number of days to process applications	<120

(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		255.2	255.2
(b)	Contractual services		28.0	28.0
(c)	Other	4,192.7	4,192.7	
(d)	Other financing uses		700.0	700.0

Authorized FTE: 4.00 Term

Performance measures:

(a) Efficiency:	Percent of sub-recipients that receive compliance monitoring via desk audits	85%
(b) Output:	Number of training workshops conducted for sub-recipients	10
(c) Efficiency:	Percent of site visits conducted	30%
Subtotal		7,465.4

**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	53,415.9	1,146.3	3,251.8	1,575.2
		59,389.2			
(b)	Contractual services	1,127.6	210.7	64.0	111.0
(c)	Other	12,135.1	4,927.2	1,844.9	664.0
					19,571.2



Authorized FTE: 755.00 Permanent; 3.00 Term; 24.20 Temporary

The general fund appropriations to the law enforcement program of the department of public safety include one million five hundred eighty-seven thousand dollars (\$1,587,000) for a second state police recruit school in fiscal year 2013.

The general fund appropriations to the law enforcement program of the department of public safety include fifty thousand dollars (\$50,000) for New Mexico search and rescue.

Performance measures:

(a) Output: Number of licensed alcohol premises inspections conducted  
per agent assigned to alcohol enforcement duties 288

(b) Output: Number of driving-while-intoxicated arrests per patrol  
officer 12

(c) Output: Number of criminal investigations conducted by commissioned  
personnel per full-time equivalent assigned to patrol and  
the investigations bureau 670

(2) Motor transportation:

The purpose of the motor transportation program is to provide the highest quality of commercial motor vehicle enforcement services to the public and ensure a safer state.

Appropriations:

(a) Personal services and employee benefits	6,702.2	211.5	5,955.4	3,171.9
16,041.0				
(b) Contractual services	452.4	1,594.1	783.0	2,829.5
(c) Other	2,169.2	1,584.2	673.6	4,427.0

Authorized FTE: 217.50 Permanent; 55.00 Term

The internal service funds/interagency transfers appropriations to the motor transportation program of the department of public safety include one million two hundred thousand dollars (\$1,200,000) from the weight distance tax identification permit fund.

Any unexpended balances in the motor transportation program of the department of public safety remaining at the end of fiscal year 2013 from appropriations made from the weight distance tax identification permit fund shall revert to the weight distance tax identification permit fund.

The internal service funds/interagency transfers appropriations to the motor transportation program of the department of public safety include five million seven hundred sixty-four thousand one hundred dollars (\$5,764,100) from the state road fund.

Any unexpended balances in the motor transportation program of the department of public safety remaining at the end of fiscal year 2013 from appropriations made from the state road fund shall revert to the state road fund.

Performance measures:

- (a) Output: Number of commercial motor vehicle citations issued 40,256
- (b) Output: Number of commercial motor vehicle safety inspections  
85,000
- (c) Output: Number of fatal commercial motor vehicle crashes per one hundred  
million vehicle miles traveled 0.16

(3) 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 7,321.1 1,292.9 783.6 9,397.6
- (b) Contractual services 726.1 383.4 395.0 1,021.1 2,525.6
- (c) Other 1,945.2 776.6 45.0 557.6 3,324.4

Authorized FTE: 102.00 Permanent; 35.00 Term

Performance measures:

- (a) Outcome: Percent of forensic cases completed per filled  
full-time-equivalent position within thirty working days 60%

(4) 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	3,407.7	45.3	482.1	3,935.1
(b)	Contractual services	103.1	10.0	25.1	138.2
(c)	Other	1,693.4	15.5	3,998.7	5,707.6

Authorized FTE: 56.00 Permanent; 8.00 Term

Subtotal 128,799.7

**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	1,341.5	103.4	2,835.6	4,280.5	
(b)	Contractual services	69.9		1,345.7	1,415.6	
(c)	Other	981.8	110.0	79.9	29,988.3	31,160.0

Authorized FTE: 15.00 Permanent; 45.00 Term

Performance measures:

(a) Outcome: Number of exercises conducted annually in compliance with

federal guidelines 34

(b) Outcome: Number of program and administrative team compliance visits

conducted each year on all grants 42

Subtotal 36,856.1

TOTAL PUBLIC SAFETY 367,802.6 31,476.1 15,453.8 65,288.2  
480,020.7

## H. TRANSPORTATION

### DEPARTMENT OF TRANSPORTATION:

(1) Programs and infrastructure:

The purpose of the programs and infrastructure 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 21,167.5 4,250.3 25,417.8

(b) Contractual services 74,137.4 246,817.1  
320,954.5

(c) Other 54,538.1 149,381.6 203,919.7

Authorized FTE: 361.00 Permanent; 38.00 Term

The other state funds appropriations to the programs and infrastructure program of the department of transportation include ten million eight hundred sixty-nine thousand two hundred dollars (\$10,869,200) for maintenance, reconstruction and related construction costs of state-managed highways.

Notwithstanding the provisions of Section 6-21-6.8 (B)(1) NMSA 1978 or other substantive law to the contrary, any funds received by the New Mexico finance authority from the department of transportation in fiscal year 2013 as an annual administrative fee for issuing state transportation bonds pursuant to Sections 67-3-59.3 NMSA 1978 and 67-3-59.4 NMSA 1978 shall not be deposited into the local transportation infrastructure fund.

Performance measures:

(a) Explanatory: Annual number of riders on park and ride >250,000

(b) Outcome: Annual number of riders on the rail runner corridor, in

millions 1.5

(c) Outcome: Number of passengers not wearing seatbelts in motor vehicle

fatalities <150

(d) Outcome: Number of crashes in established safety corridors <700

(e) Explanatory: Percent of projects in production let as scheduled >60%

(f) Quality: Ride quality index for new construction >4

(2) Transportation and highway operations:

The purpose of the transportation and 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	93,531.6	3,000.0	96,531.6
-------------------	----------	---------	----------

(b) Contractual services	44,352.0		44,352.0
--------------------------	----------	--	----------

(c) Other	97,883.5	97,883.5	
-----------	----------	----------	--

Authorized FTE: 1,834.00 Permanent; 16.70 Term

Performance measures:

(a) Output: Number of statewide pavement preservation lane miles >2,500

(b) Outcome: Percent of non-interstate lane miles rated good >75%

(c) Output: Amount of litter collected from department roads, in tons >14,000

(d) Outcome: Percent of interstate lane miles rated good >90%

(e) Quality: Customer satisfaction levels at rest areas >95%

(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	22,978.6	22,978.6
(b)	Contractual services	3,910.7	3,910.7
(c)	Other	13,788.5	13,788.5
(d)	Other financing uses	5,764.1	5,764.1

Authorized FTE: 251.00 Permanent; 1.80 Term

Performance measures:

- (a) Quality: Number of external audit findings <6
- (b) Outcome: Vacancy rate in all programs <10%
- (c) Output: Number of employee injuries <100

Subtotal 835,501.0

TOTAL TRANSPORTATION 432,052.0 403,449.0 835,501.0

**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	9,384.2	1,444.2	7,206.8
		18,035.2		
(b)	Contractual services	450.0	442.0	16,547.9
				17,439.9
(c)	Other	905.4	604.4	3,248.5
				4,758.3

Authorized FTE: 158.20 Permanent; 97.60 Term; 1.00 Temporary

Performance measures:

(a) Outcome: Percent change from the preliminary unit value to the final

unit value 2%

(b) Outcome: Average processing time for school district budget

adjustment requests, in days 7

(c) Explanatory: Number of eligible children served in state-funded

prekindergarten 5,000

(d) Explanatory: Number of elementary schools participating in the

state-funded elementary school breakfast program TBD

Subtotal 40,233.4

**APPRENTICESHIP ASSISTANCE:**

Appropriations: 192.4 192.4

Subtotal 192.4

**REGIONAL EDUCATION COOPERATIVES:**

Appropriations:

(a) Northwest: 681.1 681.1

(b) Northeast: 284.6 284.6

(c) Lea county: 268.4 411.4 679.8

(d) Pecos valley: 1,673.9 613.2 2,287.1

(e) Southwest: 1,422.4 1,422.4

(f) Central: 2,574.0 295.3 2,869.3

(g) High plains: 2,688.2 330.4 3,018.6

(h)	Clovis:	922.9	320.4	1,243.3
(i)	Ruidoso:	2,341.1		1,017.9
				3,359.0
	Subtotal		15,845.2	

**PUBLIC EDUCATION DEPARTMENT SPECIAL APPROPRIATIONS:**

Appropriations:

(a)	Breakfast for elementary students	1,924.6		1,924.6
(b)	Regional education cooperatives operations	938.2		938.2
(c)	Prekindergarten program	10,000.0		10,000.0
(d)	Graduation, reality and dual-role skills	200.0		200.0
(e)	New Mexico cyber academy	890.0		890.0
(f)	Mock trials program	87.1		87.1
(g)	Kindergarten-three-plus	11,000.0		11,000.0
(h)	Advanced placement	541.8		541.8
(i)	Operating budget management system and student, teacher accountability reporting system	750.0		750.0
(j)	Early reading initiative	8,500.0		8,500.0
(k)	Teaching support for low-income students	500.0		500.0



(l)	College and career readiness assessments	309.4	309.4
(m)	Intervention for D and F schools	3,500.0	3,500.0
(n)	Statewide formative assessments	2,500.0	2,500.0
<del>(o)</del>	<del>Athletic and extracurricular support</del>	<del>50.0</del>	<del>50.0</del>

**LINE-ITEM VETOED**

A regional education cooperative may submit an application to the public education department for an allocation from the nine hundred thirty-eight thousand two hundred dollar (\$938,200) appropriation. The public education department may allocate amounts to one or more regional education cooperatives provided that the regional education cooperative's application has adequately justified a need for the allocation and the department finds the regional education cooperative has submitted timely quarterly financial reports, is in compliance with state and federal reporting requirements, including annual audit requirements pursuant to the Audit Act, and is otherwise financially stable. ~~[Prior to making an allocation to a regional education cooperative, the public education department shall provide a detailed report to the legislative education study committee and the legislative finance committee on the effectiveness of the technical assistance and other services provided to members of the regional education cooperative and any nonmember public and private entities to which the cooperative provided educational services.]~~ An allocation made to a regional education cooperative may only be used for current year operating expenses. *LINE-ITEM VETOED*

~~[The general fund appropriation to the public education department for the prekindergarten program and the kindergarten three plus program shall be used only for direct instruction, transportation and approved administrative costs.]~~ *LINE-ITEM VETOED*

Notwithstanding the provisions of Section 32A-23-9 NMSA 1978 or other substantive law, the general fund appropriation of ten million dollars (\$10,000,000) to the public education department for the prekindergarten program includes no less than nine million dollars (\$9,000,000) for direct services and no more than one million dollars (\$1,000,000) for administrative and program support in the prekindergarten program.

~~[The general fund appropriation to the public education department for the kindergarten three plus program shall only be used to provide funding for approved full-day kindergarten and grades one through three to be extended by a minimum of twenty-five instructional days to be completed prior to the start of the regular school year. Kindergarten three plus programs shall be funded at no less than thirty percent of the preliminary unit value per student. Schools that are awarded funding for kindergarten three plus for the 2012-2013 school year shall be notified no later than April 15, 2012.]~~ *LINE-ITEM VETOED*

The general fund appropriation to the public education department for the early reading initiative includes two million dollars (\$2,000,000) to be transferred to the teacher professional development fund to support training on effective reading instruction and data-driven decision making and to support reading and instructional coaches at the district level to support schools with the implementation of formative assessment tools and interventions.

Prior to the distribution of early reading initiative funding, the public education department [~~and the secretary's superintendents' council~~] shall [~~jointly~~] develop a distribution plan. The public education department shall not approve a school district or charter school budget that does not demonstrate that its early reading initiative allocation will be used to fund proven instructional strategies and professional development activities such as extended school day and extended school year programs, reading coaches and reading specialists and prekindergarten programs. *LINE-ITEM VETOED*

The general fund appropriation to the public education department for teaching support for low-income students includes five hundred thousand dollars (\$500,000) for a nonprofit organization that provides teaching support in schools with at least sixty percent of the enrolled students eligible for free or reduced-fee lunch, with a priority for schools with eighty-five percent or more of the enrolled students eligible for free or reduced-fee lunch.

The general fund appropriation to the public education department for intervention in D and F schools is contingent on the department using the funds [~~for reading coaches or instructional coaches~~] in D and F schools as identified by the A-B-C-D-F Schools Rating Act. *LINE-ITEM VETOED*

~~[The general fund appropriation to the public education department for the operating budget management system and the student, teacher accountability reporting system is contingent on the public education department providing the legislative education study committee and the legislative finance committee with read and report only access no later than July 1, 2012. The public education department shall take reasonable precautions, including electronic blocking or redacting, to prevent the disclosure of personally identifiable information of a student unless the parent or guardian of a minor student or a student who is no longer a minor consents in writing to the disclosure of personally identifiable information about that student or information that would cause the department to lose federal funding under 20 U.S.C. 1232g, et seq.~~

~~\_\_\_\_\_The general fund appropriation to the public education department includes fifty thousand dollars (\$50,000) for a nonprofit educational association whose principal purpose is the regulation, direction, administration and supervision of interscholastic activities in New Mexico for athletic and extracurricular activities and support for seventh and eighth grade students statewide.] *LINE-ITEM VETOED*~~

Any unexpended balances in the special appropriations to the public education department remaining at the end of fiscal year 2013 from appropriations made from the general fund shall revert to the general fund.

Subtotal

41,691.1

## **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	3,822.2	3,822.2
(b)	Contractual services	197.1	197.1
(c)	Other	1,504.3	1,504.3

Authorized FTE: 50.00 Permanent

Performance measures:

(a) Outcome: Percent of projects meeting all contingencies completed  
within the specified period of awards 90%

(b) Explanatory: Statewide public school facility condition index measured  
at December 31 of prior calendar year

Subtotal 5,523.6

TOTAL OTHER EDUCATION 52,623.1 20,586.2 30,276.4  
103,485.7

## 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 section, 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.

Except as otherwise provided, any unexpended balances remaining at the end of fiscal year 2013 shall not revert to the general fund.

~~[The policy development and institutional financial oversight program of the higher education department and higher education institutions that receive general fund appropriations for research and public service projects shall not use more than six percent of the research and public service project general fund appropriation for overhead costs and shall use the general fund appropriation for the direct operation of the research and public service project.]~~ *LINE-ITEM VETOED*

### 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	2,342.3	40.0	1,058.6	3,440.9
(b)	Contractual services	557.9		380.2	938.1
(c)	Other	9,522.1	104.4	284.9	4,859.0
					14,770.4

Authorized FTE: 32.50 Permanent; 22.50 Term

Any unexpended balances in the policy development and institutional financial oversight program of the higher education department remaining at the end of fiscal year 2013 from appropriations made from the general fund shall revert to the general fund.

~~[The department shall recommend revisions to the funding formula authorized by Section 21-2-5.1 NMSA 1978 no later than October 15, 2012. The formula revisions shall include institutional, mission-specific performance outcomes and a proposal for considering the state's, institutions', and students' responsibilities in supporting postsecondary education.]~~ *LINE-ITEM VETOED*

The general fund appropriation to the policy development and institutional financial oversight program of the higher education department in the other category includes two hundred fifty thousand dollars (\$250,000) to hold harmless those institutional nursing programs that did not receive sufficient performance funding in the instructional and general category.

Performance measures:

- (a) Outcome: Percent of first-time, degree-seeking community college students who have graduated from the same institution or another public institution or have transferred after three years 23%
- (b) Outcome: Percent of first-time, degree-seeking university students who have graduated from the same institution or another public institution after six years 43%
- (c) Output: Number of enrollments in four-year public postsecondary institutions that are transfers from public two-year

postsecondary institutions 13,200

(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 that all New Mexicans may benefit from postsecondary education and training beyond high school.

Appropriations:

(a)	Contractual services		53.5		53.5
(b)	Other	22,073.1	14,740.3	44,237.8	300.0 81,351.2

The general fund appropriation to the student financial aid program of the higher education department in the other category includes one hundred thousand dollars (\$100,000) for ~~[an additional four]~~ students to participate in the western interstate commission on higher education professional student exchange program for dentistry. *LINE-ITEM VETOED*

The general fund appropriation to the student financial aid program of the higher education department in the other category includes one hundred fifty thousand dollars (\$150,000) for the primary care physician conditional tuition waiver program established by the Conditional Tuition Waiver for Primary Care Medical Students Act.

Performance measures:

(a) Output:	Number of lottery success recipients enrolled in or graduated from college after the ninth semester	3,750
(b) Output:	Number of students receiving college affordability awards	3,500
(c) Outcome:	Number of need-based scholarships awarded to students with an estimated family contribution of zero	30,000
Subtotal		100,554.1

**UNIVERSITY OF NEW MEXICO:**

(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)	Instruction and general purposes	173,006.7	173,682.0	5,187.0	351,875.7
(b)	Other	170,767.0	107,086.0	277,853.0	
(c)	Athletics	2,244.7	30,471.0	20.0	32,735.7
(d)	Educational television	7,603.8	1,030.8	4,833.0	1,740.0

If the board of regents increases tuition for the 2012-2013 academic year more than five percent over the rates for the 2011-2012 academic year, the general fund appropriation for the university of New Mexico main campus instruction and general purposes shall be reduced by an amount equal to the incremental amount generated by the tuition rate increase over five percent.

Performance measures:

(a) Outcome: Percent of full-time, degree-seeking, first-time freshmen

completing an academic program within six years 46.5%

(b) Output: Number of post-baccalaureate degrees awarded 1,475

(c) Output: Number of undergraduate transfer students from two-year colleges 1,950

(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 that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Instruction and general

purposes 8,703.7 6,850.1 873.7 16,427.5

(b) Other 2,026.9 22.5 2,049.4

If the board of regents increases tuition for the 2012-2013 academic year more than five percent over the rates for the 2011-2012 academic year, the general fund appropriation for university of New Mexico Gallup branch campus instruction and general purposes shall be reduced by an amount equal to the incremental amount generated by the tuition rate increase over five percent.

Performance measures:

- (a) Outcome: Percent of a cohort of full-time, first-time, degree- or certificate-seeking community college students who complete the program in one hundred fifty percent of normal time to completion 8%
- (b) Output: Number of students enrolled in the adult basic education program 750
- (c) Outcome: Percent of graduates placed in jobs and continuing their education in New Mexico 82.5%

(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 that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

- (a) Instruction and general purposes 1,783.5 1,745.0 130.0 3,658.5
- (b) Other 559.0 241.0 800.0

If the board of regents increases tuition for the 2012-2013 academic year more than five percent over the rates for the 2011-2012 academic year, the general fund appropriation for university of New Mexico Los Alamos branch campus instruction and general purposes shall be reduced by an amount equal to the incremental amount generated by the tuition rate increase over five percent.

Performance measures:

- (a) Outcome: Percent of a cohort of full-time, first-time, degree- or certificate-seeking community college students who complete the program in one hundred fifty percent of normal time to completion 60%

(b) Output: Number of students enrolled in the adult basic education program 450

(c) Outcome: Percent of graduates placed in jobs and continuing their education in New Mexico 97%

(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 that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a)	Instruction and general purposes	5,032.1	5,130.0	2,355.0	12,517.1
(b)	Other	1,754.0	177.0	1,931.0	

If the board of regents increases tuition for the 2012-2013 academic year more than five percent over the rates for the 2011-2012 academic year, the general fund appropriation for university of New Mexico Valencia branch campus instruction and general purposes shall be reduced by an amount equal to the incremental amount generated by the tuition rate increase over five percent.

Performance measures:

(a) Outcome: Percent of a cohort of full-time, first-time, degree- or certificate-seeking community college students who complete the program in one hundred fifty percent of normal time to completion 8%

(b) Output: Number of students enrolled in the adult basic education program 1,500

(c) Outcome: Percent of graduates placed in jobs and continuing their education in New Mexico 88%

(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 that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a)	Instruction and general purposes	3,036.6	3,403.1	617.0	7,056.7
(b)	Other	726.6	726.6		

If the board of regents increases tuition for the 2012-2013 academic year more than five percent over the rates for the 2011-2012 academic year, the general fund appropriation for university of New Mexico Taos branch campus instruction and general purposes shall be reduced by an amount equal to the incremental amount generated by the tuition rate increase over five percent.

Performance measures:

- (a) Outcome: Percent of a cohort of full-time, first-time, degree- or certificate-seeking community college students who complete the program in one hundred fifty percent of normal time to completion 17%
- (b) Output: Number of students enrolled in the adult basic education program 300
- (c) Outcome: Percent of graduates placed in jobs and continuing their education in New Mexico 88%

(6) Research and public service projects:

Appropriations:

(a)	Judicial selection	22.0	22.0		
(b)	Southwest research center	1,070.7			1,070.7
(c)	Substance abuse program	134.6		134.6	
(d)	Native American suicide				

	prevention	100.0	100.0
(e)	Resource geographic information system	63.1	63.1
(f)	Southwest Indian law clinic	166.5	166.5
(g)	Bureau of business and economic research census/population analysis	369.4	369.4
(h)	New Mexico historical review	46.7	46.7
(i)	Ibero-American education	87.8	87.8
(j)	Manufacturing engineering program	350.3	350.3
(k)	Wildlife law education	68.2	68.2
(l)	Morrissey hall programs	45.7	45.7
(m)	Disabled student services	192.4	192.4
(n)	Minority student services	681.0	681.0
(o)	Community-based education	425.8	425.8
(p)	Corrine Wolfe children's law center	165.7	165.7
(q)	Utton transboundary resources center	285.6	285.6
(r)	Student mentoring program	283.3	283.3

(s)	Land grant studies	30.4		30.4
(t)	Small business innovation and research outreach program		125.0	125.0

(7) Health sciences center:

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)	Instruction and general purposes	58,625.1	42,206.4	7,278.6	108,110.1
(b)	Other	306,861.2	70,394.3	377,255.5	
(c)	Office of medical investigator	4,445.7	11,768.7	5.9	16,220.3
(d)	Children's psychiatric hospital	6,505.1	13,873.9		20,379.0
(e)	Carrie Tingley hospital 18,359.1		4,695.5	13,660.7	2.9
(f)	Out-of-county indigent fund	664.4	664.4		
(g)	Newborn intensive care 5,430.0		3,186.8	2,017.1	226.1
(h)	Pediatric oncology	1,155.8	261.4		1,417.2
(i)	Poison control center		1,484.6	833.2	132.9 2,450.7
(j)	Cancer center 19,272.1	2,586.2	4,133.7		12,552.2
(k)	Genomics, biocomputing and				

	environmental health research		979.8	979.8
(l)	Trauma specialty education		261.4	261.4
(m)	Pediatrics specialty education	261.4	261.4	
(n)	Native American health center	266.2	266.2	
(o)	Hepatitis community health outcomes	966.9	966.9	
(p)	Nurse expansion	831.4	831.4	

The other state funds appropriations to the university of New Mexico health sciences center include two million nine hundred sixty-two thousand one hundred dollars (\$2,962,100) from the tobacco settlement program fund.

The other state funds appropriation to the cancer center at the university of New Mexico health sciences center includes four hundred thousand dollars (\$400,000) to conduct research and clinical care programs in lung and tobacco-related illnesses. Research and clinical benefits resulting from the other state funds appropriation for research and clinical care programs in lung and tobacco-related illnesses shall be shared with the state of New Mexico.

Performance measures:

- (a) Outcome: First-attempt pass rates on national United States medical licensing exam, step three, board exam 95%
- (b) Output: Number of autopsies performed each year by the office of the medical investigator 2,217
- (c) Output: Percent of human poisoning exposures treated safely at home after poison and drug information center contact 73%
- (d) Outcome: Pass rate on national certification licensing exam test by college of nursing bachelors of science in nursing candidates 85%

Subtotal 1,293,074.7

**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)	Instruction and general purposes	109,677.8	103,733.3	6,705.5	220,116.6
(b)	Other	82,397.3	123,715.2	206,112.5	
(c)	Athletics	3,099.2	9,100.0	44.5	12,243.7
(d)	Educational television	960.5	826.1	1,786.6	

If the board of regents increases tuition for the 2012-2013 academic year more than five percent over the rates for the 2011-2012 academic year, the general fund appropriation for New Mexico state university main campus instruction and general purposes shall be reduced by an amount equal to the incremental amount generated by the tuition rate increase over five percent.

Performance measures:

- (a) Outcome: Percent of full-time, degree-seeking, first-time freshmen completing an academic program within six years 47.5%
- (b) Output: Total number of baccalaureate degrees awarded 2,450
- (c) Outcome: Number of undergraduate transfer students from two-year colleges 1,250

(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 that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a)	Instruction and general purposes	7,043.3	5,610.7	829.0	13,483.0
(b)	Other	1,017.6	6,166.7	7,184.3	

If the board of regents increases tuition for the 2012-2013 academic year more than five percent over the rates for the 2011-2012 academic year, the general fund appropriation for New Mexico state university Alamogordo branch campus instruction and general purposes shall be reduced by an amount equal to the incremental amount generated by the tuition rate increase over five percent.

Performance measures:

- (a) Outcome: Percent of a cohort of full-time, first-time, degree- or certificate-seeking community college students who complete the program in one hundred fifty percent of normal time to completion 14%
- (b) Output: Number of students enrolled in the adult basic education program 550
- (c) Outcome: Percent of graduates placed in jobs and continuing their education in New Mexico 90.5%

(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 that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a)	Instruction and general purposes	4,357.0	5,621.9	949.6	10,928.5
(b)	Other	837.6	2,679.3	3,516.9	
(c)	Nurse expansion-Carlsbad	53.2		53.2	

If the board of regents increases tuition for the 2012-2013 academic year more than five percent over the rates for the 2011-2012 academic year, the general fund appropriation for New Mexico state university

Carlsbad branch campus instruction and general purposes shall be reduced by an amount equal to the incremental amount generated by the tuition rate increase over five percent.

Performance measures:

(a) Outcome: Percent of a cohort of full-time, first-time, degree- or certificate- seeking community college students who complete the program in one hundred fifty percent of normal time to completion 4%

(b) Output: Number of students enrolled in concurrent enrollment 625

(c) Outcome: Percent of graduates placed in jobs and continuing their education in New Mexico 96%

(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 that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a)	Instruction and general purposes	19,826.6	16,959.4	1,971.2	38,757.2
(b)	Other	4,142.6	23,680.2	27,822.8	

If the board of regents increases tuition for the 2012-2013 academic year more than five percent over the rates for the 2011-2012 academic year, the general fund appropriation for New Mexico state university Dona Ana branch campus instruction and general purposes shall be reduced by an amount equal to the incremental amount generated by the tuition rate increase over five percent.

Performance measures:

(a) Outcome: Percent of a cohort of full-time, first-time, degree- or certificate-seeking community college students who complete the program in one hundred fifty percent of normal time to completion 15%

(b) Output: Number of students enrolled in the adult basic education program 5,000

(c) Outcome: Percent of graduates placed in jobs and continuing their education in New Mexico 90.5%

(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 that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a)	Instruction and general purposes	3,435.5	2,232.8	1,001.6	6,669.9
(b)	Other	429.2	2,206.1	2,635.3	

If the board of regents increases tuition for the 2012-2013 academic year more than five percent over the rates for the 2011-2012 academic year, the general fund appropriation for New Mexico state university Grants branch campus instruction and general purposes shall be reduced by an amount equal to the incremental amount generated by the tuition rate increase over five percent.

Performance measures:

(a) Outcome: Percent of a cohort of full-time, first-time, degree- or certificate-seeking community college students who complete the program in one hundred fifty percent of normal time to completion 22.6%

(b) Output: Number of students enrolled in the adult basic education program 440

(c) Outcome: Percent of graduates placed in jobs and continuing their education in New Mexico 88.5%

(6) Department of agriculture:



Appropriations:

(a) Department of agriculture	10,436.2	4,400.3	1,551.4
	16,387.9		

The general fund appropriation to the department of agriculture includes four hundred thousand dollars (\$400,000) for soil and water conservation district programs.

(7) Research and public service projects:

Appropriations:

(a) Agricultural experiment station	13,562.9	3,350.0	14,500.0	31,412.9
(b) Cooperative extension service	11,859.0	3,675.0	21,100.0	36,634.0
(c) Water resource research	211.2	103.0	1,224.0	1,538.2
(d) Indian resources development	218.1			218.1
(e) Carlsbad manufacturing sector development program	126.5		130.7	257.2
(f) Manufacturing sector development program	280.7	160.0	1,302.0	1,742.7
(g) Minority student services	421.4	15.3	177.3	614.0
(h) Arrowhead center for business development	94.4	189.0	1,228.2	1,511.6
(i) Nurse expansion	441.5		441.5	
(j) Institute for international relations	128.2		128.2	
(k) Mental health nurse practitioner	252.8		252.8	

(l)	Space consortium and outreach program		1,229.0	1,229.0
(m)	Alliance teaching and learning advancement	73.0		73.0
	Subtotal		643,751.6	

**NEW MEXICO HIGHLANDS UNIVERSITY:**

(1) Main:

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)	Instruction and general purposes	26,317.5	13,016.0	431.0	39,764.5
(b)	Other	13,063.0	12,150.0		25,213.0
(c)	Athletics	1,854.1	324.0	11.0	2,189.1

If the board of regents increases tuition for the 2012-2013 academic year more than five percent over the rates for the 2011-2012 academic year, the general fund appropriation for New Mexico highlands university for instruction and general purposes shall be reduced by an amount equal to the incremental amount generated by the tuition rate increase over five percent.

Performance measures:

- (a) Output: Percent of full-time, degree-seeking, first-time freshmen completing an academic program within six years 30%
- (b) Output: Total number of baccalaureate degrees awarded 355
- (c) Output: Number of undergraduate transfer students from two-year colleges 450

(2) Research and public service projects:

Appropriations:

(a)	Minority student services	349.9		349.9
(b)	Advanced placement	229.2		229.2
(c)	Forest and watershed institute	209.3	235.0	444.3
(d)	Ben Lujan leadership institute	200.0		200.0
	Subtotal		68,390.0	

**WESTERN NEW MEXICO UNIVERSITY:**

(1) Main:

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)	Instruction and general purposes	15,045.6	8,992.0	469.0	24,506.6
(b)	Other	3,622.0	6,260.0	9,882.0	
(c)	Athletics	1,725.0	219.0	1,944.0	

If the board of regents increases tuition for the 2012-2013 academic year more than five percent over the rates for the 2011-2012 academic year, the general fund appropriation for the western New Mexico university for instruction and general purposes shall be reduced by an amount equal to the incremental amount generated by the tuition rate increase over five percent.

Performance measures:

(a) Output: Percent of full-time, degree-seeking, first-time freshmen

completing an academic program within six years 20%

(b) Output: Total number of baccalaureate degrees awarded 180

(c) Output: Number of undergraduate transfer students from two-year colleges 450

(2) Research and public service projects:

Appropriations:

(a)	Child development center	211.7		211.7
(b)	Instructional television	78.4		78.4
(c)	Web-based teacher licensure	141.4		141.4
(d)	Nurse expansion	352.6		352.6
	Subtotal		37,116.7	

**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)	Instruction and general purposes	24,874.0	15,142.0	3,535.0	43,551.0
(b)	Other	11,887.0	27,600.0	39,487.0	
(c)	Athletics	1,969.2	1,162.0	22.0	3,153.2
(d)	Educational television	982.2	1,054.0	10.8	2,047.0

If the board of regents increases tuition for the 2012-2013 academic year more than five percent over the rates for the 2011-2012 academic year, the general fund appropriation for eastern New Mexico university main campus instruction and general purposes shall be reduced by an amount equal to the incremental amount generated by the tuition rate increase over five percent.

Performance measures:

(a) Output: Percent of full-time, degree-seeking, first-time freshmen

completing an academic program within six years 30%

(b) Output: Total number of baccalaureate degrees awarded 600

(c) Output: Number of undergraduate transfer students from two-year colleges 775

(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 that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Instruction and general

purposes	11,394.5	7,089.0	679.0	19,162.5
----------	----------	---------	-------	----------

(b) Other	5,813.0	11,866.0	17,679.0	
-----------	---------	----------	----------	--

(c) Nurse expansion-Roswell	33.3		33.3	
-----------------------------	------	--	------	--

If the board of regents increases tuition for the 2012-2013 academic year more than five percent over the rates for the 2011-2012 academic year, the general fund appropriation for eastern New Mexico university Roswell branch campus instruction and general purposes shall be reduced by an amount equal to the incremental amount generated by the tuition rate increase over five percent.

Performance measures:

(a) Outcome: Percent of students who complete within one hundred fifty

percent of time 18.6%

(b) Output: Number of students enrolled in the concurrent enrollment

program 800

(c) Outcome: Percent of graduates placed in jobs and continuing their

education in New Mexico 83%

(3) Ruidoso branch:

Appropriations:

(a)	Instruction and general purposes	2,058.5	2,509.0	155.0	4,722.5
(b)	Other	555.0	2,431.0	2,986.0	

If the board of regents increases tuition for the 2012-2013 academic year more than five percent over the rates for the 2011-2012 academic year, the general fund appropriation for eastern New Mexico university Ruidoso branch campus instruction and general purposes shall be reduced by an amount equal to the incremental amount generated by the tuition rate increase over five percent.

Performance measures:

(a) Outcome: Percent of a cohort of full-time, first-time, degree- or

certificate-seeking community college students who complete

the program in one hundred fifty percent of normal time to

completion 20%

(b) Output: Number of students enrolled in adult basic education 500

(c) Outcome: Percent of graduates placed in jobs and continuing their

education in New Mexico 92%

(4) Research and public service projects:

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 that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a)	Blackwater Draw site and museum	76.8	7.0	83.8	
(b)	Student success programs	387.4			387.4
(c)	At-risk student tutoring	75.5			75.5
(d)	Allied health	155.6		155.6	
	Subtotal			133,523.8	

## NEW MEXICO INSTITUTE OF MINING AND TECHNOLOGY:

(1) Main:

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 work force, compete and advance in the new economy and contribute to social advancement through informed citizenship.

### Appropriations:

(a)	Instruction and general purposes	25,806.6	12,775.0	38,581.6
(b)	Other	12,590.0	14,000.0	26,590.0
(c)	Athletics	204.2	10.0	214.2

If the board of regents increases tuition for the 2012-2013 academic year more than 5 percent over the rates for the 2011-2012 academic year, the general fund appropriation for the New Mexico institute of mining and technology main campus instruction and general purposes shall be reduced by an amount equal to the incremental amount generated by the tuition rate increase over 5 percent.

### Performance measures:

(a) Output:	Percent of full-time, degree-seeking, first-time freshmen completing an academic program within six years	48%
(b) Output:	Total number of degrees awarded	313
(c) Output:	Number of students registered in master of science teaching program	200

(2) Research and public service projects:

### Appropriations:

(a)	Bureau of geology and mineral resources	3,478.1	236.0	400.0	4,114.1
(b)	Petroleum recovery research center	1,965.9	3,000.0	3,050.0	8,015.9

(c)	Bureau of mines inspection	258.3		165.3	423.6
(d)	Energetic materials research center	636.4	8,000.0	37,800.0	46,436.4
(e)	Science and engineering fair	205.5			205.5
(f)	Institute for complex additive systems analysis	734.5	8.0	1,300.0	2,042.5
(g)	Cave and karst research	377.7			377.7
(h)	Geophysical research center	736.5	87.9		3,123.7
		3,948.1			
(i)	Homeland security center	540.5		1,200.0	1,740.5
(j)	Aquifer mapping	301.8		301.8	

The general fund appropriations to the New Mexico institute of mining and technology for the bureau of geology and mineral resources include one hundred thousand dollars (\$100,000) from federal Mineral Leasing Act receipts.

Subtotal				132,991.9	
----------	--	--	--	-----------	--

### **NORTHERN NEW MEXICO COLLEGE:**

(1) Main:

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)	Instruction and general purposes	10,328.5	5,651.9	5,390.0	21,370.4
(b)	Other	2,344.0	4,987.4	7,331.4	
(c)	Athletics	197.4		197.4	

If the board of regents increases tuition for the 2012-2013 academic year more than five percent over the rates for the 2011-2012 academic year, the general fund appropriation for northern New Mexico college



instruction and general purposes shall be reduced by an amount equal to the incremental amount generated by the tuition rate increase over five percent.

Performance measures:

(a) Output: Percent of first-time, full-time freshmen completing an academic program within six years 25%

(b) Output: Total number of baccalaureate degrees awarded 55

~~[(2) Research and public service projects:~~

~~Appropriations:~~

~~(a) Faculty salary adjustments 50.0 50.0]~~

*LINE-ITEM VETOED*

Subtotal 28,949.2

**SANTA FE COMMUNITY COLLEGE:**

(1) Main:

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 that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a)	Instruction and general purposes	8,492.7	22,617.0	2,916.0	34,025.7
(b)	Other	5,723.0	6,804.0	12,527.0	

If the governing board increases tuition for the 2012-2013 academic year more than five percent over the rates for the 2011-2012 academic year, the general fund appropriation for Santa Fe community college for instruction and general purposes shall be reduced by an amount equal to the incremental amount generated by the tuition rate increase over five percent.

Performance measures:

(a) Outcome: Percent of a cohort of full-time, first-time, degree- or certificate-seeking community college students who complete

the program in one hundred fifty percent of normal time to completion 11.5%

(b) Output: Number of students enrolled in the adult basic education program 2,000

(c) Outcome: Percent of graduates placed in jobs and continuing their education in New Mexico 87%

(2) Research and public service projects:

Appropriations:

(a) Small business development

centers	3,967.4	1,601.0	5,568.4
---------	---------	---------	---------

(b) Nurse expansion	40.9	40.9
---------------------	------	------

Subtotal	52,162.0
----------	----------

### **CENTRAL NEW MEXICO COMMUNITY COLLEGE:**

(1) Main:

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 that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Instruction and general

purposes	47,750.4	80,506.1	6,073.0	134,329.5
----------	----------	----------	---------	-----------

(b) Other	6,054.7	46,784.0	52,838.7
-----------	---------	----------	----------

If the governing board increases tuition for the 2012-2013 academic year more than five percent over the rates for the 2011-2012 academic year, the general fund appropriation for central New Mexico community college instruction and general purposes shall be reduced by an amount equal to the incremental amount generated by the tuition rate increase over five percent.

Performance measures:

(a) Outcome: Percent of a cohort of full-time, first-time, degree- or certificate-seeking community college students who complete the program in one hundred fifty percent of normal time to completion 11%

(b) Output: Number of students enrolled in concurrent enrollment program 1,950

(c) Outcome: Percent of graduates placed in jobs and continuing their education in New Mexico 94%

Subtotal 187,168.2

**LUNA COMMUNITY COLLEGE:**

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 that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a)	Instruction and general purposes	7,288.1	3,228.7	678.0	11,194.8
(b)	Other	1,753.0	1,876.0	3,629.0	
(c)	Athletics	212.7		212.7	
(d)	Nurse expansion	31.8	150.0	181.8	
(e)	Student service and economic development programs		229.5		229.5

If the governing board increases tuition for the 2012-2013 academic year more than five percent over the rates for the 2011-2012 academic year, the general fund appropriation for Luna community college instruction and general purposes shall be reduced by an amount equal to the incremental amount generated by the tuition rate increase over five percent.

Performance measures:

(a) Outcome: Percent of a cohort of full-time, first-time, degree- or

certificate-seeking community college students who complete the program in one hundred fifty percent of normal time to completion 25%

(b) Output: Number of students enrolled in the small business development center program 350

(c) Outcome: Percent of graduates placed in jobs and continuing their education in New Mexico 95%

Subtotal 15,447.8

**MESALANDS COMMUNITY COLLEGE:**

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 that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a)	Instruction and general purposes	4,159.2	1,304.0	372.0	5,835.2
(b)	Other	1,320.0		1,580.0	2,900.0
(c)	Athletics	59.9		59.9	
(d)	Wind training center	71.0			71.0

If the governing board increases tuition for the 2012-2013 academic year more than five percent over the rates for the 2011-2012 academic year, the general fund appropriation for Mesalands community college instruction and general purposes shall be reduced by an amount equal to the incremental amount generated by the tuition rate increase over five percent.

Performance measures:

(a) Outcome: Percent of a cohort of full-time, first-time, degree- or certificate-seeking community college students who complete the program in one hundred fifty percent of normal time to

completion 24%

(b) Output: Number of students enrolled in the adult basic education

program 184

(c) Outcome: Percent of graduates placed in jobs and continuing their

education in New Mexico 83%

Subtotal 8,866.1

### **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 that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Instruction and general

purposes	5,699.2	13,922.0	823.0	20,444.2
----------	---------	----------	-------	----------

(b) Other	2,506.0	5,383.0	7,889.0
-----------	---------	---------	---------

(c) Athletics	326.2	326.2
---------------	-------	-------

(d) Nurse expansion	72.9	72.9
---------------------	------	------

(e) Lea county distance

education consortium	30.0	30.0
----------------------	------	------

(f) Oil and gas training center	86.7	86.7
---------------------------------	------	------

If the governing board increases tuition for the 2012-2013 academic year more than five percent over the rates for the 2011-2012 academic year, the general fund appropriation for New Mexico junior college instruction and general purposes shall be reduced by an amount equal to the incremental amount generated by the tuition rate increase over five percent.

Performance measures:

(a) Outcome: Percent of a cohort of full-time, first-time, degree- or

certificate-seeking community college students who complete the program in one hundred fifty percent of normal time to completion 33%

(b) Output: Number of students enrolled in distance education program 20,000

(c) Outcome: Percent of graduates placed in jobs and continuing their education in New Mexico 86%

Subtotal 28,849.0

**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 that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a)	Instruction and general purposes	22,869.3	28,565.0	1,464.0	52,898.3
(b)	Other	7,276.0	10,920.0	18,196.0	
(c)	Dental hygiene program	166.0		166.0	
(d)	Nurse expansion	163.4		163.4	

If the governing board increases tuition for the 2012-2013 academic year more than five percent over the rates for the 2011-2012 academic year, the general fund appropriation for San Juan college instruction and general purposes shall be reduced by an amount equal to the incremental amount generated by the tuition rate increase over five percent.

Performance measures:

(a) Outcome: Percent of a cohort of full-time, first-time, degree- or certificate-seeking community college students who complete the program in one hundred fifty percent of normal time to

completion 15%

(b) Outcome: Percent of graduates placed in jobs and continuing their

education in New Mexico 88%

Subtotal

71,423.7

### **CLOVIS COMMUNITY COLLEGE:**

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 that they have the skills to be competitive in the new economy and are able to participate in lifelong learning activities.

Appropriations:

(a) Instruction and general

purposes	8,719.2	3,806.0	620.0	13,145.2
----------	---------	---------	-------	----------

(b) Nurse expansion 31.7

31.7

(c) Other 3,671.0

10,144.0

13,815.0

If the governing board increases tuition for the 2012-2013 academic year more than five percent over the rates for the 2011-2012 academic year, the general fund appropriation for Clovis community college instruction and general purposes shall be reduced by an amount equal to the incremental amount generated by the tuition rate increase over five percent.

Performance measures:

(a) Outcome: Percent of a cohort of full-time, first-time, degree- or

certificate-seeking community college students who complete

the program in one hundred fifty percent of normal time to

completion 25%

(b) Output: Number of students enrolled in the concurrent enrollment

program 650

(c) Outcome: Percent of graduates placed in jobs and continuing their

education in New Mexico 88%

Subtotal 26,991.9

**NEW MEXICO MILITARY INSTITUTE:**

The purpose of the New Mexico military institute is to provide college-preparatory instruction for students in a residential, military environment culminating in a high school diploma or associates degree.

Appropriations:

(a) Instruction and general

purposes 993.8 19,847.1 123.0 20,963.9

(b) Other 5,750.0 5,750.0

(c) Athletics 279.5 59.6 339.1

(d) Knowles legislative

scholarship program 792.8 792.8 Performance

measures:

(a) Outcome: American college testing composite scores for graduating high school seniors 22

(b) Outcome: Collegiate assessment of academic proficiency reading scores for graduating college sophomores 60

(c) Outcome: Collegiate assessment of academic proficiency mathematics scores for graduating college sophomores 59

Subtotal 27,845.8

**NEW MEXICO SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED:**

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 584.0 11,079.5 55.9 11,719.4



(b)	Early childhood center	373.4	373.4
(c)	Low vision clinic programs	17.8	17.8

Performance measures:

(a) Output: Number of students receiving direct services through a full continuum of services 1,916

(b) Output: Increase in the number of districts supported by New Mexico school for the blind and visually impaired 37

Subtotal 12,110.6

**NEW MEXICO SCHOOL FOR THE DEAF:**

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	3,535.9	11,275.5	195.2	15,006.6
(b)	Statewide outreach services		231.9		231.9

Performance measures:

(a) Outcome: Rate of transition to postsecondary education, vocational-technical training schools, junior colleges, work training or employment for graduates based on a three-year rolling average 93%

(b) Outcome: Percent of students in grades three to twelve who are late language learners who demonstrate significant gains in language and communication as demonstrated by pre- and

post-test results 80%

Subtotal 15,238.5

TOTAL HIGHER EDUCATION 757,766.6 1,418,451.6 44,522.7 663,714.7  
2,884,455.6

## 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 2013.

### 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.

Appropriations: 2,273,588.9 850.0 2,274,438.9

The rate of distribution of the state equalization guarantee distribution shall be based on a program unit value determined by the secretary of public education. The secretary of public education shall establish a preliminary unit value to establish budgets for the 2012-2013 school year and then, on verification of the number of units statewide for fiscal year 2013 but no later than January 31, 2013, the secretary of public education may adjust the program unit value.

The secretary of public education, in collaboration with the department of finance and administration, shall ensure all teachers have been evaluated under the tiered licensure evaluation system and have the professional competencies of the appropriate level. The secretary of public education shall withhold from the state equalization guarantee distribution funding for the minimum salary of any teacher who has not been evaluated.

The secretary of public education, in collaboration with the department of finance and administration, shall ensure all principals and assistant principals have been evaluated under the highly objective uniform statewide standards of evaluation and have the professional competencies to serve as a principal or assistant principal. The secretary of public education shall withhold from the state equalization guarantee distribution funding for the minimum salary of any principal or assistant principal who has not been evaluated.

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.

For the 2012-2013 school year, the state equalization guarantee distribution includes sufficient funding for school districts and charter schools to implement a new formula-based program. Those districts and charter schools shall use current year membership in the calculation of program units for the new formula-based program.

~~[Notwithstanding the provisions of the Public School Finance Act or other substantive law, no charter school in its first year of operation in fiscal year 2013 shall generate an average per MEM program cost that is greater than the average per MEM program cost of the school district in which the charter school is located.]~~ *LINE-ITEM VETOED*

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 commonly known as "impact aid funds" pursuant to 20 U.S.C. 7701 et seq., and formerly known as "PL874 funds".

If federal revenue pursuant to Paragraph (2) of Subsection C of Section 22-8-25 NMSA 1978 or other revenues for which the state takes credit fall short of the projected amount of sixty-nine million dollars (\$69,000,000) in fiscal year 2013, the public education department may, after exhausting any fund balance in the state-support reserve fund, request from the state board of finance a transfer of up to four million dollars (\$4,000,000) from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004 to augment the appropriation for the state equalization guarantee distribution.

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 the federal Mineral Leasing Act receipts otherwise unappropriated.

Pursuant to Article 12, Section 6 of the New Mexico Constitution, the secretary of the public education department has administrative and regulatory powers and duties, including all functions relating to the distribution of school funds and financial accounting for the public schools to be performed as provided by law. To administer effective spending priorities when approving programs, school district and charter school budgets, budget adjustment requests, and in setting the unit value, the secretary shall verify and audit student membership and program units. The secretary of public education shall work with and assist superintendents and school boards and head administrators and governing bodies of charter schools to ensure efficient spending practices, that membership and program units are correctly calculated, and school district and charter school operating budgets are implemented in a manner that will minimize adverse impacts to instructional programs and student achievement. The secretary shall ensure that the number of instructional days will not be reduced.

The general fund appropriation to the state equalization guarantee distribution shall not be used by any school district or charter school to pay for expenses associated with student recruitment and promotional activities including advertising and marketing efforts through mailers, television, newspaper or radio. A school district or charter school found by the public education department to have spent state equalization guarantee distribution funds in this manner shall have their state equalization guarantee distribution decreased by the public education department accordingly.

Any unexpended balances in the authorized distributions remaining at the end of fiscal year 2013 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 50%
- (b) Outcome: Percent of fourth grade students who achieve proficiency or

above on the standards-based assessment in mathematics 50%

(c) Outcome: Percent of eighth grade students who achieve proficiency or

above on the standards-based assessment in reading 60%

(d) Outcome: Percent of eighth grade students who achieve proficiency or

above on the standards-based assessment in mathematics 50%

(e) Outcome: Percent of recent New Mexico high school graduates who take

remedial courses in higher education at two-year and

four-year schools 40%

(f) Outcome: Percent of public schools rated A and B 30%

(g) Quality: Current year's cohort graduation rate using four-year

cumulative method 75%

(2) Transportation distribution:

Appropriations:	96,676.0	96,676.0
-----------------	----------	----------

(3) Supplemental distribution:

Appropriations:

(a) Out-of-state tuition	346.0	346.0
--------------------------	-------	-------

(b) Emergency supplemental	2,500.0	2,500.0
----------------------------	---------	---------

Prior to the distribution of emergency supplemental funds to any public school district or charter school, the secretary of public education shall verify with the New Mexico state auditor that the school district or charter school is in compliance with all provisions of Section 12-6-12 NMSA 1978. No emergency supplemental distributions shall be made to any school district or charter school not current with its audits.

~~[Prior to the distribution of any emergency supplemental funds, the secretary of public education shall provide the legislative finance committee and the legislative education study committee with a report outlining the criteria used to qualify for funds, the financial status of recipients, including the status of recipients' financial audits, and any cost savings measures recipients implemented before applying for funds. In no event shall money be distributed to any school district or charter school having cash and invested reserves or other resources or any combination thereof, equaling five percent or more of their operating budget.] LINE-ITEM VETOED~~

Any unexpended balances in the supplemental distributions to the public education department remaining at the end of fiscal year 2013 from appropriations made from the general fund shall revert to the general fund.

Subtotal	2,373,960.9
----------	-------------

**FEDERAL FLOW THROUGH:**

Appropriations:	414,202.3	414,202.3
Subtotal	414,202.3	

**INSTRUCTIONAL MATERIALS:**

(1) Instructional material fund:

Appropriations:	26,975.8	26,975.8
-----------------	----------	----------

The appropriation to the instructional material fund is made from the federal Mineral Leasing Act (30 U.S.C. 181, et seq.) receipts.

~~[The general fund appropriation to the instructional material fund includes sufficient funding for adult basic education instructional materials. The public education department shall transfer the allocation for adult basic education to the adult basic education fund pursuant to Section 22-15-9 NMSA 1978.~~

~~————— If the public education department proposes a reading adoption for fiscal year 2013, department adopted materials shall be aligned to the common core content standards.] LINE-ITEM VETOED~~

(2) Dual credit instructional materials:

Appropriations:	857.0	857.0
-----------------	-------	-------

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.

Subtotal	27,832.8
----------	----------

**INDIAN EDUCATION FUND:**

Appropriations:	1,824.6	1,824.6
-----------------	---------	---------

The general fund appropriation to the public education department for the Indian Education Act includes four hundred thousand dollars (\$400,000) for a nonprofit organization that provides teaching support in schools with a high proportion of Native American students.

The general fund appropriation to the public education department for the Indian Education Act includes three hundred thousand dollars (\$300,000) to provide a rural literacy initiative to support after-school and summer literacy block programs for students in kindergarten through eighth grade in schools

with a high proportion of Native American students contingent on receipt of three hundred thousand dollars (\$300,000) in matching funds from other than state sources no later than September 30, 2012.

Subtotal			1,824.6	
TOTAL PUBLIC SCHOOL SUPPORT	2,402,768.3	850.0		414,202.3
	2,817,820.6			
GRAND TOTAL FISCAL YEAR 2013				
APPROPRIATIONS	5,636,715.0	3,226,867.9	879,321.8	5,659,537.1 15,402,441.8

## Chapter 19 Section 5 Laws 2012

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 2012 and 2013. Unless otherwise indicated, any unexpended balances of the appropriations remaining at the end of fiscal year 2013 shall revert to the appropriate fund.

~~(1) LEGISLATIVE COUNCIL SERVICE 75.0 75.0~~

~~To update data from the 2007 through 2008 public school funding formula study.] LINE-ITEM VETOED~~

(2) ADMINISTRATIVE OFFICE OF  
THE COURTS 500.0 500.0

To purchase new information technology equipment to support the new case management system in the courts.

(3) SECOND JUDICIAL DISTRICT COURT 41.8 41.8

For costs associated with the change in venue for the sentencing phase of the Astorga trial.

(4) ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS

Any unexpended balances remaining at the end of fiscal year 2012 from revenues received by a district attorney's office from any Native American tribe, pueblo or political subdivision pursuant to a contract, memorandum of understanding, joint powers agreement or grant shall not revert but shall remain with the recipient district attorney's office for expenditure in fiscal year 2013. The administrative office of the district attorneys shall provide to the department of finance and administration and the legislative finance committee prior to November 1, 2012, 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 2012 for each of the district attorneys and the administrative office of the district attorneys.

(5) ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS

Any unexpended balances remaining at the end of fiscal year 2012 from revenues received 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 but shall remain with the recipient district attorney's office for expenditure in fiscal year 2013. The administrative office of the district attorneys shall provide to the department of finance and administration and the legislative finance committee prior to November 1, 2012, a detailed report documenting the amount of all southwest border prosecution initiative funds that do not revert at the end of fiscal year 2012 for each of the district attorneys and the administrative office of the district attorneys.

(6) ATTORNEY GENERAL 3,500.0 3,500.0

To provide foreclosure prevention and mortgage counseling services to New Mexico residents.

(7) DEPARTMENT OF FINANCE  
AND ADMINISTRATION 200.0 200.0

To conduct an assessment and make corrections to unreconciled balances between the statewide accounting system and accounts managed by the state treasurer's office.

(8) DEPARTMENT OF FINANCE  
AND ADMINISTRATION 3,000.0 3,000.0

For affordable housing activities pursuant to the provisions of the New Mexico Housing Trust Fund Act.

(9) DEPARTMENT OF FINANCE  
AND ADMINISTRATION 250.0 250.0

To provide oversight to regional housing authorities to include travel, audit and other expenses related to oversight functions.

(10) GENERAL SERVICES DEPARTMENT 458.5 458.5

To implement an electronic bid and contracts management web-based system in fiscal years 2012 and 2013.

(11) ECONOMIC DEVELOPMENT DEPARTMENT 6,000.0 1,900.0 7,900.0

For the job training incentive program. Notwithstanding the provisions of Subsection B of Section 12-19-11 NMSA 1978, the other state funds appropriation is from the development fund.

~~(12) ECONOMIC DEVELOPMENT DEPARTMENT 100.0 100.0~~

~~For performance excellence training, assessment services and assistance to businesses using Baldrige criteria.] LINE-ITEM VETOED~~

(13) REGULATION AND LICENSING  
DEPARTMENT 100.0 100.0

To build a database and carry out the provisions of the Recycled Metals Act.

(14) GAMING CONTROL BOARD 200.0 200.0

For possible arbitration expenses related to tribal gaming.

(15) NEW MEXICO LIVESTOCK BOARD 500.0 500.0

To purchase vehicles.

(16) DEPARTMENT OF GAME AND FISH 200.0 200.0

To replace law enforcement vehicles.

(17) COMMISSIONER OF PUBLIC LANDS 706.0 706.0

To microfilm state lands records.

(18) COMMISSION ON THE STATUS  
OF WOMEN 125.0 125.0

For personal services and employee benefits, operating costs, statewide conferences and leadership programs.

(19) AGING AND LONG-TERM SERVICES DEPARTMENT

Notwithstanding the provisions of Section 24-1-24 NMSA 1978, Section 13 of Chapter 23 of Laws 2004, any unexpended balances in the brain injury services fund are appropriated to the aging and long-term services department for transfer to the medical assistance program of the human services department. In the event that brain injury services fee revenue during fiscal year 2012 or fiscal year 2013 is less than appropriated amounts, the medical assistance program may budget and expend the transferred funds for the statewide brain injury services program up to the amount of the shortfall. The unexpended balance of the transferred funds at the end of fiscal year 2013 shall revert to the brain injury services fund.

~~[(20) AGING AND LONG-TERM~~

~~SERVICES DEPARTMENT 200.0 200.0~~

~~For the Fred Luna senior program in Valencia county.] LINE-ITEM VETOED~~

(21) HUMAN SERVICES DEPARTMENT

Any unexpended balances remaining at the end of fiscal year 2012 from reimbursements received from the social security administration to support the general assistance program shall not revert but may be expended by the human services department in fiscal year 2013 for payments to recipients in the general assistance program.

(22) HUMAN SERVICES DEPARTMENT 19,700.0 19,700.0

For repayment of federal funds relating to an audit of prior personal care option program expenditures, contingent on certification from the department of finance and administration of a final settlement on the liability due to the federal government.



(23) WORKFORCE SOLUTIONS DEPARTMENT

The period of time for expending the remaining balance of federal funds available through the American Recovery and Reinvestment Act contained in Subsection 9 of Section 5 of Chapter 6 of Laws 2010 is extended through fiscal year 2013.

(24) GOVERNOR'S COMMISSION

ON DISABILITY 50.0 50.0

To purchase a modified accessible ramp van.

(25) DEVELOPMENTAL DISABILITIES

PLANNING COUNCIL 10.0 10.0

For children's safety helmets to be equitably distributed statewide.

~~(26) DEPARTMENT OF ENVIRONMENT 100.0 100.0~~

To conduct community-based planning for the Red River watershed.

(27) DEPARTMENT OF MILITARY AFFAIRS 25.0 25.0

~~To educate New Mexicans about the USS New Mexico.] LINE-ITEM VETOED~~

(28) CRIME VICTIMS REPARATION

COMMISSION 253.0 253.0

To provide funding to compensate victims of crime.

(29) DEPARTMENT OF PUBLIC SAFETY 200.0 200.0

To pay the department of information technology for wide area network circuits at department of public safety-designated sites to provide law enforcement officers quick access to and transmittal of criminal information.

(30) DEPARTMENT OF TRANSPORTATION

The other state funds and federal funds appropriations to the programs and infrastructure program of the department of transportation pertaining to prior fiscal years may be extended through fiscal year 2013 but not to exceed four hundred million dollars (\$400,000,000).

(31) DEPARTMENT OF TRANSPORTATION

The other state funds and federal funds appropriations to the transportation and highway operations program of the department of transportation pertaining to prior fiscal years may be extended through fiscal year 2013 but not to exceed eighty million dollars (\$80,000,000).

(32) PUBLIC EDUCATION DEPARTMENT 1,000.0 1,000.0

For transition to the common core content standards~~[, limited to professional development for teachers and school leaders on the new content, including professional development on effective instructional strategies and outreach to districts]~~. Prior to expenditure of funds, the public education department shall submit to the legislative finance committee and the legislative education study committee a report on planned expenditure of funds, and by January 1, 2013, progress made as a result of the appropriation. The general fund appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004. *LINE-ITEM VETOED*

(33) PUBLIC EDUCATION DEPARTMENT 4,000.0 4,000.0

For emergency support to school districts experiencing shortfalls. All requirements for distribution of funds shall be in accordance with Section 22-8-30 NMSA 1978. The general fund appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004. ~~[Prior to the distribution of any emergency supplemental funds, the secretary of public education shall provide the legislative education study committee and the legislative finance committee with a report outlining the criteria used to qualify for funds, the financial status of recipients, including the status of recipients' financial audits, and any cost-saving measures recipients implemented before applying for funds. In no event shall money be distributed to any school district having cash and invested reserves, or other resources or any combination of cash and invested reserves, equaling five percent or more of its operating budget.]~~ *LINE-ITEM VETOED*

(34) PUBLIC EDUCATION DEPARTMENT 1,500.0 1,500.0

For kindergarten through twelfth grade science instructional materials for school districts with low student performance in science. The general fund appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004.

(35) PUBLIC EDUCATION DEPARTMENT 1,500.0 1,500.0

For emergency supplemental support in fiscal year 2013 to small, rural and isolated school districts with a total membership of fewer than two hundred in their elementary, middle and high schools experiencing shortfalls. The general fund appropriation is from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004. ~~[Prior to the distribution of any emergency supplemental funds, the secretary of public education shall provide the legislative education study committee and the legislative finance committee with a report outlining the criteria used to qualify for funds, the financial status of recipients, including the status of recipients' financial audits, and any cost-saving measures recipients implemented before applying for funds.]~~ *LINE-ITEM VETOED*

(36) PUBLIC EDUCATION DEPARTMENT 2,500.0 2,500.0

For special supplemental funding for school districts and charter schools for increases in fixed costs. The appropriation shall be allocated by September 1, 2012 to school districts and charter schools in proportion to each school district's and charter school's final program units for fiscal year 2012.

(37) PUBLIC EDUCATION DEPARTMENT 1,000.0 1,000.0

The period of time for expending one million dollars (\$1,000,000) of the appropriation made from the separate account of the appropriation contingency fund dedicated for the purpose of implementing and maintaining educational reforms created in Section 12 of Chapter 114 of Laws 2004 contained in

Paragraph 25 of Section 5 of Chapter 179 of Laws 2011 is extended through fiscal year 2013 for the purpose of implementing a new teacher evaluation system that is based on student achievement growth.

(38) PUBLIC EDUCATION DEPARTMENT 1,500.0 1,500.0

For increased fuel costs incurred by school districts or state-chartered charter schools. The appropriation is contingent on certification by the public education department to the department of finance and administration and the legislative finance committee that no other funds, including federal funds, are available in fiscal year 2013 for the purpose specified and the appropriation is necessary to avoid disruption in service and approval by the state board of finance. The distribution of funding shall be based on miles traveled for to-and-from transportation of public school students. School districts and state-chartered charter schools shall request funds for fuel from the secretary of public education and provide supporting documentation that they have incurred increased costs due to higher fuel prices. The secretary of the public education department shall approve requests for funding for fuel cost increases and make distributions on a reimbursement basis.

(39) HIGHER EDUCATION DEPARTMENT 200.0 200.0

To satisfy state-matching requirement for federal adult basic education grant.

~~[(40) EASTERN NEW MEXICO UNIVERSITY 100.0 100.0]~~

~~To manage a year-long program to prepare teams of New Mexico students in grades three through twelve and their teachers to design, build, program and test robots, and to produce an international robot competition for student teams to demonstrate their skills and knowledge as academic athletes.] LINE-ITEM VETOED~~

(41) COMPUTER SYSTEMS

ENHANCEMENT FUND 16,654.0 16,654.0

For transfer to the computer systems enhancement fund for system replacements or enhancements.

TOTAL SPECIAL APPROPRIATIONS 61,583.8 6,764.5 68,348.3

## Chapter 19 Section 6 Laws 2012

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 2012 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 2012 for the purpose specified and approval by the department of finance and administration. Any unexpended balances remaining at the end of fiscal year 2012 shall revert to the appropriate fund.

~~[(1) SUPREME COURT 20.0 20.0]~~

~~To fund an administrative assistant.] LINE-ITEM VETOED~~

(2) ADMINISTRATIVE OFFICE OF

THE COURTS 296.0 296.0

To fund juror, interpreter and witness costs.

(3)	ADMINISTRATIVE OFFICE OF THE COURTS	300.0	300.0
-----	----------------------------------------	-------	-------

To cover a shortfall in personal services and employee benefits in the magistrate courts statewide.

(4)	ADMINISTRATIVE OFFICE OF THE COURTS	74.8	74.8
-----	----------------------------------------	------	------

To provide adequate funding to the court-appointed attorney fund.

(5)	SUPREME COURT BUILDING COMMISSION	27.0	27.0
-----	--------------------------------------	------	------

To cover shortfalls in personal services and employee benefits, maintenance and utilities.

(6)	SECOND JUDICIAL DISTRICT COURT	63.0	63.0
-----	--------------------------------	------	------

To cover a shortfall in personal services and employee benefits.

(7)	FOURTH JUDICIAL DISTRICT COURT	22.3	22.3
-----	--------------------------------	------	------

To purchase essential maintenance agreements.

<del>(8)</del>	<del>ELEVENTH JUDICIAL DISTRICT ATTORNEY, DIVISION I</del>	<del>50.0</del>	<del>50.0</del>
----------------	----------------------------------------------------------------	-----------------	-----------------

~~For moving expenses.] LINE-ITEM VETOED~~

(9)	DEPARTMENT OF FINANCE AND ADMINISTRATION	50.0	50.0
-----	---------------------------------------------	------	------

To provide state matching funds to the citizens review board to draw down federal Title IV-E funds.

(10)	PUBLIC SCHOOL INSURANCE AUTHORITY	1,446.3	1,446.3
------	-----------------------------------	---------	---------

For public liability settlements and other claims-related expenditures in fiscal years 2011 and 2012 from fund balance in the risk program.

(11)	GENERAL SERVICES DEPARTMENT	500.0	500.0
------	-----------------------------	-------	-------

To cover increased public property insurance premiums for fiscal year 2012 in the building office space management and maintenance program.

(12)	GENERAL SERVICES DEPARTMENT	60.0	60.0
------	-----------------------------	------	------

To cover a shortfall in personal services and employee benefits in the state purchasing division.

(13) SECRETARY OF STATE 1,013.0 1,013.0

For 2012 primary election-related expenses.

(14) TOURISM DEPARTMENT 1,560.0 1,560.0

To cover prior year revenue shortfalls in the New Mexico magazine program.

(15) REGULATION AND LICENSING DEPARTMENT 50.0 50.0

For three inspector positions within the construction industries division.

~~(16) NEW MEXICO STATE FAIR 840.0 840.0~~

~~To address prior year liabilities.] LINE-ITEM VETOED~~

(17) OFFICE OF MILITARY BASE PLANNING  
AND SUPPORT 20.0 20.0

For the annual audit and other administrative expenses.

(18) CULTURAL AFFAIRS DEPARTMENT 58.3 58.3

To cover shortfalls at the Halpin building and the center for New Mexico archaeology.

(19) AGING AND LONG-TERM SERVICES  
DEPARTMENT 180.0 180.0

For the aging and disability resource center and ombudsman program.

(20) AGING AND LONG-TERM SERVICES  
DEPARTMENT 742.3 742.3

To pay the human services department the prior year amount due from the transfer of the mi via program.

(21) HUMAN SERVICES DEPARTMENT 35,000.0 35,000.0

~~To cover overspending in prior fiscal years[ contingent on the human services department submitting a report to the department of finance and administration and the legislative finance committee detailing recommended changes to the medicaid state plan and federal waivers pursuant to its "medicaid modernization" study prior to seeking federal approval of medicaid changes and no later than the effective date of this act]. LINE-ITEM VETOED~~

(22) DIVISION OF VOCATIONAL  
REHABILITATION 210.0 210.0

To replace federal funds to administer the assistive technology grant and other grants.

(23) DIVISION OF VOCATIONAL

REHABILITATION	114.8	114.8
----------------	-------	-------

To replace federal funds to administer the independent living centers program.

(24) DEVELOPMENTAL DISABILITIES

PLANNING COUNCIL

Any unexpended balances remaining at the end of fiscal year 2012 from the office of guardianship in the developmental disabilities planning council shall not revert but may be expended in fiscal year 2013 to support the office of guardianship of the developmental disabilities planning council.

(25) DEVELOPMENTAL DISABILITIES

PLANNING COUNCIL	112.0	112.0
------------------	-------	-------

To fund corporate guardianship services.

(26) VETERANS' SERVICES DEPARTMENT	161.0	161.0
------------------------------------	-------	-------

To cover a shortfall in personal services and employee benefits and hire two veterans' service officers [~~in the Clovis and Las Cruces operational areas~~]. *LINE-ITEM VETOED*

(27) CHILDREN, YOUTH AND FAMILIES

DEPARTMENT	1,800.0	1,800.0
------------	---------	---------

To cover the loss of the federal Title IV-E funds in the protective services program.

(28) CORRECTIONS DEPARTMENT	600.0	600.0
-----------------------------	-------	-------

To cover a shortfall in personal services and employee benefits.

(29) DEPARTMENT OF PUBLIC SAFETY	200.0	200.0
----------------------------------	-------	-------

For fuel for law enforcement and motor transportation program vehicles.

(30) HIGHER EDUCATION DEPARTMENT	85.0	85.0
----------------------------------	------	------

To fund the adult basic education program and satisfy the state's maintenance of effort.

TOTAL SUPPLEMENTAL AND DEFICIENCY

APPROPRIATIONS	43,309.5	2,346.3	45,655.8
----------------	----------	---------	----------

## Chapter 19 Section 7 Laws 2012

Section 7. **DATA PROCESSING 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 2012, 2013 and 2014. Unless otherwise indicated, any unexpended balances remaining at the end of fiscal year 2014 shall revert to the computer systems enhancement fund or other funds as indicated. For executive branch agencies, the department of finance and administration shall allocate amounts from the funds for the purposes specified upon receiving certification and supporting documentation from the state chief information officer that indicates compliance with the project certification process. 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	700.0		700.0
-----	-------------------------------------	-------	--	-------

To address disaster recovery and business continuity of court systems.

(2)	ADMINISTRATIVE OFFICE OF THE COURTS	254.0		254.0
-----	-------------------------------------	-------	--	-------

To upgrade telecommunication circuits in the judiciary.

(3)	TAXATION AND REVENUE DEPARTMENT			
-----	---------------------------------	--	--	--

The eight million three hundred thousand dollars (\$8,300,000) appropriated from cash balances and revenues contained in Subsection 3 of Section 7 of Chapter 6 of Laws 2010 to replace the thirty-year-old common business oriented language-based driver and vehicle systems is extended through fiscal year 2014.

(4)	TAXATION AND REVENUE DEPARTMENT	6,230.0		6,230.0
-----	---------------------------------	---------	--	---------

To upgrade tax administration software used to support the New Mexico tax administration system.

(5)	TAXATION AND REVENUE DEPARTMENT	6,000.0		6,000.0
-----	---------------------------------	---------	--	---------

To stabilize the existing system and begin modernizing the oil and natural gas administration and revenue database, including issuing a request for proposals. Before implementation, the taxation and revenue department, the energy, minerals and natural resources department and the commissioner of public lands shall certify in writing that the oil and natural gas administration and revenue database can be migrated to the new platform, and the migration will not negatively impair their day-to-day operations or collection of revenue. The department of information technology will work with the three agencies on a detailed migration and testing plan that includes estimated costs for stabilizing the system. The plan shall be fully executed before migrating the system to the new platform. On completion of the stabilization of the existing system, the ONGARD service center, with approval of the three agencies, shall develop a five-year action plan that includes including distinct phases and estimated costs for the replacement system and shall jointly produce a request for proposals to commence the replacement of the oil and natural gas administration and revenue database. The appropriations are contingent on the ONGARD service center project manager providing timely monthly status and independent validation and verification reports to the governor, the department of finance and administration and the legislative finance committee on the platform migration and replacement system, and written verification from the three agencies that the need for the release of the appropriation exists. Two million dollars (\$2,000,000) of the appropriation is from the lands maintenance fund.

(6) RETIREE HEALTH CARE AUTHORITY 1,946.3 1,946.3

To replace the retiree benefits system. The appropriation is from the retiree health care fund.

(7) DEPARTMENT OF INFORMATION TECHNOLOGY 1,500.0 1,500.0

To complete a gap analysis of microwave radio coverage, repeater architecture, frequency allocation and assessment of communication systems statewide.

~~(8) DEPARTMENT OF INFORMATION TECHNOLOGY 100.0 100.0~~

~~To conduct a gap analysis of the statewide human resource, accounting and reporting system accounts receivable and fixed asset modules.] LINE-ITEM VETOED~~

(9) STATE COMMISSION OF PUBLIC RECORDS 450.0 450.0

To provide a centralized electronic records repository.

(10) SECRETARY OF STATE 220.0 220.0

To replace network infrastructure, conduct a requirements assessment to replace the secretary of state knowledgebase, and to complete the campaign finance information system.

(11) PUBLIC REGULATION COMMISSION 590.0 590.0

To migrate the insurance system and processes towards a paperless, web-based environment. The appropriation is from assessments authorized by Section 59A-6-1.1 NMSA 1978 for an insurance division licensing and revenue accounting system.

(12) COMMISSIONER OF PUBLIC LANDS 2,332.0 2,332.0

To complete the implementation of the land information management system. The appropriation is contingent on the appropriation contained in Subsection 10 of Section 7 of Chapter 6 of Laws 2010 (2nd S.S.), being fully expended, monthly status and independent validation and verification reports provided to the legislative finance committee and the department of finance and administration, and written verification from the commissioner of public lands certifying that the previously completed work was successful and that a need for the appropriated funds exists. The appropriation is from the lands maintenance fund.

(13) COMMISSIONER OF PUBLIC LANDS

The one million three hundred thirty-five thousand dollars (\$1,335,000) appropriated from the lands maintenance fund contained in Subsection 10 of Section 7 of Chapter 6 of Laws 2010 (2nd S.S.) for a land information management system is extended through fiscal year 2014.

(14) STATE ENGINEER 220.0 220.0

To redesign and modernize the agency water rights information management system.

(15) HUMAN SERVICES DEPARTMENT 187.0 363.0 550.0

To upgrade the child support enforcement system.



(16) HUMAN SERVICES DEPARTMENT

The one million nine hundred thousand dollars (\$1,900,000) contained in Section 1 of Chapter 6 of Laws 2008 (2nd S.S.) as extended by Subsection 14 of Section 7 of Chapter 6 of Laws 2010 (2nd S.S.) to replace the income support division computer system is extended through fiscal year 2014.

(17) CHILDREN, YOUTH AND FAMILIES

DEPARTMENT	1,200.0	1,200.0
------------	---------	---------

To develop and implement the client management component of the enterprise provider information constituents services system.

(18) CORRECTIONS DEPARTMENT	643.0	643.0
-----------------------------	-------	-------

To upgrade and migrate six modules of the criminal management information system into a web-based environment. The appropriation includes two term full-time-equivalent positions.

(19) DEPARTMENT OF PUBLIC SAFETY	300.0	300.0
----------------------------------	-------	-------

To plan the replacement of the computer-aided dispatch system and the implementation of a records management system.

(20) PUBLIC EDUCATION DEPARTMENT	450.0	450.0
----------------------------------	-------	-------

For maintenance and support of the operating budget management system.

(21) PUBLIC EDUCATION DEPARTMENT	200.0	200.0
----------------------------------	-------	-------

For upgrades and enhancements to the student teacher accountability reporting system.

TOTAL DATA PROCESSING APPROPRIATIONS	23,522.3	363.0
23,885.3		

## Chapter 19 Section 8 Laws 2012

### Section 8. ADDITIONAL FISCAL YEAR 2012 BUDGET ADJUSTMENT

**AUTHORITY.**--During fiscal year 2012, 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 2011:

A. the administrative office of the courts may request budget increases up to two hundred thousand dollars (\$200,000) from internal service funds/interagency transfers from the warrant enforcement fund, may request budget increases up to two hundred thousand dollars (\$200,000) from internal service funds/interagency transfers from filing fees collected by the courts, and may request budget increases up to six hundred fifty thousand one hundred dollars (\$650,100) from other state funds and fund balances for juror and witness pay, and the magistrate court program of the

administrative office of the courts may request budget increases up to ninety-seven thousand dollars (\$97,000) from internal service funds/interagency transfers and other state funds for funds received from any political subdivision of the state;

B. the third judicial district court may request budget increases up to thirty thousand dollars (\$30,000) from other state funds from copy and tape duplication fees and may request budget increases up to ten thousand dollars (\$10,000) from other state funds from court call revenue;

C. the fourth judicial district court may request budget increases up to ten thousand dollars (\$10,000) from other state funds from duplication fees;

D. the fifth judicial district court may request budget increases up to fifteen thousand dollars (\$15,000) from other state funds from duplication fees;

E. the ninth judicial district court may request budget increases up to fifteen thousand six hundred dollars (\$15,600) from other state funds from drug court filing fees and may request budget increases up to ten thousand dollars (\$10,000) from other state funds from duplication fees;

F. the tenth judicial district court may request budget increases up to ten thousand dollars (\$10,000) from other state funds from copy and tape duplication fees and may request budget increases up to ten thousand dollars (\$10,000) from internal service funds/interagency transfers from the tenth district court mediation fund;

G. the eleventh judicial district court may request budget increases up to twenty thousand dollars (\$20,000) from other state funds for drug court and mediation;

H. the thirteenth judicial district court may request budget increases up to twenty-six thousand dollars (\$26,000) from other state funds from duplication fees and may request budget increases up to forty thousand dollars (\$40,000) from other state funds and fund balances from mediation and arbitration fees;

I. the Bernalillo county metropolitan court may request budget increases up to twenty thousand five hundred dollars (\$20,500) from other state funds to pay personal services and employee benefits related to the intergovernmental agreement with Bernalillo county metropolitan detention center and may request budget increases up to fifteen thousand dollars (\$15,000) from in-house screening fees as identified in Subsection S of Section 66-8-102 NMSA 1978;

J. the second judicial district attorney may request budget increases up to one hundred ninety thousand dollars (\$190,000) from internal service funds/interagency transfers and other state funds and may request up to five hundred thousand dollars (\$500,000) from internal service funds/interagency transfers from the attorney general to support the joint powers agreement for the Vigil-Giron, Gutierrez and Kupfer cases;

K. the eighth judicial district attorney may request budget increases up to two hundred fifty thousand dollars (\$250,000) from internal service funds/interagency transfers and other state funds from forfeiture revenues pursuant to Section 31-27-1 NMSA 1978 for prosecution of cases;

L. the eleventh judicial district attorney-division I may request budget increases up to one hundred twenty-five thousand dollars (\$125,000) from internal service funds/interagency transfers and other state funds;

M. the thirteenth judicial district attorney may request budget increases up to one hundred thousand dollars (\$100,000) from internal service funds/interagency transfers and other state funds received from any political subdivision of the state or from Indian tribes to assist in the prosecution of cases;

N. the legal services program of the attorney general may request budget increases up to one hundred fifty thousand dollars (\$150,000) from other state funds for discovery costs for tobacco arbitration provided that the revenue expended shall be solely from settlements that authorize consumer issues and may request budget increases up to five hundred thousand dollars (\$500,000) from other state funds to provide funding for the joint powers agreement with the second judicial district attorney's office for the Vigil-Giron, Gutierrez and Kupfer cases;

O. the building office space management and maintenance services program of the general services department may request category transfers up to three hundred thousand dollars (\$300,000) to and from the other financing uses category;

P. the elections program of the secretary of state may request budget increases up to twenty thousand dollars (\$20,000) from internal service funds/interagency transfers and other state funds received from any political subdivision of the state to conduct seminars on the administration of the Election Code before each statewide election;

Q. the personnel board may request budget increases up to one hundred fifty thousand dollars (\$150,000) from internal service funds/interagency transfers from fees collected from state agencies with less than one hundred employees that contract with the personnel board for human resource services;

R. in the regulation and licensing department, the advisory board of respiratory care practitioners may request budget increases up to two thousand dollars (\$2,000) from other state funds for costs associated with personal services and employee benefits, the real estate appraisers board may request budget increases up to twenty-four thousand five hundred dollars (\$24,500) from other state funds for costs associated with an increased number of hearings, the nursing home administrators board may request budget increases up to five thousand two hundred dollars (\$5,200) from other state funds for costs associated with personal services and employee benefits and statutorily mandated expenditures and the construction industries and

manufactured housing program may request budget increases up to seventy-one thousand seven hundred dollars (\$71,700) from other state funds to correct operating budget revenues incorrectly appropriated as federal funds;

S. the museums and monuments program of the cultural affairs department may request budget increases from fund balances for support of the Joseph C. Halpin building and the center for New Mexico archaeology;

T. the youth conservation corps may request category transfers to and from the other financing uses category for awards issued to other state agencies and for operational costs;

U. the commissioner of public lands may request budget increases up to sixty thousand dollars (\$60,000) from other state funds for litigation and expert witness expenses;

V. the interstate stream compact compliance and water development program of the state engineer may request budget increases up to three hundred thousand dollars (\$300,000) for Pecos water settlement compliance;

W. the medical assistance program of the human services department may request budget increases up to seventeen million seven hundred thousand dollars (\$17,700,000) from other state funds received through an intergovernmental transfer from the university of New Mexico for matching funds for the state coverage insurance program and the human services department may request program transfers between the medical assistance program and the medicaid behavioral health program;

X. the office of guardianship of the developmental disabilities planning council may request budget increases up to two hundred thousand dollars (\$200,000) from internal service funds/interagency transfers and other state funds;

Y. the miners' hospital of New Mexico may request budget increases up to one million two hundred thousand dollars (\$1,200,000) from other state funds;

Z. the public health program of the department of health may request category transfers up to two hundred thousand dollars (\$200,000) into the other financing uses category for the AIDS waiver program, may request budget increases from other state funds from medical cannabis program revenue for medical cannabis program expenditures and may request program transfers up to five hundred thousand dollars (\$500,000) to the laboratory services program for costs associated with the operation and maintenance of the New Mexico scientific laboratory;

AA. the juvenile justice facilities program of the children, youth and families department may request budget increases up to one million five hundred thousand dollars (\$1,500,000) from other state funds from distributions from the land grant permanent and land income funds and the youth and family services program of

the children, youth and families department may request budget increases up to seventy-nine thousand four hundred thirty dollars (\$79,430) from the other state funds transferred from the human services department for domestic violence programs;

BB. the corrections department may request budget increases up to four million dollars (\$4,000,000) from internal service funds/interagency transfers and other state funds from cash balances from the permanent and land income fund, probation and parole fees, excess revenues from the social security administration and other sales and services, the community offender management program may transfer up to five hundred thousand dollars (\$500,000) to program support to hire critical positions and to meet current contractual obligations and may transfer up to one million two hundred fifty thousand dollars (\$1,250,000) from fund balances to the inmate management and control program, and the inmate management and control program may request up to two million two hundred twenty-five thousand dollars (\$2,225,000) from fund balances to cover salaries and benefits, existing contractual obligations and other expenses;

CC. the law enforcement program of the department of public safety may request budget increases from concealed handgun carry revenues and fund balances to enforce the Concealed Handgun Carry Act and may request up to one hundred ninety-seven thousand six hundred dollars (\$197,600) from other state funds from proceeds from the decommissioning and sale of the New Mexico state police aircraft to address and implement safety recommendations as proposed by the national traffic safety board stemming from the June 2009 helicopter crash investigation; and

DD. the policy development and institutional financial oversight program of the higher education department may request budget increases up to forty thousand dollars (\$40,000) from other state funds to review regulations and conduct program enforcement in the private and proprietary schools program and may request budget increases up to five hundred thousand dollars (\$500,000) from internal service funds/interagency transfers and other state funds from license fees from the innovative digital education and learning New Mexico program.

## **Chapter 19 Section 9 Laws 2012**

### **Section 9. CERTAIN FISCAL YEAR 2013 BUDGET ADJUSTMENTS AUTHORIZED.--**

A. As used in this section and Section 8 of the General Appropriation Act of 2012:

(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 2013.

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 2012. 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 2012, 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 costs associated with subscriptions, supreme court updates and other publications;

(2) the judicial standards commission may request budget increases up to thirty thousand dollars (\$30,000) from other state funds from investigation and trial cost reimbursements from respondents;

(3) the second judicial district court may request budget increases up to one hundred thousand dollars (\$100,000) from other state funds and internal service funds/interagency transfers from arbitration revenues and may request budget increases up to one hundred seventy-five thousand dollars (\$175,000) from other state funds and internal service funds/interagency transfers from mediation and supervised visitation fees;

(4) the third judicial court may request budget increases up to thirty thousand dollars (\$30,000) from other state funds from copy and tape duplication fees and may request budget increases up to ten thousand dollars (\$10,000) from other state funds from court call revenue sharing;

(5) the first judicial district attorney may request budget increases from internal service funds/interagency transfers and other state funds received from any political subdivision of the state or from Indian tribes and may request budget increases up to one hundred twenty-five thousand dollars (\$125,000) from internal service funds/interagency transfers to prosecute tax crimes statewide;

(6) the second judicial district attorney may request budget increases up to five hundred thousand dollars (\$500,000) from internal service funds/interagency transfers from the attorney general to support the joint powers agreement for the prosecution of the Vigil-Giron, Gutierrez, and Kupfer cases and may request budget increases up to one hundred ninety thousand dollars (\$190,000) from internal service funds/interagency transfers and other state funds;

(7) the eighth judicial district attorney may request budget increases up to two hundred fifty thousand dollars (\$250,000) from internal service funds/interagency transfers and other state funds from forfeiture revenues pursuant to Section 31-27-1 NMSA 1978 for prosecution of cases;

(8) the eleventh judicial district attorney-division I may request budget increases up to fifty thousand dollars (\$50,000) from internal service funds/interagency transfers and other state funds to assist in the prosecution of cases;

(9) the eleventh judicial district attorney-division II may request budget increases up to fifty thousand dollars (\$50,000) from internal service funds/interagency transfers and other state funds received from any political subdivision of the state or from Indian tribes to assist in the prosecution of crimes within McKinley county;

(10) the twelfth judicial district attorney may request budget increases up to one hundred thousand dollars (\$100,000) from internal service funds/interagency transfers and other state funds received from any political subdivision of the state or from Indian tribes to assist in the prosecution of crimes within Otero and Lincoln counties;

(11) the thirteenth judicial district attorney may request budget increases up to seventy-five thousand dollars (\$75,000) from internal service funds/interagency transfers and other state funds received from any political subdivision of the state or from Indian tribes to assist in the prosecution of cases;

(12) the legal services program of the attorney general may request budget increases up to one hundred fifty thousand dollars (\$150,000) from other state

funds for discovery costs for tobacco arbitration provided that the revenue expended shall be solely from settlements that authorize consumer issues and may request budget increases up to five hundred thousand dollars (\$500,000) from other state funds to provide funding for the joint powers agreement with the second judicial district attorney's office for the Vigil-Giron, Gutierrez and Kupfer cases;

(13) the benefits and risk program and program support of the public school insurance authority may request budget increases from internal service funds/interagency transfers, other state funds and fund balances;

(14) the health care benefits administration program of the retiree health care authority may request budget increases from other state funds for the benefits program;

(15) the building office space management and maintenance services program of the general services department may request category transfers up to three hundred thousand dollars (\$300,000) to and from the other financing uses category for building services;

(16) the public defender department may request budget increases up to six hundred thousand dollars (\$600,000) from internal service funds/interagency transfers and other state funds;

(17) the department of information technology may request budget increases up to one million dollars (\$1,000,000) from fund balances for telecommunication, information processing and the statewide human resources, accounting and financial management reporting system and may request budget increases up to ten percent of internal service funds/interagency transfers appropriated in Section 4 of the General Appropriation Act of 2012 to support existing or new services;

(18) the elections program of the secretary of state may request budget increases up to twenty thousand dollars (\$20,000) from internal service funds/interagency transfers and other state funds received from any political subdivision of the state to conduct seminars on the administration of the Election Code before each statewide election;

(19) the personnel board may request budget increases up to four hundred thousand dollars (\$400,000) from internal service funds/interagency transfers from fees collected from other agencies with less than one hundred employees that contract with the personnel board for human resource services;

(20) the real estate appraisers board of the regulation and licensing department may request budget increases up to twenty-four thousand five hundred dollars (\$24,500) from other state funds for costs associated with an increase in the number of hearings;



(21) the public regulation commission may request budget increases for the office of the state fire marshal from the firefighter training academy use fee fund and the patient's compensation program of the public regulation commission may request budget increases up to two million dollars (\$2,000,000) from fund balances for patient's compensation expenses;

(22) the New Mexico medical board may request budget increases up to one hundred thousand dollars (\$100,000) from other state funds for the administrative hearing and litigation process;

(23) the preservation program of the department of cultural affairs may request budget increases from internal service funds/interagency transfers and other state funds for archaeological services;

(24) the oil conservation program of the energy, minerals and natural resources department may request budget increases from internal service funds/interagency transfers from funds received from the department of environment for the water quality program, the healthy forests program may request budget increases from internal service funds/interagency transfers from the New Mexico youth conservation corps fund for projects approved by the New Mexico youth conservation corps commission, the healthy forests program may request budget increases up to one hundred thousand dollars (\$100,000) from other state funds for costs associated with the conservation planting revolving fund and the renewable energy and energy efficiency program may request budget increases from internal service funds/interagency transfers and other state funds for renewable energy and energy efficiency program projects and operational expenses;

(25) the youth conservation corps may request category transfers to and from the other financing uses category for awards issued to other state agencies and operational costs;

(26) the commissioner of public lands may request budget increases up to sixty thousand dollars (\$60,000) from other state funds for litigation and expert witness expenses;

(27) the office of the state engineer may request budget increases up to five hundred thousand dollars (\$500,000) from other state funds from the Ute construction fund to perform a required Ute dam sediment survey, construct flumes, modify the outlet works, perform a cost of service study, complete other required minor dam repairs and continue to manage and participate in the Ute reservoir master plan development or other operational requirements at Ute reservoir, may request budget increases up to fifty thousand dollars (\$50,000) from other state funds from the boat dock revenue deposited into the Ute dam construction fund to transfer to the state parks division of the energy, minerals and natural resources department for the costs of inspection, enforcement and administration of boat docks at Ute reservoir per the memorandum of understanding between the two agencies and may request budget

increases up to eighty thousand dollars (\$80,000) from the bureau of reclamation for the operation and maintenance costs of the Vaughn pipeline;

(28) the workforce solutions department may request program transfers up to five hundred thousand dollars (\$500,000) between programs and the labor relations program may request budget increases up to one hundred twenty thousand dollars (\$120,000) from internal service funds/interagency transfers and other state funds from the public works apprenticeship fund to pay participants who successfully complete the public works apprenticeship program;

(29) the miners' hospital of New Mexico may request budget increases from other state funds;

(30) 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 and may request budget increases from other state funds related to private insurer payments for services provided through the public health and family, infant, toddler programs;

(31) the department of environment may request program transfers up to five hundred thousand dollars (\$500,000) between programs, may request budget increases from other state funds from the corrective action fund for claims, may request budget increases from responsible party prepayments, may request budget increases from other state funds from the hazardous waste emergency fund, may request budget increases up to one hundred ten thousand dollars (\$110,000) from internal service funds/interagency transfers or other state funds to coordinate multi-state Rio Grande salinity management programs and provide technical support for potential interstate litigation on water issues and may request budget increases up to two hundred seventy-five thousand dollars (\$275,000) from internal service funds/interagency transfers for providing technical or community services or both related to the drinking water revolving loan fund, water and wastewater grant fund and local government planning fund programs, water project fund and tribal infrastructure project fund programs;

(32) the children, youth and families department may request program transfers up to one million dollars (\$1,000,000) between programs;

(33) the corrections department may request program transfers if the cumulative effect of a requested program transfer, together with all program transfers previously requested and approved pursuant to this subsection, will not increase or decrease the total annual appropriation to a program by more than five percent and may request budget increases from internal service funds/interagency transfers and other state funds in excess of the five percent limitation from cash balances and revenue to address the department's budget deficit;

(34) the homeland security and emergency management department may request budget increases up to one hundred thousand dollars (\$100,000) from other state funds from hazardous chemical reporting fees;

(35) the department of transportation may request budget increases up to twenty million dollars (\$20,000,000) from other state funds to meet federal match requirements and for debt service and related costs, intergovernmental agreements, lawsuit and construction- and maintenance-related costs and may request program transfers between the transportation and highway operations program and the program and infrastructure program for costs related to engineering, construction and maintenance activities;

(36) the public school facilities authority may request budget increases for project management expenses pursuant to the Public School Capital Outlay Act; and

(37) the higher education department may request transfers to and from the other financing uses category and may request budget increases up to forty-five thousand dollars (\$45,000) for site visits and enforcement actions related to the private and proprietary school program.

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 19 Section 10 Laws 2012**

Section 10. **FUND TRANSFERS.**--Forty million dollars (\$40,000,000) is transferred from the general fund to the appropriation contingency fund during fiscal year 2012.

## **Chapter 19 Section 11 Laws 2012**

Section 11. **TRANSFER AUTHORITY.**--

A. If revenue and transfers to the general fund at the end of fiscal year 2013 are not sufficient to meet appropriations, the governor, with 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; provided that the total transferred pursuant to this subsection shall not exceed fifty-five million dollars (\$55,000,000).

## **Chapter 19 Section 12 Laws 2012**

Section 12. **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.

---

HAFC/H 2, 3, 4, 5 & 6, aa - Page

## **LAWS 2012, CHAPTER 20**

AN ACT

RELATING TO FIRE PROTECTION; AMENDING AND ENACTING SECTIONS OF THE FIRE PROTECTION FUND LAW TO PROVIDE ELIGIBILITY FOR FIRE STATIONS REGARDLESS OF JURISDICTIONAL LINES; PROVIDING FOR FIRE PROTECTION SERVICE ACROSS JURISDICTIONAL LINES; MAKING AN APPROPRIATION.

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

### **Chapter 20 Section 1 Laws 2012**

**SECTION 1.** Section 59A-53-2 NMSA 1978 (being Laws 1984, Chapter 127, Section 973, as amended) is amended to read:

"59A-53-2. PURPOSE.--It is the purpose of the Fire Protection Fund Law to provide for distribution of funds from the fire protection fund referred to in Section 59A-6-5 NMSA 1978 to municipalities and to county fire districts, in proportion to their respective needs, for use in operation, maintenance and betterment of local fire departments, to the end that the hazard of loss by fire and fire insurance rates may be reduced and the public safety thereby promoted."

### **Chapter 20 Section 2 Laws 2012**

**SECTION 2.** A new section of the Fire Protection Fund Law is enacted to read:

"DEFINITIONS.--As used in the Fire Protection Fund Law:

A. "marshal" means the state fire marshal as further identified in Chapter 59A, Article 52 NMSA 1978; and

B. "municipality" means an incorporated city, town or village."

### **Chapter 20 Section 3 Laws 2012**

**SECTION 3.** Section 59A-53-3 NMSA 1978 (being Laws 1984, Chapter 127, Section 974, as amended) is amended to read:

**"59A-53-3. DETERMINATION AND CERTIFICATION OF NEEDS.--**

A. Annually, on or before the last day of May, the marshal shall consider and determine, in the marshal's reasonable discretion, the relative needs of municipalities and county fire districts for money in the fire protection fund, based upon the information available to the marshal, and shall certify to the state treasurer the names of the municipalities and county fire districts that the marshal determines need the assistance of a distribution from the money in the fire protection fund, and the amount required by each, in accordance with the provisions of Chapter 59A, Article 53 NMSA 1978. In making this determination and certification, the marshal shall consider the intent and purpose of that article that no municipality or county fire district shall receive money distributed from the fire protection fund merely for the purpose of accumulation when the money is not required to accomplish the purposes of that article.

B. In making a determination and certification of needs, the marshal shall consider and provide for any debt obligations of existing or previously existing fire departments or fire districts."

## **Chapter 20 Section 4 Laws 2012**

**SECTION 4.** Section 59A-53-4 NMSA 1978 (being Laws 1984, Chapter 127, Section 975, as amended) is amended to read:

**"59A-53-4. CRITERIA FOR DETERMINATION OF NEEDS--MUNICIPAL FIRE DEPARTMENT.--**

A. In making the determination of needs pursuant to Section 59A-53-3 NMSA 1978, the marshal shall first determine that each municipality to be certified has maintained an official fire department created by and regulated in accordance with a duly enacted ordinance for a period of at least one year prior to the date of certification and possesses fire equipment and apparatus in serviceable condition to respond to a fire incident. The marshal shall also determine the number of fire stations and substations to be certified and shall certify to the state treasurer the amount to be distributed to each municipality for the purpose of maintaining each fire station and each substation, if any, that meets the requirements of the marshal and the requirements of this section. Unless adjusted pursuant to Section 59A-53-5.1 NMSA 1978, the amounts distributed in a fiscal year for a class insurance rating shall equal the following:

class	main station	substation
number 1	\$ 82,592	\$ 30,606
number 2	77,086	28,780

number 3	70,919	26,724
number 4	64,751	24,667
number 5	61,667	22,612
number 6	58,584	20,555
number 7	55,501	19,530
number 8	52,418	18,502
number 9	39,058	15,425
number 10	34,944	none.

B. Any municipality may permit its fire department to service an area adjacent and contiguous to its corporate limits but within the corporate limits of another municipality or a county; provided that the other municipality or county by resolution or law duly adopted or enacted consents to the service and to the boundaries of the other area serviced. Before commencement of service, a plat showing the geographic limits and boundaries of the additional area to be serviced shall be filed with and approved by the marshal. A municipality may apply for fire protection fund eligibility for any fire station located within the additional area to be serviced.

C. Any municipality may apply for fire protection fund eligibility for a fire station located at a municipally owned airport, whether located outside or within its corporate limits."

## **Chapter 20 Section 5 Laws 2012**

**SECTION 5.** Section 59A-53-5 NMSA 1978 (being Laws 1989, Chapter 312, Section 5, as amended) is amended to read:

"59A-53-5. ESTABLISHMENT OF FIRE DISTRICTS.--

A. The county commissioners of any county may establish one or more fire districts. The marshal shall determine the number of fire stations and substations to be certified and shall certify to the state treasurer the amount to be distributed to each fire district for the purpose of maintaining each fire station and each substation, if any, that meets the requirements of the marshal and the requirements of this section. Unless adjusted pursuant to Section 59A-53-5.1 NMSA 1978, the amounts distributed in a fiscal year for a class insurance rating shall equal the following:

class	main station	substation
-------	--------------	------------

number 1	\$ 82,592	\$ 30,606
number 2	77,086	28,780
number 3	70,919	26,724
number 4	64,751	24,667
number 5	61,667	22,612
number 6	58,584	20,555
number 7	55,501	19,530
number 8	52,418	18,502
number 9	39,058	15,425
number 10	34,944	none.

B. Additionally, prior to the disbursement of any funds, the following must be established to the satisfaction of the marshal:

(1) the fire district has maintained an official fire department for a period of at least one year, established and governed by appropriate resolution of the board of county commissioners and possesses fire apparatus and equipment in serviceable condition to respond to a fire incident;

(2) the geographic limits and boundaries of the fire district have been clearly defined and established in a plat showing the geographic limits and boundaries accepted and filed as part of the official record of proceedings of the board of county commissioners and a certified copy thereof filed with the marshal; and

(3) there is available within the geographic limits and boundaries of the fire district an adequate water supply to be used in connection with the firefighting facilities of the fire district.

C. The county commissioners of any county may permit a county fire district to service an area adjacent and contiguous to the district but within another county or municipality; provided that the county commissioners of the other county or the municipality consent by resolution or law duly adopted or enacted to the service and to the boundaries of the other area serviced. Before commencement of service, a plat showing the geographic limits and boundaries of the county fire district and of the additional area to be serviced shall be filed with and approved by the marshal. Any county may apply for fire protection fund eligibility for any fire station located within the additional area to be serviced."

## **Chapter 20 Section 6 Laws 2012**

**SECTION 6.** A new section of the Fire Protection Fund Law is enacted to read:

"FIRE STATION AND FIRE PROTECTION SERVICES ACROSS JURISDICTIONAL LINES.--

A. Nothing in the Fire Protection Fund Law shall be construed to prohibit fire protection fund eligibility to a municipal or county fire station or substation that otherwise meets the requirements of the marshal and the requirements of the Fire Protection Fund Law but is not located within the municipality or county.

B. Nothing in the Fire Protection Fund Law shall be construed to prohibit mutual aid agreements between municipalities or counties to provide fire protection services across jurisdictional lines."

## **Chapter 20 Section 7 Laws 2012**

**SECTION 7.** Section 59A-53-6 NMSA 1978 (being Laws 1984, Chapter 127, Section 977, as amended) is amended to read:

"59A-53-6. APPEAL AND REVIEW OF DETERMINATION.--The marshal shall promptly notify each municipality and county fire district affected of the marshal's determination of needs, and a municipality or county fire district may appeal from the determination of the marshal to the commission, within ten days after the determination of needs. The commission shall review the determination of the marshal in such informal and summary proceedings as it deems proper and shall certify to the state treasurer annually, on or before the last day of June, the results of all appeals from the determinations of the marshal. The certification by the commission, or by the marshal if no appeal is taken, shall be final and binding on all concerned and not subject to any further review."

## **Chapter 20 Section 8 Laws 2012**

**SECTION 8.** 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. Annually on or before the last day of July, the state treasurer shall distribute from the money in the fire protection fund, to each municipality and county fire district, the amount the marshal or the commission, as the case may be, 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 the marshal or the commission, 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 fifty thousand dollars (\$50,000), 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 fifty thousand dollars (\$50,000)."

## **Chapter 20 Section 9 Laws 2012**

**SECTION 9.** Section 59A-53-8 NMSA 1978 (being Laws 1984, Chapter 127, Section 979, as amended) is amended to read:

"59A-53-8. EXPENDITURE OF FIRE PROTECTION FUND MONEY.--Any amount distributed from the fire protection fund to a municipality or to a county fire district shall be expended only for the maintenance of its fire department; the purchase, construction, maintenance, repair and operation of its fire stations, including substations; fire apparatus and equipment and the financing or refinancing thereof; the payment of insurance premiums on fire stations, substations, fire apparatus and equipment and insurance premiums for injuries or deaths of firefighters as otherwise provided by law; and fire department emergency medical services, except salaries. Provided, however, that no money shall be expended from the fund for any purpose relating to the water supply systems of a municipality or county fire district or for the improvement or construction of the systems or for purchase, rental, installation or maintenance of fire hydrants or for any other appurtenances relating to the distribution or use of the water supply system. Funds distributed from the fire protection fund to an incorporated municipality or a county fire district may also be expended for the expense of firefighters for attending fire schools and conventions approved by the marshal."

## **Chapter 20 Section 10 Laws 2012**

**SECTION 10.** Section 59A-53-9 NMSA 1978 (being Laws 1984, Chapter 127, Section 980, as amended) is amended to read:

"59A-53-9. LIMITATIONS ON EXPENDITURES.--No amount so distributed from the fire protection fund to a municipality or to any county fire district shall be expended in connection with the construction, purchase or equipment of any fire station or substation in addition to those existing upon the date of distribution by the state treasurer, during the year following such distribution, without the prior written approval of the marshal."

## **Chapter 20 Section 11 Laws 2012**

**SECTION 11.** Section 59A-53-10 NMSA 1978 (being Laws 1984, Chapter 127, Section 981, as amended) is amended to read:

"59A-53-10. PURCHASE OF LAND OR BUILDINGS.--No amount so distributed from the fire protection fund to a municipality or to any county fire district shall be expended or obligated for the purchase of land or the construction of buildings for fire stations or substations unless all obligations previously incurred for those purposes and to be paid from money distributed from the fire protection fund by the municipality or county fire district have been fully paid and satisfied; and no amount shall be expended or obligated for the construction of buildings for fire stations or substations unless the municipality or county fire district proposing to expend or obligate for that purpose money distributed from the fire protection fund holds fee simple title, not encumbered by any lien, to the land on which it proposes to construct any such building; provided, however, that this provision shall not prohibit construction or location of a fire station or substation on land donated in whole or in part to the municipality or county fire district for the purpose, and use of fire protection fund money for the construction or location, where the donor has reserved right of reversion of the land under stated conditions, if the use of money is approved by the marshal in advance and after full investigation and determination that the use would be appropriate and reasonable."

## **Chapter 20 Section 12 Laws 2012**

**SECTION 12.** Section 59A-53-11 NMSA 1978 (being Laws 1984, Chapter 127, Section 982, as amended) is amended to read:

"59A-53-11. VOUCHERS.--

A. Amounts so distributed from the fire protection fund to a municipality or to any county fire district shall be expended under the direction of the chief of the fire department of the municipality or county fire district, upon duly executed vouchers approved as required by law.

B. In no event is any amount to be expended for any purpose that does not relate directly to the permitted purposes specifically stated in Sections 59A-53-8 and 59A-53-9 NMSA 1978."

## **Chapter 20 Section 13 Laws 2012**

**SECTION 13.** Section 59A-53-12 NMSA 1978 (being Laws 1984, Chapter 127, Section 983, as amended) is amended to read:

"59A-53-12. PROMULGATION OF RULES.--The marshal has authority to promulgate, modify, amend and revoke from time to time rules, including those for mutual aid among and between fire departments; provided that no such rules shall allow

any fire department to extend its service in any manner that would jeopardize the fire insurance rates within its municipality or county fire district, as the marshal may determine, in the marshal's discretion, to be necessary, advisable or proper to accomplish the objectives of the Fire Protection Fund Law. Among other things, these rules shall include, but not be limited to, a list of firefighting equipment, apparatus and other items that may properly be purchased by a municipality or by any county fire district from funds distributed from the fire protection fund, and standards of quality, construction and performance to be met by major firefighting appliances, training requirements, firefighting protective clothing and equipment standards, and by fire stations and substations, proposed to be purchased or constructed by a municipality or district from money distributed from the fire protection fund. All rules shall be filed and published as required by law. Rules of this nature heretofore promulgated by the superintendent and now in effect shall continue in effect until hereafter revoked or modified. Nothing in this section shall be construed to grant regulatory authority over the Volunteer Firefighters Retirement Act to the marshal."

## **Chapter 20 Section 14 Laws 2012**

**SECTION 14.** Section 59A-53-13 NMSA 1978 (being Laws 1984, Chapter 127, Section 984, as amended) is amended to read:

"59A-53-13. LIABILITY FOR UNAUTHORIZED EXPENDITURE.--Any person who shall expend, or direct or permit the expenditure of, any money distributed from the fire protection fund for purposes not expressly authorized by Chapter 59A, Article 53 NMSA 1978 or by rules duly promulgated by the marshal pursuant to that article shall be personally liable to the state of New Mexico for the full amount of the money wrongfully expended, together with interest thereon and costs. An action to recover the amount of any wrongful expenditure may be commenced by the attorney general or the district attorney in the county in which the wrongful expenditure was made, upon the filing with the officer of a verified statement describing the wrongful expenditure."

## **Chapter 20 Section 15 Laws 2012**

**SECTION 15.** Section 59A-53-14 NMSA 1978 (being Laws 1984, Chapter 127, Section 985, as amended) is amended to read:

"59A-53-14. CLOSURE OF FIRE DEPARTMENT.--

A. If any fire department operated by a municipality or county fire district should go out of existence or for any reason cease to operate and function for a period of ninety days, title to all firefighting equipment and apparatus paid for in whole with distributions from the fire protection fund and held by or for the benefit of the fire department shall vest in the marshal and all money distributed from the fire protection fund and held by or for the fire department shall revert to the fire protection fund. Any person having custody or control of any such firefighting equipment and apparatus shall forthwith deliver it as directed by the marshal, and any person having custody or control

of the money shall forthwith remit it to the state treasurer, who shall again deposit the money in the state treasury to the credit of the fire protection fund. An action to recover the possession and control of such firefighting equipment and apparatus, or the money, may be commenced by the attorney general or the district attorney in the county in which the equipment and apparatus or money are situated upon the filing with the officer of a verified statement of the circumstances.

B. Notwithstanding the provisions of Subsection A of this section, money distributed from the fire protection fund needed to pay debt service on bonds or other obligations issued by or on behalf of a fire department or fire district may be used to pay such debt service, and the marshal and the state treasurer shall continue to make distributions from the fire protection fund for and on behalf of the fire department or fire district until the bonds or other obligations are paid in full."

## **Chapter 20 Section 16 Laws 2012**

**SECTION 16.** Section 59A-53-16 NMSA 1978 (being Laws 1984, Chapter 127, Section 987, as amended) is amended to read:

"59A-53-16. NEW FIRE DEPARTMENTS.--Whenever the marshal, after the last day of May in any year, determines that a municipality or county fire district, operating a new fire department, has met the requirements of Chapter 59A, Article 53 NMSA 1978 for the first time, the marshal may certify to the state treasurer the name of the municipality or county fire district and the amount required, on the same basis as provided in that article, but not to exceed an amount commensurate with the period of time for which such pro rata distribution is made; and distribution of the amount certified shall be made as otherwise provided in that article."

## **Chapter 20 Section 17 Laws 2012**

**SECTION 17.** Section 59A-53-18 NMSA 1978 (being Laws 2006, Chapter 103, Section 7) is amended to read:

"59A-53-18. FIRE PROTECTION GRANT FUND--CREATED--USES.--The "fire protection grant fund" is created in the state treasury. The fund shall consist of transfers, distributions, appropriations, gifts, grants, donations and bequests made to the fund. Income from the fund shall be credited to the fund, and money in the fund shall not revert or be transferred to any other fund at the end of a fiscal year. Money in the fund is appropriated to the fire protection grant council for the purposes of making distributions approved by the council for the critical needs of municipal fire departments and county fire districts. Expenditures from the fund shall be made on warrant of the secretary of finance and administration pursuant to vouchers signed by the marshal."

## **Chapter 20 Section 18 Laws 2012**

**SECTION 18.** 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. Subject to the requirements of Subsection B of this section, the council shall consist of:

- (1) a representative of the New Mexico municipal league;
  - (2) a representative of the New Mexico association of counties;
  - (3) two members appointed by the public regulation commission who shall serve at the pleasure of the commission;
  - (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. No appointee to the council shall be a member of the public regulation commission, the superintendent of insurance or any other employee of the commission.

C. 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.

D. 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.

E. 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.

F. In awarding grant assistance, the council may require conditions and procedures necessary to ensure that the money is expended in the most prudent manner.

G. 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."

---

House Bill 11

Approved March 2, 2012

## **LAWS 2012, CHAPTER 21**

AN ACT

RELATING TO PUBLIC SCHOOLS; CONVERTING K-3 PLUS FROM A PILOT PROJECT TO A PROGRAM IN THE PUBLIC EDUCATION DEPARTMENT TO PROVIDE ADDITIONAL EDUCATIONAL TIME FOR DISADVANTAGED STUDENTS; MAKING AN APPROPRIATION.

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

**Chapter 21 Section 1 Laws 2012**

**SECTION 1.** Section 22-13-28 NMSA 1978 (being Laws 2007, Chapter 12, Section 1) is amended to read:

"22-13-28. K-3 PLUS--ELIGIBILITY--APPLICATION--REPORTING AND EVALUATION.--

A. The six-year K-3 plus pilot project has demonstrated that increased time in kindergarten and the early grades narrows the achievement gap between disadvantaged students and other students and increases cognitive skills and leads to higher test scores for all participants.

B. The "K-3 plus" program is created in the department to provide funding for additional educational time for disadvantaged students in kindergarten through third grade. K-3 plus shall be administered by the department and shall provide the funding for approved full-day kindergarten and grades one through three to be extended by at least twenty-five instructional days, beginning up to two months earlier than the regular school years.

C. K-3 plus shall be conducted in high-poverty public schools. For the purposes of K-3 plus, "high-poverty public school" means a public school in which eighty-five percent or more of the students are eligible for free or reduced-fee lunch at the time the public school applies for the program.

D. The department shall promulgate rules for application requirements and procedures and criteria for evaluating applications. In evaluating applications for K-3 plus, the department shall grant priority to those schools with research-based, scientific reading strategies and programs. An applicant shall demonstrate that its K-3 plus program will meet all department standards and employ only qualified teachers and other staff.

E. K-3 plus programs shall be funded at no less than thirty percent of the unit value per student. Up to two percent of the money received by a school district shall be used for student recruitment and to ensure regular attendance by K-3 plus students.

F. Schools that are awarded funding for K-3 plus for the next school year shall be notified by April 15 of the calendar year.

G. The department shall provide additional professional development for K-3 plus teachers in how young children learn to read. Teachers and educational assistants shall be paid at the same rate and under the same terms for K-3 plus as teachers and educational assistants are paid for regular educational programs.

H. Students participating in K-3 plus shall be evaluated at the beginning of K-3 plus, and their progress shall be measured through standardized assessments as follows:

(1) in literacy, an assessment approved and provided by the department that measures the acquisition of reading skills, including phonological awareness, phonics, spelling, reading fluency, vocabulary and comprehension in kindergarten and in grades one through three; and

(2) in numeracy, in grades three and four.

I. The department shall establish reporting and evaluation requirements for participating schools, including student and program assessments. The department shall report annually to the legislature and the governor on the efficacy of K-3 plus.

J. The department may use up to four percent of any appropriation made by the legislature for K-3 plus for professional development for participating educators and department administrative costs.

K. The department shall develop and disseminate information on best practices in the areas of student recruitment, retention and academic success of early learners.

L. The secretary shall appoint a "K-3 plus advisory committee" composed of representatives of school districts that participate in K-3 plus and other stakeholders. The advisory committee shall meet twice a year to advise the department on K-3 plus implementation."

## **Chapter 21 Section 2 Laws 2012**

**SECTION 2.** A new section of Chapter 22, Article 13 NMSA 1978 is enacted to read:

"K-3 PLUS FUND--CREATED--ADMINISTRATION--CURRENT APPROPRIATION.--The "K-3 plus fund" is created as a nonreverting fund in the state treasury. The fund consists of appropriations, gifts, grants and donations. The department shall administer the fund and money in the fund is appropriated to the department for K-3 plus programs, K-3 plus-related professional development and department administrative costs as provided in Section 22-13-28 NMSA 1978. Any unexpended or unencumbered balance of the fiscal year 2012 appropriation for K-3 plus in Subsection I of Section 4 of Chapter 179 of Laws 2011 shall not revert to the general fund and shall be transferred to the K-3 plus fund."

---

House Bill 14, aa

Approved March 2, 2012

## **LAWS 2012, CHAPTER 22**



AN ACT

RELATING TO TAXATION; EXTENDING THE DEDUCTION FROM GROSS RECEIPTS FOR RECEIPTS FROM ADMISSIONS TO NONATHLETIC SPECIAL EVENTS AT CERTAIN POST- SECONDARY EDUCATIONAL INSTITUTIONS.

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

**Chapter 22 Section 1 Laws 2012**

**SECTION 1.** Section 7-9-104 NMSA 1978 (being Laws 2007, Chapter 33, Section 1) is amended to read:

"7-9-104. DEDUCTION--GROSS RECEIPTS--NONATHLETIC SPECIAL EVENT AT POST- SECONDARY EDUCATIONAL INSTITUTION.--Receipts received from July 1, 2007 through June 30, 2017 from admissions to a nonathletic special event held at a venue that is located on the campus of a post-secondary educational institution within fifty miles of the New Mexico border and that accommodates at least ten thousand persons may be deducted from gross receipts."

---

House Bill 23

Approved March 2, 2012

**LAWS 2012, CHAPTER 23**

AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; ELIMINATING THE REQUIREMENT THAT HOME SCHOOL STUDENT ACTIVITIES PROGRAM UNITS BE BASED ON ATHLETIC ACTIVITIES; DEFINING ACTIVITIES.

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

**Chapter 23 Section 1 Laws 2012**

**SECTION 1.** Section 22-8-23.8 NMSA 1978 (being Laws 2007, Chapter 365, Section 2, as amended) is amended to read:

"22-8-23.8. HOME SCHOOL STUDENT ACTIVITIES PROGRAM UNIT.--The home school student activities program unit for a school district is determined by multiplying the number of home school students who are participating in school district activities governed by the New Mexico activities association by the cost differential

factor of 0.1. The home school student activities program unit shall be paid to the school district in which it is generated. A home school student is eligible to participate in up to three school district activities at the public school in the attendance zone in which the student resides, according to the New Mexico activities association guidelines. The school district shall verify each home school student's academic eligibility to participate in school district activities. As used in this section, "activities" means athletics, co-curricular and extracurricular activities sanctioned by the New Mexico activities association."

## **Chapter 23 Section 2 Laws 2012**

**SECTION 2. APPLICABILITY.**--The provisions of this act apply to the 2012-2013 school year and subsequent school years.

---

House Bill 129

Approved March 2, 2012

## **LAWS 2012, CHAPTER 24**

AN ACT

RELATING TO EDUCATION; AMENDING THE SCHOOL ATHLETICS EQUITY ACT TO ELIMINATE CERTAIN REPORTING REQUIREMENTS FOR GRADES SEVEN AND EIGHT; CLARIFYING OTHER REPORTING REQUIREMENTS.

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

## **Chapter 24 Section 1 Laws 2012**

**SECTION 1.** Section 22-31-2 NMSA 1978 (being Laws 2009, Chapter 178, Section 2) is amended to read:

"22-31-2. APPLICABILITY--NONDISCRIMINATION.--Except as provided in Subsections C, D and E of Section 22-31-3 NMSA 1978, the School Athletics Equity Act applies to each public school that has an athletics program for grades seven through twelve. Each public school shall operate its program in a manner that does not discriminate against students or staff on the basis of gender."

## **Chapter 24 Section 2 Laws 2012**

**SECTION 2.** Section 22-31-3 NMSA 1978 (being Laws 2009, Chapter 178, Section 3) is amended to read:

"22-31-3. DATA REPORTING.--The department shall collect annual data from public schools on their athletics programs. Each public school shall collect and submit the prior-year data required in this section in a format required by the department. The data submitted shall include:

A. by August 31, 2011, the following information pertaining to enrollment:

(1) the total enrollment in each public school as an average of enrollment at the second and third reporting dates;

(2) student enrollment by gender;

(3) total number of students participating in athletics;

(4) athletics participation by gender; and

(5) the number of boys' teams and girls' teams by sport and by competition level;

B. by August 31, 2011, the following information pertaining to athletic directors and coaches:

(1) the names and genders of each public school's athletic director and other athletic program staff;

(2) the names of each team's coaches, with their gender, job title and employment status, such as full-time, part-time, contract or volunteer, specified;

(3) the coach-to-athlete ratio for each team; and

(4) the stipend or other compensation for coaching paid to coaches of boys' teams and to coaches of girls' teams for each public school;

C. by August 31, 2012, an accounting of the funding sources that are used to support the school's athletics programs in grades nine through twelve and to which programs those funds are allocated; funding sources include state funding, federal funding, fundraising or booster clubs, game and concession receipts, gate receipts, cash or in-kind donations, grants and any other source;

D. by August 31, 2012, the following information regarding expenses for athletics programs in grades nine through twelve, including:

(1) any capital outlay expenditures for each public school's athletics programs; and

(2) the expenditures for each public school's athletics programs, including travel expenses such as transportation, meal allowances and overnight accommodations; equipment; uniforms; facilities; facilities improvements; publicity expenses; awards; banquets; insurance; and any other expenses incurred by each athletic program; and

E. by August 31, 2012, a statement of benefits and services to each athletic program in grades nine through twelve, including:

- (1) replacement schedules for uniforms;
- (2) practice and game schedules; and
- (3) locker rooms, weight rooms and practice, competitive and training facilities."

---

House Bill 161, aa

Approved March 2, 2012

## **LAWS 2012, CHAPTER 25**

AN ACT

RELATING TO BUSINESS LICENSES; AMENDING A SECTION OF THE LIQUOR CONTROL ACT TO CLARIFY THE DEFINITION OF "LICENSED PREMISES".

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

### **Chapter 25 Section 1 Laws 2012**

**SECTION 1.** Section 60-3A-3 NMSA 1978 (being Laws 1981, Chapter 39, Section 3, as amended) is amended to read:

"60-3A-3. DEFINITIONS.--As used in the Liquor Control Act:

A. "alcoholic beverages" means distilled or rectified spirits, potable alcohol, brandy, whiskey, rum, gin and aromatic bitters bearing the federal internal revenue strip stamps or any similar alcoholic beverage, including blended or fermented beverages, dilutions or mixtures of one or more of the foregoing containing more than one-half percent alcohol, but excluding medicinal bitters;

B. "beer" means an alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt and hops or other cereals in water, and includes porter, beer, ale and stout;

C. "brewer" means a person who owns or operates a business for the manufacture of beer;

D. "club" means:

(1) any nonprofit group, including an auxiliary or subsidiary group, organized and operated under the laws of this state, with a membership of not less than fifty members who pay membership dues at the rate of not less than five dollars (\$5.00) per year and who, under the constitution and bylaws of the club, have all voting rights and full membership privileges, and which group is the owner, lessee or occupant of premises used exclusively for club purposes and which group the director finds:

(a) is operated solely for recreation, social, patriotic, political, benevolent or athletic purposes; and

(b) has been granted an exemption by the United States from the payment of the federal income tax as a club under the provisions of Section 501(a) of the Internal Revenue Code of 1986, as amended, or, if the applicant has not operated as a club for a sufficient time to be eligible for the income tax exemption, it must execute and file with the director a sworn letter of intent declaring that it will, in good faith, apply for an income tax exemption as soon as it is eligible; or

(2) an airline passenger membership club operated by an air common carrier that maintains or operates a clubroom at an international airport terminal. As used in this paragraph, "air common carrier" means a person engaged in regularly scheduled air transportation between fixed termini under a certificate of public convenience and necessity issued by the federal aviation administration;

E. "commission" means the secretary of public safety when the term is used in reference to the enforcement and investigatory provisions of the Liquor Control Act and means the superintendent of regulation and licensing when the term is used in reference to the licensing provisions of the Liquor Control Act;

F. "department" means the special investigations division of the department of public safety when the term is used in reference to the enforcement and investigatory provisions of the Liquor Control Act and means the director of the alcohol and gaming division of the regulation and licensing department when the term is used in reference to the licensing provisions of the Liquor Control Act;

G. "director" means the director of the special investigations division of the department of public safety when the term is used in reference to the enforcement and investigatory provisions of the Liquor Control Act and means the director of the alcohol

and gaming division of the regulation and licensing department when the term is used in reference to the licensing provisions of the Liquor Control Act;

H. "dispenser" means a person licensed under the provisions of the Liquor Control Act selling, offering for sale or having in the person's possession with the intent to sell alcoholic beverages both by the drink for consumption on the licensed premises and in unbroken packages for consumption and not for resale off the licensed premises;

I. "distiller" means a person engaged in manufacturing spirituous liquors;

J. "golf course" means a tract of land and facilities used for playing golf and other recreational activities that includes tees, fairways, greens, hazards, putting greens, driving ranges, recreational facilities, patios, pro shops, cart paths and public and private roads that are located within the tract of land;

K. "governing body" means the board of county commissioners of a county or the city council or city commissioners of a municipality;

L. "hotel" means an establishment or complex having a resident of New Mexico as a proprietor or manager and where, in consideration of payment, meals and lodging are regularly furnished to the general public. The establishment or complex must maintain for the use of its guests a minimum of twenty-five sleeping rooms;

M. "licensed premises" means the contiguous areas or areas connected by indoor passageways of a structure and the outside dining, recreation and lounge areas of the structure and the grounds and vineyards of a structure that is a winery that are under the direct control of the licensee and from which the licensee is authorized to sell, serve or allow the consumption of alcoholic beverages under the provisions of its license; provided that in the case of a restaurant, "licensed premises" includes a restaurant that has operated continuously in two separate structures since July 1, 1987 and that is located in a local option district that has voted to disapprove the transfer of liquor licenses into that local option district, hotel, golf course or racetrack and all public and private rooms, facilities and areas in which alcoholic beverages are sold or served in the customary operating procedures of the restaurant, hotel, golf course or racetrack. "Licensed premises" also includes rural dispenser licenses located in the unincorporated areas of a county with a population of less than thirty thousand, located in buildings in existence as of January 1, 2012, that are within one hundred fifty feet of one another and that are under the direct control of the license holder;

N. "local option district" means a county that has voted to approve the sale, serving or public consumption of alcoholic beverages, or an incorporated municipality that falls within a county that has voted to approve the sale, serving or public consumption of alcoholic beverages, or an incorporated municipality of over five thousand population that has independently voted to approve the sale, serving or public consumption of alcoholic beverages under the terms of the Liquor Control Act or any former act;

O. "manufacturer" means a distiller, rectifier, brewer or winer;

P. "minor" means a person under twenty-one years of age;

Q. "package" means an immediate container of alcoholic beverages that is filled or packed by a manufacturer or wine bottler for sale by the manufacturer or wine bottler to wholesalers;

R. "person" means an individual, corporation, firm, partnership, copartnership, association or other legal entity;

S. "rectifier" means a person who blends, mixes or distills alcohol with other liquids or substances for the purpose of making an alcoholic beverage for the purpose of sale other than to the consumer by the drink, and includes all bottlers of spirituous liquors;

T. "restaurant" means an establishment having a New Mexico resident as a proprietor or manager that is held out to the public as a place where meals are prepared and served primarily for on- premises consumption to the general public in consideration of payment and that has a dining room, a kitchen and the employees necessary for preparing, cooking and serving meals; provided that "restaurant" does not include establishments as defined in rules promulgated by the director serving only hamburgers, sandwiches, salads and other fast foods;

U. "retailer" means a person licensed under the provisions of the Liquor Control Act selling, offering for sale or having in the person's possession with the intent to sell alcoholic beverages in unbroken packages for consumption and not for resale off the licensed premises;

V. "spirituous liquors" means alcoholic beverages as defined in Subsection A of this section except fermented beverages such as wine, beer and ale;

W. "wholesaler" means a person whose place of business is located in New Mexico and who sells, offers for sale or possesses for the purpose of sale any alcoholic beverages for resale by the purchaser;

X. "wine" includes the words "fruit juices" and means alcoholic beverages obtained by the fermentation of the natural sugar contained in fruit or other agricultural products, with or without the addition of sugar or other products, that do not contain less than one-half percent nor more than twenty- one percent alcohol by volume;

Y. "wine bottler" means a New Mexico wholesaler who is licensed to sell wine at wholesale for resale only and who buys wine in bulk and bottles it for wholesale resale;

Z. "winegrower" means a person who owns or operates a business for the manufacture of wine;

AA. "winer" means a winegrower; and

BB. "winery" means a facility in which a winegrower manufactures and stores wine."

---

House Bill 200

Approved March 3, 2012

## **LAWS 2012, CHAPTER 26**

### **AN ACT**

RELATING TO PRECINCT BOARD MEMBERS; ALLOWING SEASONAL EMPLOYEES TO WORK TEMPORARILY AS PRECINCT BOARD MEMBERS WITHOUT SUSPENDING THEIR PENSION BENEFITS; DECLARING AN EMERGENCY.

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

### **Chapter 26 Section 1 Laws 2012**

SECTION 1. Section 1-2-16 NMSA 1978 (being Laws 1969, Chapter 240, Section 36, as amended) is amended to read:

"1-2-16. PRECINCT BOARD--COMPENSATION.--

A. Members of a precinct board shall be compensated for their services at the rate of not less than the federal minimum hourly wage rate nor more than two hundred dollars (\$200) for an election day.

B. Members of a precinct board assigned to alternate voting locations or absent voter precincts may be compensated at an hourly rate set by the county clerk.

C. Compensation shall be paid within thirty days following the date of election.

D. For purposes of determining eligibility for membership in the public employees retirement association and pursuant to the provisions of Subsection B of Section 10-11-3 NMSA 1978, precinct board members are designated as seasonal employees."



## Chapter 26 Section 2 Laws 2012

SECTION 2. Section 10-11-8 NMSA 1978 (being Laws 1987, Chapter 253, Section 8, as amended) is amended to read:

"10-11-8. NORMAL RETIREMENT--RETURN TO EMPLOYMENT--BENEFITS CONTINUED--EMPLOYER 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 employment or reemployment with an affiliated public employer;

(2) the retired member's pension shall be suspended upon commencement of the employment;

(3) except as provided in Subsection F of this section, the previously retired member shall not become a member and thus the previously retired member shall accrue no service credit and the previously retired member and that person's affiliated public employer shall make no contributions under any coverage plan pursuant to the Public Employees Retirement Act; and

(4) upon termination of the subsequent employment, the previously retired member's pension shall resume in accordance with the provisions of Subsection A of this section.

D. The provisions of Subsection C 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; 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 previously retired member's reemployment with an affiliated public employer.

F. At any time during a previously retired member's subsequent employment pursuant to Subsection C of this section, the previously 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 previously 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 previously retired member returned to work; provided that, on and after July 1, 2010, the previously retired member shall pay the employee contribution in an amount specified in the Public Employees Retirement Act for the position in which the previously retired member is employed.

H. The pension of a member who has three or more years of service credit under each of two or more coverage plans shall be determined in accordance with the coverage plan that produces the highest pension. The pension of a member who has service credit 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 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. 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 26 Section 3 Laws 2012**

SECTION 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

Approved March 3, 2012

## **LAWS 2012, CHAPTER 27**

AN ACT

RELATING TO HEALTH INSURANCE; ENACTING NEW SECTIONS OF THE HEALTH CARE PURCHASING ACT, THE HEALTH MAINTENANCE ORGANIZATION LAW AND THE NEW MEXICO INSURANCE CODE TO REQUIRE COVERAGE FOR PRESCRIPTION EYE DROP REFILLS.

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

### **Chapter 27 Section 1 Laws 2012**

SECTION 1. A new section of the Health Care Purchasing Act is enacted to read:

"COVERAGE OF PRESCRIPTION EYE DROP REFILLS.--

A. Group health coverage, including any form of self-insurance, offered, issued or renewed under the Health Care Purchasing Act that provides coverage for prescription eye drops shall not deny coverage for a renewal of prescription eye drops when:

(1) the renewal is requested by the insured at least twenty-three days for a thirty-day supply of eye drops, forty-five days for a sixty-day supply of eye drops or

sixty-eight days for a ninety-day supply of eye drops from the later of the date that the original prescription was dispensed to the insured or the date that the last renewal of the prescription was dispensed to the insured; and

(2) the prescriber indicates on the original prescription that additional quantities are needed and that the renewal requested by the insured does not exceed the number of additional quantities needed.

B. As used in this section, "prescriber" means a person who is authorized pursuant to the New Mexico Drug, Device and Cosmetic Act to prescribe prescription eye drops."

### **Chapter 27 Section 2 Laws 2012**

SECTION 2. A new section of Chapter 59A, Article 22 NMSA 1978 is enacted to read:

"COVERAGE OF PRESCRIPTION EYE DROP REFILLS.--

A. An individual or group health insurance policy, health care plan or certificate of health insurance that is delivered, issued for delivery or renewed in this state and that provides coverage for prescription eye drops shall not deny coverage for a renewal of prescription eye drops when:

(1) the renewal is requested by the insured at least twenty-three days for a thirty-day supply of eye drops, forty-five days for a sixty-day supply of eye drops or

sixty-eight days for a ninety-day supply of eye drops from the later of the date that the original prescription was dispensed to the insured or the date that the last renewal of the prescription was dispensed to the insured; and

(2) the prescriber indicates on the original prescription that additional quantities are needed and that the renewal requested by the insured does not exceed the number of additional quantities needed.

B. As used in this section, "prescriber" means a person who is authorized pursuant to the New Mexico Drug, Device and Cosmetic Act to prescribe prescription eye drops."

## **Chapter 27 Section 3 Laws 2012**

SECTION 3. A new section of Chapter 59A, Article 23 NMSA 1978 is enacted to read:

"COVERAGE OF PRESCRIPTION EYE DROP REFILLS.--

A. A blanket or group health insurance policy or contract that is delivered, issued for delivery or renewed in this state and that provides coverage for prescription eye drops shall not deny coverage for a renewal of prescription eye drops when:

(1) the renewal is requested by the insured at least twenty-three days for a thirty-day supply of eye drops, forty-five days for a sixty-day supply of eye drops or

sixty-eight days for a ninety-day supply of eye drops from the later of the date that the original prescription was dispensed to the insured or the date that the last renewal of the prescription was dispensed to the insured; and

(2) the prescriber indicates on the original prescription that additional quantities are needed and that the renewal requested by the insured does not exceed the number of additional quantities needed.

B. As used in this section, "prescriber" means a person who is authorized pursuant to the New Mexico Drug, Device and Cosmetic Act to prescribe prescription eye drops."

## **Chapter 27 Section 4 Laws 2012**

SECTION 4. A new section of the Health Maintenance Organization Law is enacted to read:

### **"COVERAGE OF PRESCRIPTION EYE DROP REFILLS.--**

A. An individual or group health maintenance organization contract that is delivered, issued for delivery or renewed in this state and that provides coverage for prescription eye drops shall not deny coverage for a renewal of prescription eye drops when:

(1) the renewal is requested by the insured at least twenty-three days for a thirty-day supply of eye drops, forty-five days for a sixty-day supply of eye drops or sixty-eight days for a ninety-day supply of eye drops from the later of the date that the original prescription was dispensed to the insured or the date that the last renewal of the prescription was dispensed to the insured; and

(2) the prescriber indicates on the original prescription that additional quantities are needed and that the renewal requested by the insured does not exceed the number of additional quantities needed.

B. As used in this section, "prescriber" means a person who is authorized pursuant to the New Mexico Drug, Device and Cosmetic Act to prescribe prescription eye drops."

## **Chapter 27 Section 5 Laws 2012**

SECTION 5. A new section of Chapter 59A, Article 47 NMSA 1978 is enacted to read:

### **"COVERAGE OF PRESCRIPTION EYE DROP REFILLS.--**

A. An individual or group health insurance policy, health care plan or certificate of health insurance that is delivered, issued for delivery or renewed in this state and that provides coverage for prescription eye drops shall not deny coverage for a renewal of prescription eye drops when:

(1) the renewal is requested by the insured at least twenty-three days for a thirty-day supply of eye drops, forty-five days for a sixty-day supply of eye drops or

sixty-eight days for a ninety-day supply of eye drops from the later of the date that the original prescription was dispensed to the insured or the date that the last renewal of the prescription was dispensed to the insured; and

(2) the prescriber indicates on the original prescription that additional quantities are needed and that the renewal requested by the insured does not exceed the number of additional quantities needed.

B. As used in this section, "prescriber" means a person who is authorized pursuant to the New Mexico Drug, Device and Cosmetic Act to prescribe prescription eye drops."

## **Chapter 27 Section 6 Laws 2012**

SECTION 6. APPLICABILITY.--The provisions of this act shall apply to insurance policies that provide coverage for prescription eye drops and that are delivered, issued for delivery, amended, renewed or continued in this state on or after January 1, 2013.

## **Chapter 27 Section 7 Laws 2012**

SECTION 7. EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2013.

---

Senate Bill 81, aa

Approved March 3, 2012

# **LAWS 2012, CHAPTER 28**

AN ACT

RELATING TO ADOPTIONS; MODIFYING THE DEFINITION OF "ADOPTION SERVICE"; REQUIRING AN ACCOUNTING OF DISBURSEMENTS PRIOR TO A RELINQUISHMENT OF PARENTAL RIGHTS; LIMITING WHO MAY MAKE PAYMENTS ON BEHALF OF A PROSPECTIVE ADOPTIVE PARENT; PROHIBITING UNAUTHORIZED ADOPTION SERVICES; PROVIDING REQUIREMENTS FOR CERTAIN ADVERTISEMENTS FOR ADOPTION SERVICES; PROVIDING PENALTIES AND PRIVATE REMEDIES; DECLARING AN EMERGENCY.

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

## **Chapter 28 Section 1 Laws 2012**

SECTION 1. Section 32A-5-3 NMSA 1978 (being Laws 1993, Chapter 77, Section 130, as amended) is amended to read:

"32A-5-3. DEFINITIONS.--As used in the Adoption Act:

A. "accrediting entity" means an entity that has entered into an agreement with the United States secretary of state pursuant to the federal Intercountry Adoption Act of 2000 and regulations adopted by the United States secretary of state pursuant to that act, to accredit agencies and approve persons who provide adoption services related to convention adoptions;

B. "adoptee" means a person who is the subject of an adoption petition;

C. "adoption service" means:

(1) identifying a child for adoption and arranging the adoption of the child;

(2) arranging or assisting in the process of connecting or matching parents who may place a child for adoption with prospective adoptive parents;

(3) providing counseling, advice or guidance related to a potential adoption;

(4) receiving or disbursing funds or anything of value on behalf of a prospective adoptive parent or to a parent who may place or has placed a child for adoption;

(5) securing termination of parental rights to a child or consent to adoption of the child;

(6) performing a background study on a child and reporting on the study;

(7) performing a home study on a prospective adoptive parent and reporting on the study;

(8) making determinations regarding the best interests of a child and the appropriateness of an adoptive placement for the child;

(9) performing post-placement monitoring of a child until an adoption is final; or

(10) when there is a disruption before an adoption of a child is final, assuming custody of the child and providing or facilitating the provision of child care or other social services for the child pending an alternative placement of the child;



D. "agency" means a person certified, licensed or otherwise specially empowered by law to place a child in a home in this or any other state for the purpose of adoption;

E. "agency adoption" means an adoption when the adoptee is in the custody of an agency prior to placement;

F. "acknowledged father" means a father who:

(1) acknowledges paternity of the adoptee pursuant to the putative father registry, as provided for in Section 32A-5-20 NMSA 1978;

(2) is named, with his consent, as the adoptee's father on the adoptee's birth certificate;

(3) is obligated to support the adoptee under a written voluntary promise or pursuant to a court order; or

(4) has openly held out the adoptee as his own child by establishing a custodial, personal or financial relationship with the adoptee as follows:

(a) for an adoptee under six months old at the time of placement: 1) has initiated an action to establish paternity; 2) is living with the adoptee at the time the adoption petition is filed; 3) has lived with the mother a minimum of ninety days during the two-hundred-eighty-day period prior to the birth or placement of the adoptee; 4) has lived with the adoptee within the ninety days immediately preceding the adoptive placement; 5) has provided reasonable and fair financial support to the mother during the pregnancy and in connection with the adoptee's birth in accordance with his means and when not prevented from doing so by the person or authorized agency having lawful custody of the adoptee or the adoptee's mother; 6) has continuously paid child support to the mother since the adoptee's birth in an amount at least equal to the amount provided in Section 40-4-11.1 NMSA 1978, or has brought current any delinquent child support payments; or 7) any other factor the court deems necessary to establish a custodial, personal or financial relationship with the adoptee; or

(b) for an adoptee over six months old at the time of placement: 1) has initiated an action to establish paternity; 2) has lived with the adoptee within the ninety days immediately preceding the adoptive placement;

3) has continuously paid child support to the mother since the adoptee's birth in an amount at least equal to the amount provided in Section 40-4-11.1 NMSA 1978, or is making reasonable efforts to bring delinquent child support payments current; 4) has contact with the adoptee on a monthly basis when physically and financially able and when not prevented by the person or authorized agency having lawful custody of the adoptee; or 5) has regular communication with the adoptee, or with the person or agency having the care or custody of the adoptee, when physically and financially

unable to visit the adoptee and when not prevented from doing so by the person or authorized agency having lawful custody of the adoptee;

G. "alleged father" means an individual whom the biological mother has identified as the biological father, but the individual has not acknowledged paternity or registered with the putative father registry as provided for in Section 32A-5-20 NMSA 1978;

H. "consent" means a document:

(1) signed by a biological parent whereby the parent grants consent to the adoption of the parent's child by another;

(2) whereby the department or an agency grants its consent to the adoption of a child in its custody; or

(3) signed by the adoptee if the child is fourteen years of age or older;

I. "convention adoption" means:

(1) an adoption by a United States resident of a child who is a resident of a foreign country that is a party to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption; or

(2) an adoption by a resident of a foreign country that is a party to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption of a child who is a resident of the United States;

J. "counselor" means a person certified by the department to conduct adoption counseling in independent adoptions;

K. "department adoption" means an adoption when the child is in the custody of the department;

L. "foreign born child" means any child not born in the United States who is not a citizen of the United States;

M. "former parent" means a parent whose parental rights have been terminated or relinquished;

N. "full disclosure" means mandatory and continuous disclosure by the investigator, agency, department or petitioner throughout the adoption proceeding and after finalization of the adoption of all known, nonidentifying information regarding the adoptee, including:

- (1) health history;
- (2) psychological history;
- (3) mental history;
- (4) hospital history;
- (5) medication history;
- (6) genetic history;
- (7) physical descriptions;
- (8) social history;
- (9) placement history; and
- (10) education;

O. "independent adoption" means an adoption when the child is not in the custody of the department or an agency;

P. "investigator" means an individual certified by the department to conduct pre- placement studies and post-placement reports;

Q. "office" means a place for the regular transaction of business or performance of particular services;

R. "parental rights" means all rights of a parent with reference to a child, including parental right to control, to withhold consent to an adoption or to receive notice of a hearing on a petition for adoption;

S. "placement" means the selection of a family for an adoptee or matching of a family with an adoptee and physical transfer of the adoptee to the family in all adoption proceedings, except in adoptions filed pursuant to Paragraphs (1) and (2) of Subsection C of Section 32A-5-12 NMSA 1978, in which case placement occurs when the parents consent to the adoption, parental rights are terminated or parental consent is implied;

T. "post-placement report" means a written evaluation of the adoptive family and the adoptee after the adoptee is placed for adoption;

U. "pre-placement study" means a written evaluation of the adoptive family, the adoptee's biological family and the adoptee;

V. "presumed father" means:

(1) the husband of the biological mother at the time the adoptee was born;

(2) an individual who was married to the mother and either the adoptee was born during the term of the marriage or the adoptee was born within three hundred days after the marriage was terminated by death, annulment, declaration of invalidity or divorce; or

(3) before the adoptee's birth, an individual who attempted to marry the adoptee's biological mother by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid and if the attempted marriage:

(a) could be declared invalid only by a court, the adoptee was born during the attempted marriage or within three hundred days after its termination by death, annulment, declaration of invalidity or divorce; or

(b) is invalid without a court order, the adoptee was born within three hundred days after the termination of cohabitation;

W. "record" means any petition, affidavit, consent or relinquishment form, transcript or notes of testimony, deposition, power of attorney, report, decree, order, judgment, correspondence, document, photograph, invoice, receipt, certificate or other printed, written, videotaped or tape-recorded material pertaining to an adoption proceeding;

X. "relinquishment" means the document by which a parent relinquishes parental rights to the department or an agency to enable placement of the parent's child for adoption;

Y. "resident" means a person who, prior to filing an adoption petition, has lived in the state for at least six months immediately preceding filing of the petition for adoption or a person who has become domiciled in the state by establishing legal residence with the intention of maintaining the residency indefinitely; and

Z. "stepparent adoption" means an adoption of the adoptee by the adoptee's stepparent when the adoptee has lived with the stepparent for at least one year following the marriage of the stepparent to the custodial parent."

## **Chapter 28 Section 2 Laws 2012**

SECTION 2. Section 32A-5-23 NMSA 1978 (being Laws 1993, Chapter 77, Section 150, as amended) is amended to read:

"32A-5-23. PERSONS WHO MAY TAKE CONSENTS OR RELINQUISHMENTS--ACCOUNTING OF DISBURSEMENTS.--

A. A consent to adoption or relinquishment of parental rights shall be signed before and approved on the record by a judge who has jurisdiction over adoption proceedings, within or without this state, and who is in the jurisdiction in which the child is present or in which the parent resides at the time it is signed.

B. No parent may relinquish parental rights to the department or an agency without the department's or the agency's consent.

C. The consent or relinquishment shall be filed with the court in which the petition for adoption has been filed before adjudication of the petition.

D. Prior to the approval of a consent to adoption or relinquishment of parental rights, a full and specific accounting signed under penalty of perjury shall be filed by the prospective adoptive parents or their representative in the same court where the associated consent or relinquishment may later be heard. The accounting shall be filed no later than seventy-two hours prior to the anticipated hearing on the proposed consent or relinquishment. The disbursements and expenses itemized in the accounting must be approved by the court prior to approval of a consent to adoption or relinquishment or consent to adoption by a parent for the parent's child. The accounting shall itemize in detail, including the dates and purpose of each disbursement or expense payment and the name and address of each person who received or will receive any disbursement or payment:

(1) all disbursements, as well as anticipated or promised disbursements, of anything of value provided by or on behalf of:

(a) the prospective adoptive parents; or

(b) any person who may profit or be compensated as a result of an adoption associated with the consent or relinquishment;

(2) all disbursements of anything of value to the parents of the child or the child; and

(3) all expenses paid on behalf of the parents of the child or the child.

E. The accounting required in Subsection D of this section is not applicable to stepparent adoptions or to adoptions pursuant to the provisions of the Abuse and Neglect Act, unless ordered by the court."

## Chapter 28 Section 3 Laws 2012

SECTION 3. Section 32A-5-34 NMSA 1978 (being Laws 1993, Chapter 77, Section 161, as amended) is amended to read:

"32A-5-34. FEES AND CHARGES--DAMAGES.--

A. Prior to the final hearing on a petition, the petitioner shall file a full accounting of all disbursements of anything of value made or agreed to be made by or on behalf of the petitioner in connection with an adoption. The accounting report shall be signed under penalty of perjury. The accounting report shall be itemized in detail and shall show the services reasonably relating to the adoption or to the placement of the child for adoption that were received by the parents of the child, by the child or by or on behalf of the petitioner. The report shall also include the dates of each payment and the names and addresses of each attorney, physician, hospital, licensed adoption agency or other person or organization who received any funds or any other thing of value from the petitioner in connection with the adoption or the placement of the child with the petitioner or who participated in any way in the handling of the funds, either directly or indirectly.

B. Only a prospective adoptive parent, acting alone, through an agency or through an attorney who is licensed in this state, shall make payments for services relating to the adoption or to the placement of the adoptee for adoption for allowed expenses only to third-party vendors, as reasonably practical. These payments shall consist of reasonable and actual fees or charges for:

- (1) the services of an agency in connection with an adoption;
- (2) medical, hospital, nursing, pharmaceutical, traveling or other similar expenses incurred by a mother or the adoptee in connection with the birth or any illness of an adoptee;
- (3) reasonable counseling services relating to the adoption;
- (4) living expenses of a mother and her dependent children, including the adoptee, for a reasonable time before the birth or placement of the adoptee and for no more than six weeks after the birth or placement of the adoptee;
- (5) expenses incurred for the purposes of full disclosure;
- (6) legal services, court costs and traveling or other administrative expenses connected with an adoption, including any legal service performed for a parent who consents to the adoption of a child or relinquishes the child to an agency;
- (7) preparation of a pre-placement study and of a post-placement report during the pendency of the adoption proceeding; or

(8) any other service or expense the court finds is reasonably necessary for services relating to the adoption or to the placement of the adoptee for adoption.

C. Any person who makes payments that are not permitted pursuant to the provisions of this section is in violation of the Adoption Act and subject to the penalties set forth in Section 32A-5-42 NMSA 1978.

D. Any person who threatens or coerces a parent to complete the relinquishment of parental rights or to complete the consent to an adoption, by demanding repayment of expenses or by any other threat or coercion, shall be liable to the parent for compensatory and punitive damages.

E. The accounting required in Subsection A of this section is not applicable to stepparent adoptions or to adoptions under the provisions of the Abuse and Neglect Act, unless ordered by the court.

F. Nothing in this section shall be construed to permit payment to a woman for conceiving and carrying a child."

## **Chapter 28 Section 4 Laws 2012**

SECTION 4. A new section of the Adoption Act is enacted to read:

"UNAUTHORIZED ADOPTION FACILITATION--PENALTIES.--

A. A person, other than a person described in Subsection C of this section, who knowingly or intentionally engages in adoption services with a person in this state for compensation is guilty of a misdemeanor and shall be sentenced in accordance with the provisions of Section

32A-5-42 NMSA 1978.

B. A violation of this section constitutes an unfair or deceptive trade practice pursuant to the Unfair Practices Act.

C. This section does not apply to the following persons:

(1) the department, a person authorized to act on behalf of the department or a similar agency in another state;

(2) an investigator or counselor;

(3) an agency licensed pursuant to the laws of this state or another state that is providing an adoption service within that state to a parent, prospective adoptive parent or a specific and identified adoptee who resides in that state;

(4) an attorney licensed to practice law in this state or in another state who is providing a legal service within and pursuant to the laws of that state to a parent, prospective adoptive parent or a specific and identified adoptee who resides in that state;

(5) an agency facilitating the adoption of a foreign born child;

(6) an agency facilitating a new placement of a child following a disruption or termination of an adoption; or

(7) a prospective adoptive parent or biological parent acting alone on the parent's own behalf."

## **Chapter 28 Section 5 Laws 2012**

SECTION 5. A new section of the Adoption Act is enacted to read:

"ADVERTISING ADOPTION SERVICES--REQUIREMENTS--PENALTIES.--

A. A person, other than a person described in Subsection E of this section, shall not advertise adoption services unless the advertisement includes the following statement: "WARNING: (INSERT NAME OF PERSON ADVERTISED) IS NOT ACCREDITED, CERTIFIED OR LICENSED TO PROVIDE ADOPTION SERVICES WITHIN NEW MEXICO.". If the advertisement is in print, the required statement shall be entirely in uppercase letters and in a print size no smaller than that generally used in the advertisement. If the advertisement is spoken, the required statement shall be spoken at the same pace and volume as that generally used in the advertisement.

B. A person who violates this section is guilty of a misdemeanor and shall be sentenced in accordance with the provisions of Section 32A-5-42 NMSA 1978.

C. A violation of this section constitutes an unfair or deceptive trade practice pursuant to the Unfair Practices Act.

D. For purposes of this section, "advertise" means to communicate, market, promote, induce or solicit by public media originating or distributed in New Mexico, including newspapers, periodicals, telephone book listings, outdoor advertising, radio, television or other electronic media.

E. This section does not apply to:

(1) the department or a person authorized to act on behalf of the department;

(2) an agency licensed by the department;



(3) an investigator or counselor;

(4) an attorney licensed in the state who advertises legal services relating to adoption; or

(5) a prospective adoptive parent who is acting alone on the prospective adoptive parent's own behalf and who has a current, approved pre-placement study as required by the department.

F. An advertising, marketing or promotional medium that accepts and publishes or otherwise distributes in good faith an advertisement that does not meet the requirements of this section is not subject to civil or criminal penalties pursuant to this section."

## **Chapter 28 Section 6 Laws 2012**

SECTION 6. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately

---

Senate Bill 27, aa, w/ec

Approved March 3, 2012

## **LAWS 2012, CHAPTER 29**

AN ACT

RELATING TO THE SALE OF RECYCLED METALS; REQUIRING SECONDHAND METAL DEALERS TO BE REGISTERED WITH THE REGULATION AND LICENSING DEPARTMENT; PRESCRIBING DUTIES FOR SECONDHAND METAL DEALERS; PROVIDING FOR THE SUSPENSION OR REVOCATION OF REGISTRATION; REDUCING THE WAITING PERIOD FOR RESALE OF REGULATED MATERIAL; ALLOWING HOLDS IN CERTAIN CIRCUMSTANCES; REDUCING THE TIME FOR PRESERVATION OF RECORDS; EXPANDING THE SCOPE OF REGULATED MATERIAL; REQUIRING UPLOADS TO AN ELECTRONIC DATABASE; REQUIRING ADDITIONAL DOCUMENTATION FOR CERTAIN TRANSACTIONS; AMENDING AND ENACTING SECTIONS OF THE SALE OF RECYCLED METALS ACT.

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

## **Chapter 29 Section 1 Laws 2012**

**SECTION 1.** Section 57-30-1 NMSA 1978 (being Laws 2008, Chapter 29, Section 1) is amended to read:

"57-30-1. SHORT TITLE.--Chapter 57, Article 30 NMSA 1978 may be cited as the "Sale of Recycled Metals Act"."

## **Chapter 29 Section 2 Laws 2012**

**SECTION 2.** Section 57-30-2 NMSA 1978 (being Laws 2008, Chapter 29, Section 2) is amended to read:

"57-30-2. DEFINITIONS.--As used in the Sale of Recycled Metals Act:

A. "aluminum material" means a product made from aluminum, an aluminum alloy or an aluminum byproduct. "Aluminum material" includes an aluminum beer keg but does not include other types of aluminum cans used to contain a food or beverage;

B. "bronze material" means:

(1) a cemetery vase, receptacle or memorial made from bronze;

(2) bronze statuary; or

(3) material readily identifiable as bronze;

C. "business day" means any calendar day except Sunday and the following holidays: New Year's day, Washington's birthday, Memorial day, Independence day, Labor day, Columbus day, Veterans' day, Thanksgiving day, Christmas day, Martin Luther King, Jr.'s birthday and any other legal public holiday of the state of New Mexico or the United States;

D. "copper or brass material" means:

(1) insulated or noninsulated copper wire, hardware or cable of the type used by a public utility, commercial mobile radio service carrier or common carrier that consists of at least twenty-five percent copper; or

(2) a copper or brass item of a type commonly used in construction or by a public utility, commercial mobile radio service carrier or common carrier;

E. "department" means the regulation and licensing department;

F. "peace officer" means any full-time salaried and commissioned or certified law enforcement officer of a police or sheriff's department that is part of or administered by the state or a political subdivision of the state;

G. "personal identification document" means:

- (1) a driver's license;
- (2) a military identification card; or
- (3) a passport issued by the United States or by another country and recognized by the United States;

H. "regulated material" means:

- (1) aluminum material;
- (2) bronze material;
- (3) copper or brass material;
- (4) steel material;
- (5) a utility access cover;
- (6) a water meter cover;
- (7) a road or bridge guard rail;
- (8) a highway or street sign;
- (9) a traffic directional or control sign or signal; or
- (10) a catalytic converter that is not part of an entire motor vehicle;

I. "secondhand metal dealer" means a scrap metal processor in the business of operating or maintaining a scrap metal yard in a physical location in which scrap metal or cast-off regulated material is purchased for shipment, sale or transfer;

J. "steel material" means a product made from an alloy of iron, chromium, nickel or manganese, including stainless steel beer kegs; and

K. "superintendent" means the superintendent of regulation and licensing."

## **Chapter 29 Section 3 Laws 2012**

**SECTION 3.** Section 57-30-4 NMSA 1978 (being Laws 2008, Chapter 29, Section 4) is amended to read:

"57-30-4. INFORMATION PROVIDED BY SELLER.--

A. A person attempting to sell regulated material to a secondhand metal dealer shall:

(1) display to the secondhand metal dealer the person's personal identification document;

(2) sign a written statement provided by the secondhand metal dealer that the person is the legal owner of or is lawfully entitled to sell the regulated material offered for sale;

(3) provide to the secondhand metal dealer the year, make, model and license plate number of the motor vehicle used to transport the regulated material; and

(4) allow the secondhand metal dealer to take a photograph of the seller and the regulated material.

B. The secondhand metal dealer or the dealer's agent shall visually verify the accuracy of the personal identification document and vehicle identification presented by the seller at the time of the dealer's purchase of regulated material."

## **Chapter 29 Section 4 Laws 2012**

**SECTION 4.** Section 57-30-5 NMSA 1978 (being Laws 2008, Chapter 29, Section 5) is amended to read:

"57-30-5. RECORD OF PURCHASE.--

A. A secondhand metal dealer in this state shall keep an accurate and legible written record, in a form approved by the department, of each purchase made in the course of the dealer's business of:

(1) copper or brass material;

(2) bronze material;

(3) aluminum material in excess of ten pounds; or

(4) steel material in excess of one ton, except that a written record shall be kept of each purchase of a stainless steel beer keg.

B. The record shall be in English and shall include:

(1) the place and date of the purchase;

(2) the name and address of each person from whom the regulated material is purchased or obtained;

(3) the identifying number of the personal identification document of each person from whom the regulated material is purchased or obtained;

(4) the year, make, model and license plate number of the motor vehicle used to transport the regulated material;

(5) a description made in accordance with the custom of the trade of the type and quantity of regulated material purchased;

(6) the statement required by Paragraph (2) of Subsection A of Section 57-30-4 NMSA 1978; and

(7) the written documentation required for certain transactions pursuant to Section 16 of this 2012 act, if applicable.

C. A secondhand metal dealer may take a digital photograph, with a date and time stamp, of:

(1) the seller of the regulated material; and

(2) the regulated material in the form in which it was purchased or obtained by the secondhand metal dealer."

## **Chapter 29 Section 5 Laws 2012**

**SECTION 5.** Section 57-30-6 NMSA 1978 (being Laws 2008, Chapter 29, Section 6) is amended to read:

"57-30-6. PRESERVATION OF RECORDS.--A secondhand metal dealer shall preserve each record required by Section 57-30-5 NMSA 1978 until the first anniversary of the date the record was made."

## **Chapter 29 Section 6 Laws 2012**

**SECTION 6.** Section 57-30-7 NMSA 1978 (being Laws 2008, Chapter 29, Section 7) is amended to read:

"57-30-7. INSPECTION OF RECORDS BY PEACE OFFICERS--HOLDS ON PROPERTY.--

A. Upon request, a secondhand metal dealer shall produce to a peace officer during the dealer's usual business hours the requested record of purchase as required by Section 57-30-5 NMSA 1978.

B. If a peace officer determines, through an investigation or examination of the records kept by the secondhand metal dealer, that the dealer may be in possession of stolen property or property that constitutes evidence in a criminal investigation, the peace officer may place a hold on the property prohibiting the sale or removal of the property from the premises. The hold may remain in effect for up to five days or until the hold is lifted or the property is seized, whichever occurs earlier.

C. The inspecting peace officer shall inform the secondhand metal dealer of the person's status as a peace officer."

## **Chapter 29 Section 7 Laws 2012**

**SECTION 7.** Section 57-30-8 NMSA 1978 (being Laws 2008, Chapter 29, Section 8) is amended to read:

"57-30-8. FURNISHING OF REPORT TO DEPARTMENT.--

A. As of January 1, 2014, a secondhand metal dealer shall, not later than the second business day after the date of the purchase or other acquisition of regulated material for which a record is required pursuant to Section 57-30-5 NMSA 1978, upload to the database maintained by the department a report containing the information required to be recorded pursuant to that section.

B. A local governmental entity shall not impose any reporting requirements on secondhand metal dealers regarding the purchase or acquisition of regulated material."

## **Chapter 29 Section 8 Laws 2012**

**SECTION 8.** Section 57-30-9 NMSA 1978 (being Laws 2008, Chapter 29, Section 9) is amended to read:

"57-30-9. DATABASE.--The department shall establish and maintain an electronic database containing the records required to be preserved pursuant to Section 57-30-6 NMSA 1978, which database shall be accessible to law enforcement agencies and the department. Records received by the department pursuant to Section 57-30-8 NMSA 1978 shall be available in the database by the end of the second business day following receipt by the department."

## **Chapter 29 Section 9 Laws 2012**

**SECTION 9.** Section 57-30-10 NMSA 1978 (being Laws 2008, Chapter 29, Section 10) is amended to read:

"57-30-10. POWERS AND DUTIES OF SUPERINTENDENT.--The superintendent has authority to promulgate reasonable regulations for the

administration and enforcement of the Sale of Recycled Metals Act and is expressly authorized to make regulations regarding records of purchase of regulated material and the database required pursuant to that act."

## **Chapter 29 Section 10 Laws 2012**

**SECTION 10.** Section 57-30-11 NMSA 1978 (being Laws 2008, Chapter 29, Section 11) is amended to read:

"57-30-11. WAITING PERIOD FOR DISPOSAL OF REGULATED MATERIAL.--A secondhand metal dealer shall not process or permit to be removed from the dealer's premises regulated material until at least twenty-four hours have elapsed since the dealer acquired the regulated material."

## **Chapter 29 Section 11 Laws 2012**

**SECTION 11.** Section 57-30-12 NMSA 1978 (being Laws 2008, Chapter 29, Section 12) is amended to read:

"57-30-12. PROHIBITED ACTS.--A person shall not, with the intent to deceive:

A. display to a secondhand metal dealer a false or invalid personal identification document in connection with the person's attempted sale of regulated material;

B. make a false material statement or representation to a secondhand metal dealer in connection with:

(1) that person's execution of a written statement required by Subsection A of Section 57-30-4 NMSA 1978;

(2) the dealer's efforts to obtain the information required pursuant to Subsection B of Section 57-30-5 NMSA 1978; or

(3) the written documentation required for certain transactions pursuant to Section 16 of this 2012 act; or

C. deliberately remove or alter a manufacturer's make, model, serial or personal identification number or other identifying marks engraved or etched upon property that is regulated material."

## **Chapter 29 Section 12 Laws 2012**

**SECTION 12.** Section 57-30-13 NMSA 1978 (being Laws 2008, Chapter 29, Section 13) is amended to read:

**"57-30-13. CIVIL PENALTY--SUSPENSION OR REVOCATION OF REGISTRATION.--**

A. A person who violates any provision of the Sale of Recycled Metals Act may be assessed a civil penalty by the superintendent not to exceed one thousand dollars (\$1,000) per violation.

B. The superintendent may suspend or revoke the registration of a secondhand metal dealer when the superintendent finds that the dealer has intentionally violated a provision of the Sale of Recycled Metals Act.

C. Prior to the imposition of a civil penalty or the suspension or revocation of a registration, the superintendent shall provide notice and an opportunity to be heard pursuant to the pertinent notice and hearing provisions of the Uniform Licensing Act."

**Chapter 29 Section 13 Laws 2012**

**SECTION 13.** A new section of the Sale of Recycled Metals Act is enacted to read:

"ISSUANCE OF REGISTRATION--PERIOD OF REGISTRATION.--The department is authorized to issue registrations to secondhand metal dealers that buy or sell regulated material. Original and renewed registrations shall be valid for a period of three years from the date of issuance, unless the registration is suspended or revoked."

**Chapter 29 Section 14 Laws 2012**

**SECTION 14.** A new section of the Sale of Recycled Metals Act is enacted to read:

"SECONDHAND METAL DEALERS--REGISTRATION REQUIRED--APPLICATION--FEE.- -

A. A secondhand metal dealer shall not buy or sell regulated material without a valid registration issued by the department.

B. An application for registration shall be completed, under penalty of perjury, on a form designed and provided by the department and shall include:

(1) the full name and business address of the applicant;

(2) a list of all locations at which the applicant engages or will engage in the business of buying or selling regulated material; and

(3) any other information the department may require by rule.



C. An application for registration or for renewal of a registration shall be accompanied by a nonrefundable application fee in an amount not to exceed twenty-five dollars (\$25.00)."

## **Chapter 29 Section 15 Laws 2012**

**SECTION 15.** A new section of the Sale of Recycled Metals Act is enacted to read:

"DUTIES OF SECONDHAND METAL DEALERS.--

A. A secondhand metal dealer shall:

(1) maintain a valid registration, issued by the department, and comply with the requirements of the Sale of Recycled Metals Act and rules promulgated pursuant to that act;

(2) comply with all federal requirements for scrap metal dealers, including maintaining storm water permits;

(3) register for the metal theft alert system, maintained by the institute of scrap recycling industries or its successor organization; and

(4) keep all employees who are involved in the purchasing or receiving of regulated material apprised of alerts received on theft of regulated material in the geographic area.

B. A secondhand metal dealer who becomes aware that the dealer is in possession of regulated material that was stolen or unlawfully obtained shall not remove the material from the dealer's premises and shall report the same to a local law enforcement agency within twenty-four hours."

## **Chapter 29 Section 16 Laws 2012**

**SECTION 16.** A new section of the Sale of Recycled Metals Act is enacted to read:

"RESTRICTED TRANSACTIONS--ADDITIONAL DOCUMENTATION REQUIRED.--

A. A secondhand metal dealer shall not purchase any of the following without written documentation indicating that the seller is the rightful owner or has permission from the rightful owner or that the material was otherwise lawfully obtained:

(1) infrastructure grade regulated material that has been burned to remove insulation, unless the seller can produce written proof that the regulated material was lawfully burned;

(2) regulated material where the manufacturer's make, model, serial or personal identification number or other identifying marks engraved or etched upon the material have been conspicuously removed or altered;

(3) regulated material marked with the name, initials or otherwise identified as the property of an electrical company, a telephone company, a cable company, a water company or other utility company, a railroad or a governmental entity;

(4) a utility access cover;

(5) a water meter cover;

(6) a road or bridge guard rail;

(7) a highway or street sign;

(8) a traffic directional or control sign or signal;

(9) a metal beer keg that is clearly marked as being the property of the beer manufacturer; or

(10) a catalytic converter that is not part of an entire motor vehicle.

B. The department shall promulgate rules that more specifically describe the type of documentation required before a secondhand metal dealer may engage in a transaction described in this section."

## **Chapter 29 Section 17 Laws 2012**

**SECTION 17. EFFECTIVE DATE.**--The effective date of the provisions of this act is July 1, 2012.

---

House Bill 118, aa

Approved March 4, 2012

# **LAWS 2012, CHAPTER 30**

AN ACT

MAKING AN APPROPRIATION FOR DRINKING WATER SYSTEM FINANCING;  
DECLARING AN EMERGENCY.

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

### **Chapter 30 Section 1 Laws 2012**

**SECTION 1. APPROPRIATION.**--Two million dollars (\$2,000,000) is appropriated from the public project revolving fund to the drinking water state revolving loan fund for expenditure in fiscal year 2012 and subsequent fiscal years to provide state matching funds for federal Safe Drinking Water Act projects and to carry out the purposes of the Drinking Water State Revolving Loan Fund Act. Any unexpended or unencumbered balance at the end of a fiscal year shall not revert to the public project revolving fund.

### **Chapter 30 Section 2 Laws 2012**

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

---

House Bill 39, w/ec

Approved March 4, 2012

## **LAWS 2012, CHAPTER 31**

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 31 Section 1 Laws 2012**

**SECTION 1. AUTHORIZATION OF PROJECTS.**--Pursuant to the provisions of 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 less than one million dollars (\$1,000,000) 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 Albuquerque-Bernalillo county water utility authority in Bernalillo county for building, equipment, infrastructure, debt refinance, road, land acquisition, water, wastewater, water rights and solid waste projects;

2. the city of Albuquerque in Bernalillo county for rail spur, water rights, road, public improvement district, building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater and solid waste projects;

3. the Alto lakes water and sanitation district in Lincoln county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, solid waste and road projects;

4. the Angel Fire improvement district in Colfax county for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, solid waste and road projects;

5. the village of Angel Fire in Colfax county for water, wastewater, water rights, solid waste, building, equipment, infrastructure, debt refinance, land acquisition and special assessment district projects;

6. the city of Aztec in San Juan county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, solid waste and road projects;

7. the town of Bernalillo in Sandoval county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

8. the city of Bloomfield in San Juan county 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 highlands university in San Miguel and Santa Fe counties for building, equipment, infrastructure, debt refinance, land acquisition, road, water, wastewater, water rights and solid waste projects;

10. the board of regents of New Mexico state university for the Arrowhead center in Dona Ana county for building, equipment, infrastructure, debt refinance, land acquisition, road, water, wastewater, water rights and solid waste projects;

11. 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;

12. the board of regents of New Mexico institute of mining and technology for the research park corporation in Bernalillo and Socorro counties for building, equipment, infrastructure, debt refinance, land acquisition, road, water, wastewater, water rights and solid waste projects;

13. the governing board of San Juan college in San Juan county for building, equipment, infrastructure, debt refinance, land acquisition, road, water, wastewater, water rights and solid waste projects;

14. the board of regents of the New Mexico school for the blind and visually impaired in Otero county for building, equipment, infrastructure, debt refinance, land acquisition, road, water, wastewater, water rights and solid waste projects;

15. the Canones mutual domestic water consumers association in Rio Arriba county for building, equipment, infrastructure, debt refinance, water, wastewater, water rights, land acquisition, road and solid waste projects;

16. the Carrizozo municipal school district in Lincoln county for building, equipment, infrastructure, debt refinance, water, wastewater, water rights, land acquisition, road and solid waste projects;

17. the Cimarron municipal school district in Colfax county for building, equipment, infrastructure, debt refinance, land acquisition, facilities acquisition, water, wastewater, water rights, road and solid waste projects;

18. the Cottonwood valley charter school in Socorro county for building, equipment, infrastructure, land acquisition, debt refinance, water, wastewater, water rights, road and solid waste projects;

19. the Dexter consolidated school district in Chaves county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

20. the digital arts and technology academy charter school in Bernalillo county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

21. the east mountain charter high school in Bernalillo county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

22. the eastern Sandoval county arroyo flood control authority in Sandoval county for building, equipment, infrastructure, debt refinance, water, wastewater, water rights, land acquisition, road and solid waste projects;

23. the town of Edgewood in Santa Fe county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

24. the Estancia Moriarty Willard gas cooperative in Torrance county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

25. the city of Eunice in Lea county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

26. the village of Folsom in Union county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

27. the governing board of Luna community college in San Miguel county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

28. Guadalupe county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

29. the Hagerman municipal school district in Chaves county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

30. Harding county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

31. the Hatch valley public school district in Dona Ana county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

32. the Hobbs homestead estates public improvement district in Lea county for building, equipment, infrastructure, debt refinance, water, wastewater, water rights, road and solid waste projects;

33. the Las Vegas city public school district in San Miguel county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

34. the city of Las Vegas in San Miguel county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

35. Los Alamos county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road, solid waste, public improvement district and special assessment district projects;

36. the Maxwell municipal school district in Colfax county for building, equipment, infrastructure, debt refinance, land acquisition, facilities acquisition, water, wastewater, water rights, road and solid waste projects;

37. the Mescalero Apache housing authority in Otero county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

38. the mid-region council of governments of New Mexico in Bernalillo, Valencia, Torrance and Sandoval counties for building, equipment, infrastructure, debt refinance, land acquisition, rail spur, water, wastewater, water rights, road and solid waste projects;

39. the village of Milan in Cibola county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

40. the Monte del Sol charter school in Santa Fe county for building, equipment, infrastructure, debt refinance, land acquisition, facilities acquisition, water, wastewater, water rights, road and solid waste projects;

41. the Montessori of the Rio Grande charter school in Bernalillo county for building, equipment, infrastructure, debt refinance, land acquisition, facilities acquisition, water, wastewater, water rights, road and solid waste projects;

42. Mora county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road, solid waste, public improvement district and special assessment district projects;

43. the Mora independent school district in Mora county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

44. the village of Mosquero in Harding county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

45. the Navajo agricultural products industry in McKinley and San Juan counties for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

46. the New Mexico school for the arts in Santa Fe county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

47. the Nor-Lea hospital district in Lea county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

48. the north central regional transit district in Santa Fe, Rio Arriba and Taos counties for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

49. the northern New Mexico regional transit district in Santa Fe, Rio Arriba and Taos counties for railroad infrastructure projects;

50. the northwest New Mexico council of governments in McKinley, Cibola and San Juan counties for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

51. the northwest New Mexico regional solid waste authority in Cibola and McKinley counties for building, equipment, infrastructure, land acquisition, water, wastewater, water rights, road and solid waste projects;

52. Ohkay Owingeh in Rio Arriba county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

53. the village of Pecos in San Miguel county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

54. the city of Portales in Roosevelt county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

55. the Pueblo of Pojoaque in Santa Fe county for building, equipment, infrastructure, road, debt refinance, land acquisition, water, wastewater, water rights and solid waste projects;

56. the Questa independent school district in Taos county for building, equipment, infrastructure, debt refinance, land acquisition, facilities acquisition, water, wastewater, water rights, road and solid waste projects;

57. the city of Raton in Colfax county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;



58. the Rio metro regional transit district in Bernalillo, Tarrant, Sandoval and Valencia counties for railroad infrastructure and building projects;

59. the Robert F. Kennedy charter school in Bernalillo county for building, equipment, infrastructure, debt refinance, land acquisition, facilities acquisition, water, wastewater, water rights, road and solid waste projects;

60. the village of Roy in Harding county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

61. San Miguel county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

62. the Santa Rosa consolidated school district in Guadalupe county for building, equipment, infrastructure, debt refinance, land acquisition, facilities acquisition, water, wastewater, water rights, road and solid waste projects;

63. the south valley academy in Bernalillo county for building, equipment, infrastructure, debt refinance, land acquisition, facilities acquisition, water, wastewater, water rights, road and solid waste projects;

64. the southern Sandoval county arroyo flood control authority in Sandoval county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

65. the southwest secondary learning center in Bernalillo county for building, equipment, infrastructure, debt refinance, land acquisition, facilities acquisition, water, wastewater, water rights, road and solid waste projects;

66. the Springer municipal school district in Colfax county for building, equipment, infrastructure, debt refinance, land acquisition, facilities acquisition, water, wastewater, water rights, road and solid waste projects;

67. the state fair commission in Bernalillo county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

68. the Taos ski valley in the village of Taos in Taos county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

69. the twenty-first century public academy in Bernalillo county for building, equipment, infrastructure, debt refinance, land acquisition, facilities acquisition, water, wastewater, water rights, road and solid waste projects;

70. the university of New Mexico medical group in Bernalillo and Sandoval counties for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

71. the Vaughn municipal school district in Guadalupe county for building, equipment, infrastructure, debt refinance, land acquisition, water, wastewater, water rights, road and solid waste projects;

72. the Wagon Mound public school district in Mora county for building, equipment, infrastructure, debt refinance, land acquisition, facilities acquisition, water, wastewater, water rights, road and solid waste projects;

73. cooperative educational services for building, equipment, infrastructure, debt refinance, land acquisition, facilities acquisition, water, wastewater, water rights, road and solid waste projects;

74. the Media Arts collaborative charter school in Bernalillo county for building, equipment, infrastructure, debt refinance, land acquisition, facilities acquisition, water, wastewater, water rights, road and solid waste projects;

75. the Ask academy in Sandoval county for building, equipment, infrastructure, debt refinance, land acquisition, facilities acquisition, water, wastewater, water rights, road and solid waste projects;

76. Los Puentes charter school in Bernalillo county for building, equipment, infrastructure, debt refinance, land acquisition, facilities acquisition, water, wastewater, water rights, road and solid waste projects;

77. La Academia de Esperanza in Bernalillo county for building, equipment, infrastructure, debt refinance, land acquisition, facilities acquisition, water, wastewater, water rights, road and solid waste projects;

78. Luna community college in Guadalupe county for building, equipment, infrastructure, debt refinance, land acquisition, facilities acquisition, water, wastewater, water rights, road and solid waste projects;

79. Santa Fe community college in Santa Fe county for building, equipment, infrastructure, debt refinance, land acquisition, facilities acquisition, water, wastewater, water rights, road and solid waste projects;

80. the Cottonwood classical preparatory school in Bernalillo county for building, equipment, infrastructure, debt refinance, land acquisition, facilities acquisition, water, wastewater, water rights, road and solid waste projects;

81. the Alma d'Arte charter school in Dona Ana county for building, equipment, infrastructure, debt refinance, land acquisition, facilities acquisition, water, wastewater, water rights, road and solid waste projects;

82. the Anthony charter school in Dona Ana county for building, equipment, infrastructure, debt refinance, land acquisition, facilities acquisition, water, wastewater, water rights, road and solid waste projects;

83. the east Torrance soil and water conservation district in Torrance county for building, equipment, infrastructure, debt refinance, land acquisition, facilities acquisition, water, wastewater, water rights, road and solid waste projects;

84. the Public Academy for performing arts in Bernalillo county for building, equipment, infrastructure, debt refinance, land acquisition, facilities acquisition, water, wastewater, water rights, road and solid waste projects;

85. the south central council of governments of New Mexico in Dona Ana, Sierra and Socorro counties for building, equipment, infrastructure, debt refinance, land acquisition, facilities acquisition, water, wastewater, water rights, road and solid waste projects;

86. the southwest council of governments of New Mexico in Catron, Grant, Hidalgo and Luna counties for building, equipment, infrastructure, debt refinance, land acquisition, facilities acquisition, water, wastewater, water rights, road and solid waste projects;

87. the eastern plains council of governments of New Mexico in Curry, De Baca, Guadalupe, Harding, Quay, Roosevelt and Union counties for building, equipment, infrastructure, debt refinance, land acquisition, facilities acquisition, water, wastewater, water rights, road and solid waste projects;

88. the north central New Mexico economic development district in Colfax, Los Alamos, Mora, Rio Arriba, San Miguel, Santa Fe and Taos counties for building, equipment, infrastructure, debt refinance, land acquisition, facilities acquisition, water, wastewater, water rights, road and solid waste projects;

89. the southeastern New Mexico economic development district in Lincoln, Chaves, Lea, Eddy and Otero counties for building, equipment, infrastructure, debt refinance, land acquisition, facilities acquisition, water, wastewater, water rights, road and solid waste projects;

90. the Tsay corporation in Rio Arriba county for building, equipment, infrastructure, debt refinance, land acquisition, facilities acquisition, water, wastewater, water rights, road and solid waste projects;

91. the Grants campus of New Mexico state university for building, equipment, infrastructure, debt refinance, land acquisition, facilities acquisition, water, wastewater, water rights, road and solid waste projects;

92. the Cibola county extension office of New Mexico state university for building, equipment, infrastructure, debt refinance, land acquisition, facilities acquisition, water, wastewater, water rights, road and solid waste projects; and

93. western New Mexico university in Grant county for building, equipment, infrastructure, debt refinance, land acquisition, facilities acquisition, water, wastewater, water rights, road and solid waste projects.

## **Chapter 31 Section 2 Laws 2012**

**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 2015 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 31 Section 3 Laws 2012**

**SECTION 3. EMERGENCY.**--It is necessary for the public peace, health and safety that this act take effect immediately.

---

House Bill 46, aa, w/ec

Approved March 4, 2012

# **LAWS 2012, CHAPTER 32**

AN ACT

RELATING TO GAME AND FISH; AMENDING A SECTION OF CHAPTER 17, ARTICLE 3 NMSA 1978 TO PROVIDE FOR REFUNDS OF HUNTING LICENSES DUE TO FOREST FIRES OR OTHER NATURAL DISASTERS.

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

## **Chapter 32 Section 1 Laws 2012**

**SECTION 1.** Section 17-3-7 NMSA 1978 (being Laws 1912, Chapter 85, Section 48, as amended) is amended to read:

"17-3-7. BLANK FORMS--LICENSE ISSUED ONLY ON APPLICATION--FALSE STATEMENT VOIDS LICENSE--RECORDS--REPORTS--ACCOUNTING FOR FEES COLLECTED- -REFUND OF FEES--TRANSFER OF HUNTING LICENSE.--

A. The director of the department of game and fish shall prescribe and procure the printing of all forms and blanks that may be required to carry out the intent of Chapter 17 NMSA 1978. All necessary blanks shall be furnished by the director to the license collectors. No license shall be issued except as provided in Section 17-3-5 NMSA 1978. Any false statement in any application shall render the license issued void.

B. A license collector shall keep a correct and complete record of licenses issued, which record shall remain in the license collector's office and be open to inspection by the public at all times.

C. A license collector may collect and retain a vendor fee for each license or permit issued; provided the fee shall be just and reasonable, as determined by regulation of the state game commission, and shall not exceed one dollar (\$1.00) for each license or permit issued; and provided further that no such fee shall be collected by the department of game and fish from the purchaser of a special license. "Special license" includes those licenses for the following species: antelope, elk, Barbary sheep, bighorn sheep, bison, oryx, ibex, gazelle and javelina.

D. A license collector shall remit to the director of the department of game and fish the statutory fee of all licenses and permits sold on or before the tenth day of the month following and shall by the same time report the number and kind of licenses issued.

E. Except as provided in Section 17-1-14 NMSA 1978, the director of the department of game and fish shall turn over all money so received to the state treasurer to be credited to the game protection fund.

F. The director of the department of game and fish, in the director's sole discretion, may authorize a refund of the amount of a hunting license fee from the game and fish suspense fund if:

(1) upon written application by the licensee, prior to the time of the hunt for which the license has been issued, the director finds that:

(a) the licensee has a disability, due to a verified injury or life-threatening illness, that prohibits the licensee from hunting during the period that the license is valid; or

(b) the licensee has been deployed by the military and the deployment prevents the licensee from traveling to the hunt during the period that the license is valid;

(2) upon written application by a personal representative of a licensee's estate, the director finds that the licensee died prior to the time of the hunt for which the license was issued; or

(3) the director cancels a hunt due to forest fire or other natural disaster.

G. The director of the department of game and fish, in the director's sole discretion, may authorize a transfer of a hunting license:

(1) to the licensee's designee if, upon written application by the licensee, prior to the time of the hunt for which the license has been issued, the director finds that:

(a) the licensee has a disability, due to a verified injury or life- threatening illness, that prohibits the licensee from hunting during the period that the license is valid; or

(b) the licensee has been deployed by the military and the deployment prevents the licensee from traveling to the hunt during the period that the license is valid;

(2) to the designee of the licensee's estate if, upon written application by the personal representative of the licensee's estate, the director finds that the licensee died prior to the time of the hunt for which the license was issued; or

(3) upon written application by a licensee, to a nonprofit organization approved by the state game commission.

H. The state game commission may prescribe, by rule, the documentation necessary for a finding pursuant to Subsection F or G of this section."

---

House Bill 115

Approved March 4, 2012

## **LAWS 2012, CHAPTER 33**

AN ACT

RELATING TO THE SALE OF RECYCLED METALS; REQUIRING SECONDHAND METAL DEALERS TO BE REGISTERED WITH THE REGULATION AND LICENSING DEPARTMENT; PRESCRIBING DUTIES FOR SECONDHAND METAL DEALERS; PROVIDING FOR THE SUSPENSION OR REVOCATION OF REGISTRATION; REDUCING THE WAITING PERIOD FOR RESALE OF REGULATED MATERIAL; ALLOWING HOLDS IN CERTAIN CIRCUMSTANCES; REDUCING THE TIME FOR PRESERVATION OF RECORDS; EXPANDING THE SCOPE OF REGULATED MATERIAL; REQUIRING UPLOADS TO AN ELECTRONIC DATABASE; REQUIRING ADDITIONAL DOCUMENTATION FOR CERTAIN TRANSACTIONS; AMENDING AND ENACTING SECTIONS OF THE SALE OF RECYCLED METALS ACT.

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

### **Chapter 33 Section 1 Laws 2012**

SECTION 1. Section 57-30-1 NMSA 1978 (being Laws 2008, Chapter 29, Section 1) is amended to read:

"57-30-1. SHORT TITLE.--Chapter 57, Article 30 NMSA 1978 may be cited as the "Sale of Recycled Metals Act"."

### **Chapter 33 Section 2 Laws 2012**

SECTION 2. Section 57-30-2 NMSA 1978 (being Laws 2008, Chapter 29, Section 2) is amended to read:

"57-30-2. DEFINITIONS.--As used in the Sale of Recycled Metals Act:

A. "aluminum material" means a product made from aluminum, an aluminum alloy or an aluminum byproduct. "Aluminum material" includes an aluminum beer keg but does not include other types of aluminum cans used to contain a food or beverage;

B. "bronze material" means:

- (1) a cemetery vase, receptacle or memorial made from bronze;
- (2) bronze statuary; or
- (3) material readily identifiable as bronze;

C. "business day" means any calendar day except Sunday and the following holidays: New Year's day, Washington's birthday, Memorial day, Independence day, Labor day, Columbus day, Veterans' day, Thanksgiving day, Christmas day, Martin Luther King, Jr.'s birthday and any other legal public holiday of the state of New Mexico or the United States;

D. "copper or brass material" means:

(1) insulated or noninsulated copper wire, hardware or cable of the type used by a public utility, commercial mobile radio service carrier or common carrier that consists of at least twenty-five percent copper; or

(2) a copper or brass item of a type commonly used in construction or by a public utility, commercial mobile radio service carrier or common carrier;

E. "department" means the regulation and licensing department;

F. "peace officer" means any full-time salaried and commissioned or certified law enforcement officer of a police or sheriff's department that is part of or administered by the state or a political subdivision of the state;

G. "personal identification document" means:

(1) a driver's license;

(2) a military identification card; or

(3) a passport issued by the United States or by another country and recognized by the United States;

H. "regulated material" means:

(1) aluminum material;

(2) bronze material;

(3) copper or brass material;

(4) steel material;

(5) a utility access cover;

(6) a water meter cover;

(7) a road or bridge guard rail;

(8) a highway or street sign;

(9) a traffic directional or control sign or signal; or

(10) a catalytic converter that is not part of an entire motor vehicle;



I. "secondhand metal dealer" means a scrap metal processor in the business of operating or maintaining a scrap metal yard in a physical location in which scrap metal or cast-off regulated material is purchased for shipment, sale or transfer;

J. "steel material" means a product made from an alloy of iron, chromium, nickel or manganese, including stainless steel beer kegs; and

K. "superintendent" means the superintendent of regulation and licensing."

## **Chapter 33 Section 3 Laws 2012**

SECTION 3. Section 57-30-4 NMSA 1978 (being Laws 2008, Chapter 29, Section 4) is amended to read:

"57-30-4. INFORMATION PROVIDED BY SELLER.--

A. A person attempting to sell regulated material to a secondhand metal dealer shall:

(1) display to the secondhand metal dealer the person's personal identification document;

(2) sign a written statement provided by the secondhand metal dealer that the person is the legal owner of or is lawfully entitled to sell the regulated material offered for sale;

(3) provide to the secondhand metal dealer the year, make, model and license plate number of the motor vehicle used to transport the regulated material; and

(4) allow the secondhand metal dealer to take a photograph of the seller and the regulated material.

B. The secondhand metal dealer or the dealer's agent shall visually verify the accuracy of the personal identification document and vehicle identification presented by the seller at the time of the dealer's purchase of regulated material."

## **Chapter 33 Section 4 Laws 2012**

SECTION 4. Section 57-30-5 NMSA 1978 (being Laws 2008, Chapter 29, Section 5) is amended to read:

"57-30-5. RECORD OF PURCHASE.--

A. A secondhand metal dealer in this state shall keep an accurate and legible written record, in a form approved by the department, of each purchase made in the course of the dealer's business of:

(1) copper or brass material;

(2) bronze material;

(3) aluminum material in excess of ten pounds; or

(4) steel material in excess of one ton, except that a written record shall be kept of each purchase of a stainless steel beer keg.

B. The record shall be in English and shall include:

(1) the place and date of the purchase;

(2) the name and address of each person from whom the regulated material is purchased or obtained;

(3) the identifying number of the personal identification document of each person from whom the regulated material is purchased or obtained;

(4) the year, make, model and license plate number of the motor vehicle used to transport the regulated material;

(5) a description made in accordance with the custom of the trade of the type and quantity of regulated material purchased;

(6) the statement required by Paragraph (2) of Subsection A of Section 57-30-4 NMSA 1978; and

(7) the written documentation required for certain transactions pursuant to Section 16 of this 2012 act, if applicable.

C. A secondhand metal dealer may take a digital photograph, with a date and time stamp, of:

(1) the seller of the regulated material; and

(2) the regulated material in the form in which it was purchased or obtained by the secondhand metal dealer."

## **Chapter 33 Section 5 Laws 2012**

SECTION 5. Section 57-30-6 NMSA 1978 (being Laws 2008, Chapter 29, Section 6) is amended to read:

"57-30-6. PRESERVATION OF RECORDS.--A secondhand metal dealer shall preserve each record required by Section 57-30-5 NMSA 1978 until the first anniversary of the date the record was made."

### **Chapter 33 Section 6 Laws 2012**

SECTION 6. Section 57-30-7 NMSA 1978 (being Laws 2008, Chapter 29, Section 7) is amended to read:

"57-30-7. INSPECTION OF RECORDS BY PEACE OFFICERS--HOLDS ON PROPERTY.--

A. Upon request, a secondhand metal dealer shall produce to a peace officer during the dealer's usual business hours the requested record of purchase as required by Section 57-30-5 NMSA 1978.

B. If a peace officer determines, through an investigation or examination of the records kept by the secondhand metal dealer, that the dealer may be in possession of stolen property or property that constitutes evidence in a criminal investigation, the peace officer may place a hold on the property prohibiting the sale or removal of the property from the premises. The hold may remain in effect for up to five days or until the hold is lifted or the property is seized, whichever occurs earlier.

C. The inspecting peace officer shall inform the secondhand metal dealer of the person's status as a peace officer."

### **Chapter 33 Section 7 Laws 2012**

SECTION 7. Section 57-30-8 NMSA 1978 (being Laws 2008, Chapter 29, Section 8) is amended to read:

"57-30-8. FURNISHING OF REPORT TO DEPARTMENT.--

A. As of January 1, 2014, a secondhand metal dealer shall, not later than the second business day after the date of the purchase or other acquisition of regulated material for which a record is required pursuant to Section 57-30-5 NMSA 1978, upload to the database maintained by the department a report containing the information required to be recorded pursuant to that section.

B. A local governmental entity shall not impose any reporting requirements on secondhand metal dealers regarding the purchase or acquisition of regulated material."

### **Chapter 33 Section 8 Laws 2012**

SECTION 8. Section 57-30-9 NMSA 1978 (being Laws 2008, Chapter 29, Section 9) is amended to read:

"57-30-9. DATABASE.--The department shall establish and maintain an electronic database containing the records required to be preserved pursuant to Section 57-30-6 NMSA 1978, which database shall be accessible to law enforcement agencies and the department. Records received by the department pursuant to Section 57-30-8 NMSA 1978 shall be available in the database by the end of the second business day following receipt by the department."

### **Chapter 33 Section 9 Laws 2012**

SECTION 9. Section 57-30-10 NMSA 1978 (being Laws 2008, Chapter 29, Section 10) is amended to read:

"57-30-10. POWERS AND DUTIES OF SUPERINTENDENT.--The superintendent has authority to promulgate reasonable regulations for the administration and enforcement of the Sale of Recycled Metals Act and is expressly authorized to make regulations regarding records of purchase of regulated material and the database required pursuant to that act."

### **Chapter 33 Section 10 Laws 2012**

SECTION 10. Section 57-30-11 NMSA 1978 (being Laws 2008, Chapter 29, Section 11) is amended to read:

"57-30-11. WAITING PERIOD FOR DISPOSAL OF REGULATED MATERIAL.--A secondhand metal dealer shall not process or permit to be removed from the dealer's premises regulated material until at least twenty-four hours have elapsed since the dealer acquired the regulated material."

### **Chapter 33 Section 11 Laws 2012**

SECTION 11. Section 57-30-12 NMSA 1978 (being Laws 2008, Chapter 29, Section 12) is amended to read:

"57-30-12. PROHIBITED ACTS.--A person shall not, with the intent to deceive:

A. display to a secondhand metal dealer a false or invalid personal identification document in connection with the person's attempted sale of regulated material;

B. make a false material statement or representation to a secondhand metal dealer in connection with:

(1) that person's execution of a written statement required by Subsection A of Section 57-30-4 NMSA 1978;

(2) the dealer's efforts to obtain the information required pursuant to Subsection B of Section 57-30-5 NMSA 1978; or

(3) the written documentation required for certain transactions pursuant to Section 16 of this 2012 act; or

C. deliberately remove or alter a manufacturer's make, model, serial or personal identification number or other identifying marks engraved or etched upon property that is regulated material."

### **Chapter 33 Section 12 Laws 2012**

SECTION 12. Section 57-30-13 NMSA 1978 (being Laws 2008, Chapter 29, Section 13) is amended to read:

"57-30-13. CIVIL PENALTY--SUSPENSION OR REVOCATION OF REGISTRATION.--

A. A person who violates any provision of the Sale of Recycled Metals Act may be assessed a civil penalty by the superintendent not to exceed one thousand dollars (\$1,000) per violation.

B. The superintendent may suspend or revoke the registration of a secondhand metal dealer when the superintendent finds that the dealer has intentionally violated a provision of the Sale of Recycled Metals Act.

C. Prior to the imposition of a civil penalty or the suspension or revocation of a registration, the superintendent shall provide notice and an opportunity to be heard pursuant to the pertinent notice and hearing provisions of the Uniform Licensing Act."

### **Chapter 33 Section 13 Laws 2012**

SECTION 13. A new section of the Sale of Recycled Metals Act is enacted to read:

"ISSUANCE OF REGISTRATION--PERIOD OF REGISTRATION.--The department is authorized to issue registrations to secondhand metal dealers that buy or sell regulated material. Original and renewed registrations shall be valid for a period of three years from the date of issuance, unless the registration is suspended or revoked."

### **Chapter 33 Section 14 Laws 2012**

SECTION 14. A new section of the Sale of Recycled Metals Act is enacted to read:

"SECONDHAND METAL DEALERS--REGISTRATION REQUIRED--APPLICATION--FEE.--

A. A secondhand metal dealer shall not buy or sell regulated material without a valid registration issued by the department.

B. An application for registration shall be completed, under penalty of perjury, on a form designed and provided by the department and shall include:

(1) the full name and business address of the applicant;

(2) a list of all locations at which the applicant engages or will engage in the business of buying or selling regulated material; and

(3) any other information the department may require by rule.

C. An application for registration or for renewal of a registration shall be accompanied by a nonrefundable application fee in an amount not to exceed twenty-five dollars (\$25.00)."

### **Chapter 33 Section 15 Laws 2012**

SECTION 15. A new section of the Sale of Recycled Metals Act is enacted to read:

"DUTIES OF SECONDHAND METAL DEALERS.--

A. A secondhand metal dealer shall:

(1) maintain a valid registration, issued by the department, and comply with the requirements of the Sale of Recycled Metals Act and rules promulgated pursuant to that act;

(2) comply with all federal requirements for scrap metal dealers, including maintaining storm water permits;

(3) register for the metal theft alert system, maintained by the institute of scrap recycling industries or its successor organization; and

(4) keep all employees who are involved in the purchasing or receiving of regulated material apprised of alerts received on theft of regulated material in the geographic area.

B. A secondhand metal dealer who becomes aware that the dealer is in possession of regulated material that was stolen or unlawfully obtained shall not remove the material from the dealer's premises and shall report the same to a local law enforcement agency within twenty-four hours."

## **Chapter 33 Section 16 Laws 2012**

SECTION 16. A new section of the Sale of Recycled Metals Act is enacted to read:

"RESTRICTED TRANSACTIONS--ADDITIONAL DOCUMENTATION REQUIRED.--

A. A secondhand metal dealer shall not purchase any of the following without written documentation indicating that the seller is the rightful owner or has permission from the rightful owner or that the material was otherwise lawfully obtained:

(1) infrastructure grade regulated material that has been burned to remove insulation, unless the seller can produce written proof that the regulated material was lawfully burned;

(2) regulated material where the manufacturer's make, model, serial or personal identification number or other identifying marks engraved or etched upon the material have been conspicuously removed or altered;

(3) regulated material marked with the name, initials or otherwise identified as the property of an electrical company, a telephone company, a cable company, a water company or other utility company, a railroad or a governmental entity;

(4) a utility access cover;

(5) a water meter cover;

(6) a road or bridge guard rail;

(7) a highway or street sign;

(8) a traffic directional or control sign or signal;

(9) a metal beer keg that is clearly marked as being the property of the beer manufacturer; or

(10) a catalytic converter that is not part of an entire motor vehicle.

B. The department shall promulgate rules that more specifically describe the type of documentation required before a secondhand metal dealer may engage in a transaction described in this section."

## **Chapter 33 Section 17 Laws 2012**

SECTION 17. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2012.

---

Senate Bill 67, aa

Approved March 4, 2012

## **LAWS 2012, CHAPTER 34**

AN ACT

RELATING TO GAME AND FISH; AMENDING A SECTION OF THE NMSA 1978 TO AUTHORIZE TWO ADDITIONAL BIGHORN SHEEP ENHANCEMENT PERMITS.

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

## **Chapter 34 Section 1 Laws 2012**

SECTION 1. Section 17-3-16.1 NMSA 1978 (being Laws 1989, Chapter 384, Section 1, as amended) is amended to read:

"17-3-16.1. BIGHORN SHEEP ENHANCEMENT PERMITS--ISSUANCE--USE.--

A. The state game commission shall direct the department of game and fish to authorize not more than four of the permits available for issuance in the license year for the taking of four bighorn rams for the purpose of raising funds for programs and projects to benefit bighorn sheep.

B. The state game commission shall prescribe by regulation the form, design and manner of issuance of the bighorn sheep enhancement permits. The issuance of two permits shall be subject to auction by the department or by an incorporated nonprofit organization dedicated to conservation of wildlife, as determined by the commission, and shall be sold to the highest bidder. The issuance of the other two permits shall be subject to a lottery by the department or by an incorporated nonprofit organization dedicated to conservation of wildlife, as determined by the commission.



C. All money collected from the issuance and sale of the bighorn sheep enhancement permits shall be credited to the game protection fund to be used exclusively for bighorn sheep preservation, restoration and management."

---

Senate Bill 33

Approved March 4, 2012

## **LAWS 2012, CHAPTER 35**

AN ACT

RELATING TO UNEMPLOYMENT COMPENSATION; ESTABLISHING A TEMPORARY SCHEDULE FOR EMPLOYER CONTRIBUTIONS TO THE UNEMPLOYMENT COMPENSATION FUND; DECLARING AN EMERGENCY.

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

### **Chapter 35 Section 1 Laws 2012**

SECTION 1. Section 51-1-11 NMSA 1978 (being Laws 2003, Chapter 47, Section 11, as amended) is amended to read:

"51-1-11. FUTURE RATES BASED ON BENEFIT EXPERIENCE.--

A. The division shall maintain a separate account for each contributing employer and shall credit the contributing employer's account with all contributions paid by that employer under the Unemployment Compensation Law. Nothing in the Unemployment Compensation Law shall be construed to grant an employer or individuals in the employer's service prior claims or rights to the amounts paid by the employer into the fund.

B. Benefits paid to an individual shall be charged against the accounts of the individual's base-period employers on a pro rata basis according to the proportion of the individual's total base-period wages received from each employer, except that no benefits paid to a claimant as extended benefits under the provisions of Section 51-1-48 NMSA 1978 shall be charged to the account of any base-period employer who is not on a reimbursable basis and who is not a governmental entity and, except as the secretary shall by rule prescribe otherwise, in the case of benefits paid to an individual who:

(1) left the employ of a base-period employer who is not on a reimbursable basis voluntarily without good cause in connection with the individual's employment;

(2) was discharged from the employment of a base-period employer who is not on a reimbursable basis for misconduct connected with the individual's employment;

(3) is employed part time by a base-period employer who is not on a reimbursable basis and who continues to furnish the individual the same part-time work while the individual is separated from full-time work for a nondisqualifying reason; or

(4) received benefits based upon wages earned from a base-period employer who is not on a reimbursable basis while attending approved training under the provisions of Subsection E of Section 51-1-5 NMSA 1978.

C. The division shall not charge a contributing or reimbursing base-period employer's account with any portion of benefit amounts that the division can bill to or recover from the federal government as either regular or extended benefits.

D. The division shall not charge a contributing base-period employer's account with any portion of benefits paid to an individual for dependent allowance or because the individual to whom benefits are paid:

(1) separated from employment due to domestic abuse, as "domestic abuse" is defined in Section 40-13-2 NMSA 1978; or

(2) voluntarily left work to relocate because of a spouse, who is in the military service of the United States or the New Mexico national guard, receiving permanent change of station orders, activation orders or unit deployment orders.

E. All contributions to the fund shall be pooled and available to pay benefits to any individual entitled thereto, irrespective of the source of the contributions.

F. For each calendar year, if, as of the computation date for that year, an employer's account has been chargeable with benefits throughout the preceding thirty-six months, the secretary shall classify the employer in accordance with its actual experience of benefits charged against its accounts. For such an employer, the contribution rate shall be determined pursuant to Subsection I of this section on the basis of the employer's record and the condition of the fund as of the computation date for the calendar year. If, as of the computation date for a calendar year, an employer's account has not been chargeable with benefits throughout the preceding thirty-six months, the contribution rate for that employer for the calendar year shall be two percent, except that:

(1) an individual, type of organization or employing unit that acquires all or part of the trade or business of another employing unit, pursuant to Paragraphs (2) and (3) of Subsection E of Section 51-1-42 NMSA 1978, that has a rate

of contribution less than two percent shall be entitled to the transfer of the reduced rate to the extent permitted under Subsection H of this section;

(2) an employer that, at the time of establishing an account, is in business in another state or states and that is not currently doing business in New Mexico may elect, pursuant to Paragraph (3) of this subsection, to receive a beginning contribution rate of two percent or a contribution rate based on the current contribution rate schedule in Paragraph (4) of Subsection I of this section, whichever is lower, if:

(a) the employer has been in operation in the other state or states for at least three years immediately preceding the date of becoming a liable employer in New Mexico, throughout which an individual in the employer's employ could have received benefits if eligible; and

(b) the employer provides the authenticated account history as defined by rule of the secretary from information accumulated from operations in the other state or all the other states to compute a current

New Mexico rate; and

(3) the election authorized in Paragraph (2) of this subsection shall be made in writing within thirty days after receiving notice of New Mexico liability and, if not made timely, a two percent rate will be assigned; if the election is made timely, the employer's account will receive the lesser of the computed rate determined by the condition of the account for the computation date immediately preceding the New Mexico liable date, or two percent; rates for subsequent years will be determined by the condition of the account for the computation date.

G. An employer may make voluntary payments in addition to the contributions required under the Unemployment Compensation Law, which shall be credited to the employer's account in accordance with department rule. The voluntary payments shall be included in the employer's account as of the employer's most recent computation date if they are made on or before the following March 1. Voluntary payments when accepted from an employer shall not be refunded in whole or in part.

H. In the case of a transfer of an employing enterprise, notwithstanding any other provision of law, the experience history of the transferred enterprise shall be transferred from the predecessor employer to the successor under the following conditions and in accordance with the applicable rules of the secretary:

(1) as used in this subsection:

(a) "employing enterprise" means a business activity engaged in by a contributing employing unit in which one or more persons have been employed within the current or the three preceding calendar quarters. An "employing enterprise" includes the employer's work force;

(b) "predecessor" means the owner and operator of an employing enterprise immediately prior to the transfer of such enterprise;

(c) "successor" means any person that acquires an employing enterprise and continues to operate such business entity;

(d) "experience history" means the experience rating record and reserve account, including the actual contributions, benefit charges and payroll experience of the employing enterprise;

(e) "common ownership" means that two or more businesses are substantially owned, managed or controlled by the same person or persons;

(f) "knowingly" means having actual knowledge of or acting with deliberate ignorance of or reckless disregard for the prohibition involved; and

(g) "violates or attempts to violate" includes an intent to evade, a misrepresentation or a willful nondisclosure;

(2) except as otherwise provided in this subsection, for the purpose of this subsection, two or more employers who are parties to or the subject of any transaction involving the transfer of an employing enterprise shall be deemed to be a single employer and the experience history of the employing enterprise shall be transferred to the successor employer if the successor employer has acquired by the transaction all of the business enterprises of the predecessor; provided that:

(a) all contributions, interest and penalties due from the predecessor employer have been paid;

(b) notice of the transfer has been given in accordance with the rules of the secretary during the calendar year of the transaction transferring the employing enterprise or the date of the actual transfer of control and operation of the employing enterprise;

(c) the successor shall notify the division of the acquisition on or before the due date of the successor's first wage and contribution report. If the successor employer fails to notify the division of the acquisition within this time limit, the division, when it receives actual notice, shall effect the transfer of the experience history and applicable rate of contribution retroactively to the date of the acquisition, and the successor shall pay a penalty of fifty dollars (\$50.00); and

(d) where the transaction involves only a merger, consolidation or other form of reorganization without a substantial change in the ownership and controlling interest of the business entity, as determined by the secretary, the limitations on transfers stated in Subparagraphs (a), (b) and (c) of this paragraph shall not apply. A party to a merger, consolidation or other form of

reorganization described in this subparagraph shall not be relieved of liability for any contributions, interest or penalties due and owing from the employing enterprise at the time of the merger, consolidation or other form of reorganization;

(3) the applicable experience history may be transferred to the successor in the case of a partial transfer of an employing enterprise if the successor has acquired one or more of the several employing enterprises of a predecessor but not all of the employing enterprises of the predecessor and each employing enterprise so acquired was operated by the predecessor as a separate store, factory, shop or other separate employing enterprise and the predecessor, throughout the entire period of the contribution with liability applicable to each enterprise transferred, has maintained and preserved payroll records that, together with records of contribution liability and benefit chargeability, can be separated by the parties from the enterprises retained by the predecessor to the satisfaction of the secretary or the secretary's delegate. A partial experience history transfer will be made only if the successor:

(a) notifies the division of the acquisition, in writing, not later than the due date of the successor's first quarterly wage and contribution report after the effective date of the acquisition;

(b) files an application provided by the division that contains the endorsement of the predecessor within thirty days from the delivery or mailing of such application by the division to the successor's last known address; and

(c) files with the application a Form ES-903A or its equivalent with a schedule of the name and social security number of and the wages paid to and the contributions paid for each employee for the three and one-half year period preceding the computation date as defined in Subparagraph (d) of Paragraph (3) of Subsection I of this section through the date of transfer or such lesser period as the enterprises transferred may have been in operation. The application and Form ES-903A shall be supported by the predecessor's permanent employment records, which shall be available for audit by the division. The application and Form ES-903A shall be reviewed by the division and, upon approval, the percentage of the predecessor's experience history attributable to the enterprises transferred shall be transferred to the successor. The percentage shall be obtained by dividing the taxable payrolls of the transferred enterprises for such three and one-half year period preceding the date of computation or such lesser period as the enterprises transferred may have been in operation by the predecessor's entire payroll;

(4) if, at the time of a transfer of an employing enterprise in whole or in part, both the predecessor and the successor are under common ownership, then the experience history attributable to the transferred business shall also be transferred to and combined with the experience history attributable to the successor employer. The rates of both employers shall be recalculated and made effective immediately upon the date of the transfer;

(5) whenever a person, who is not currently an employer, acquires the trade or business of an employing enterprise, the experience history of the acquired business shall not be transferred to the successor if the secretary or the secretary's designee finds that the successor acquired the business solely or primarily for the purpose of obtaining a lower rate of contributions. Instead, the successor shall be assigned the applicable new employer rate pursuant to this section. In determining whether the business was acquired solely or primarily for the purpose of obtaining a lower rate of contribution, the secretary or the secretary's designee shall consider:

- (a) the cost of acquiring the business;
- (b) whether the person continued the business enterprise of the acquired business;
- (c) how long such business enterprise was continued; and
- (d) whether a substantial number of new employees were hired for performance of duties unrelated to those that the business activity conducted prior to acquisition;

(6) if, following a transfer of experience history pursuant to this subsection, the department determines that a substantial purpose of the transfer of the employing enterprise was to obtain a reduced liability for contributions, then the experience rating accounts of the employers involved shall be combined into a single account and a single rate assigned to the combined account;

(7) the secretary shall adopt such rules as are necessary to interpret and carry out the provisions of this subsection, including rules that:

- (a) describe how experience history is to be transferred; and
- (b) establish procedures to identify the type of transfer or acquisition of an employing enterprise; and

(8) a person who knowingly violates or attempts to violate a rule adopted pursuant to Paragraph (7) of this subsection, who transfers or acquires, or attempts to transfer or acquire, an employing enterprise for the sole or primary purpose of obtaining a reduced liability for contributions or who knowingly advises another person to violate a rule adopted pursuant to Paragraph (7) of this subsection or to transfer or acquire an employing enterprise for the sole or primary purpose of obtaining a reduced liability for contributions is guilty of a misdemeanor and shall be punished by a fine of not less than one thousand five hundred dollars (\$1,500) or more than three thousand dollars (\$3,000) or, if an individual, by imprisonment for a definite term not to exceed ninety days or both. In addition, such a person shall be subject to the following civil penalty imposed by the secretary:

(a) if the person is an employer, the person shall be assigned the highest contribution rate established by the provisions of this section for the calendar year in which the violation occurs and the three subsequent calendar years; provided that, if the difference between the increased penalty rate and the rate otherwise applicable would be less than two percent of the employer's payroll, the contribution rate shall be increased by two percent of the employer's payroll for the calendar year in which the violation occurs and the three subsequent calendar years; or

(b) if the person is not an employer, the secretary may impose a civil penalty not to exceed three thousand dollars (\$3,000).

I. For each calendar year, if, as of the computation date for that year, an employer's account has been chargeable with benefits throughout the preceding thirty-six months, the contribution rate for that employer shall be determined as follows:

(1) the total assets in the fund and the total of the last annual payrolls of all employers subject to contributions as of the computation date for each year shall be determined. These annual totals are here called "the fund" and "total payrolls". For each year, the "reserve" of each employer shall be fixed by the excess of the employer's total contributions over total benefit charges computed as a percentage of the employer's average payroll reported for contributions. The determination of each employer's annual rate, computed as of the computation date for each calendar year, shall be made by matching the employer's reserve as shown in the reserve column with the corresponding rate in the rate column of the applicable rate schedule of the table provided in Paragraph (4) of this subsection;

(2) for each calendar year after 2013, except as otherwise provided, each employer's rate shall be the corresponding rate in:

(a) Contribution Schedule 0 of the table provided in Paragraph (4) of this subsection if the fund equals at least two and three-tenths percent of the total payrolls;

(b) Contribution Schedule 1 of the table provided in Paragraph (4) of this subsection if the fund equals less than two and three-tenths percent but not less than one and seven-tenths percent of the total payrolls;

(c) Contribution Schedule 2 of the table provided in Paragraph (4) of this subsection if the fund equals less than one and seven-tenths percent but not less than one and three-tenths percent of the total payrolls;

(d) Contribution Schedule 3 of the table provided in Paragraph (4) of this subsection if the fund equals less than one and three-tenths percent but not less than one percent of the total payrolls;

(e) Contribution Schedule 4 of the table provided in Paragraph (4) of this subsection if the fund equals less than one percent but not less than

seven-tenths percent of the total payrolls;

(f) Contribution Schedule 5 of the table provided in Paragraph (4) of this subsection if the fund equals less than seven-tenths percent but not less than three-tenths percent of the total payrolls; or

(g) Contribution Schedule 6 of the table provided in Paragraph (4) of this subsection if the fund equals less than three-tenths percent of the total payrolls;

(3) as used in this section:

(a) "annual payroll" means the total amount of remuneration from an employer for employment during a twelve-month period ending on a computation date, and "average payroll" means the average of the last three annual payrolls;

(b) "base-period wages" means the wages of an individual for insured work during the individual's base period on the basis of which the individual's benefit rights were determined;

(c) "base-period employers" means the employers of an individual during the individual's base period; and

(d) "computation date" for each calendar year means the close of business on June 30 of the preceding calendar year;

(4) table of employer reserves and contribution rate schedules:

Employer Reserve	Contribution Schedule 0	Contribution Schedule 1	Contribution Schedule 2	Contribution Schedule 3
10.0% and over	0.03%	0.05%	0.1%	0.6%
9.0%- 9.9%	0.06%	0.1%	0.2% 0	.9%
8.0%-8.9%	0.09%	0.2%	0.4%	1.2%
7.0%-7.9%	0.10%	0.4%	0.6%	1.5%
6.0%-6.9%	0.30%	0.6%	0.8%	1.8%



5.0%-5.9%	0.50%	0.8%	1.1%	2.1%
4.0%-4.9%	0.80%	1.1%	1.4%	2.4%
3.0%-3.9%	1.20%	1.4%	1.7%	2.7%
2.0%-2.9%	1.50%	1.7%	2.0%	3.0%
1.0%-1.9%	1.80%	2.0%	2.4%	3.3%
0.9%-0.0%	2.40%	2.4%	3.3%	3.6%
(-0.1%)-(-0.5%)	3.30%	3.3%	3.6%	3.9%
(-0.5%)-(-1.0%)	4.20%	4.2%	4.2%	4.2%
(-1.0%)-(-2.0%)	5.00%	5.0%	5.0%	5.0%
Under (-2.0%)	5.40%	5.4%	5.4%	5.4%

Employer	Contribution	Contribution	Contribution
Reserve	Schedule 4	Schedule 5	Schedule 6

10.0% and over	0.9%	1.2%	2.7%
9.0%-9.9%	1.2%	1.5%	2.7%
8.0%-8.9%	1.5%	1.8%	2.7%
7.0%-7.9%	1.8%	2.1%	2.7%
6.0%-6.9%	2.1%	2.4%	2.7%
5.0%-5.9%	2.4%	2.7%	3.0%
4.0%-4.9%	2.7%	3.0%	3.3%
3.0%-3.9%	3.0%	3.3%	3.6%
2.0%-2.9%	3.3%	3.6%	3.9%
1.0%-1.9%	3.6%	3.9%	4.2%
0.9%-0.0%	3.9%	4.2%	4.5%

(-0.1%)-(-0.5%)	4.2%	4.5%	4.8%
(-0.5%)-(-1.0%)	4.5%	4.8%	5.1%
(-1.0%)-(-2.0%)	5.0%	5.1%	5.3%
Under (-2.0%)	5.4%	5.4%	5.4%;

(5) from January 1, 2011 through December 31, 2012, each employer making contributions pursuant to this subsection shall make a contribution at the rate specified in Contribution Schedule 1; and

(6) from January 1, 2013 through December 31, 2013, each employer making contributions pursuant to this subsection shall make a contribution at the rate specified in Contribution Schedule 2.

J. The division shall promptly notify each employer of the employer's rate of contributions as determined for any calendar year pursuant to this section. Such notification shall include the amount determined as the employer's average payroll, the total of all of the employer's contributions paid on the employer's behalf and credited to the employer's account for all past years and total benefits charged to the employer's account for all such years. Such determination shall become conclusive and binding upon the employer unless, within thirty days after the mailing of notice thereof to the employer's last known address or in the absence of mailing, within thirty days after the delivery of such notice, the employer files an application for review and redetermination, setting forth the employer's reason therefor. The employer shall be granted an opportunity for a fair hearing in accordance with rules prescribed by the secretary, but an employer shall not have standing, in any proceeding involving the employer's rate of contributions or contribution liability, to contest the chargeability to the employer's account of any benefits paid in accordance with a determination, redetermination or decision pursuant to Section 51-1-8 NMSA 1978, except upon the ground that the services on the basis of which such benefits were found to be chargeable did not constitute services performed in employment for the employer and only in the event that the employer was not a party to such determination, redetermination or decision, or to any other proceedings under the Unemployment Compensation Law in which the character of such services was determined. The employer shall be promptly notified of the decision on the employer's application for redetermination, which shall become final unless, within fifteen days after the mailing of notice thereof to the employer's last known address or in the absence of mailing, within fifteen days after the delivery of such notice, further appeal is initiated pursuant to Subsection D of Section 51-1-8 NMSA 1978.

K. The division shall provide each contributing employer, within ninety days of the end of each calendar quarter, a written determination of benefits chargeable to the employer's account. Such determination shall become conclusive and binding upon the employer for all purposes unless, within thirty days after the mailing of the

determination to the employer's last known address or in the absence of mailing, within thirty days after the delivery of such determination, the employer files an application for review and redetermination, setting forth the employer's reason therefor. The employer shall be granted an opportunity for a fair hearing in accordance with rules prescribed by the secretary, but an employer shall not have standing in any proceeding involving the employer's contribution liability to contest the chargeability to the employer's account of any benefits paid in accordance with a determination, redetermination or decision pursuant to Section 51-1-8 NMSA 1978, except upon the ground that the services on the basis of which such benefits were found to be chargeable did not constitute services performed in employment for the employer and only in the event that the employer was not a party to such determination, redetermination or decision, or to any other proceedings under the Unemployment Compensation Law in which the character of such services was determined. The employer shall be promptly notified of the decision on the employer's application for redetermination, which shall become final unless, within fifteen days after the mailing of notice thereof to the employer's last known address or in the absence of mailing, within fifteen days after the delivery of such notice, further appeal is initiated pursuant to Subsection D of Section 51-1-8 NMSA 1978.

L. The contributions, together with interest and penalties thereon imposed by the Unemployment Compensation Law, shall not be assessed nor shall action to collect the same be commenced more than four years after a report showing the amount of the contributions was due. In the case of a false or fraudulent contribution report with intent to evade contributions or a willful failure to file a report of all contributions due, the contributions, together with interest and penalties thereon, may be assessed or an action to collect such contributions may be begun at any time. Before the expiration of such period of limitation, the employer and the secretary may agree in writing to an extension thereof and the period so agreed on may be extended by subsequent agreements in writing. In any case where the assessment has been made and action to collect has been commenced within four years of the due date of any contribution, interest or penalty, including the filing of a warrant of lien by the secretary pursuant to Section 51-1-36 NMSA 1978, such action shall not be subject to any period of limitation.

M. The secretary shall correct any error in the determination of an employer's rate of contribution during the calendar year to which the erroneous rate applies, notwithstanding that notification of the employer's rate of contribution may have been issued and contributions paid pursuant to the notification. Upon issuance by the division of a corrected rate of contribution, the employer shall have the same rights to review and redetermination as provided in Subsection J of this section.

N. Any interest required to be paid on advances to this state's unemployment compensation fund under Title 12 of the Social Security Act shall be paid in a timely manner as required under Section 1202 of Title 12 of the Social Security Act and shall not be paid, directly or indirectly, by the state from amounts in the state's unemployment compensation fund."

## **Chapter 35 Section 2 Laws 2012**

SECTION 2. APPLICABILITY.--The provisions of this act apply to assessments of contributions for which an employer is subject pursuant to the Unemployment Compensation Law for the calendar year beginning on January 1, 2012.

## **Chapter 35 Section 3 Laws 2012**

SECTION 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

---

Senate Bill 32, aa, w/ec

Approved March 5, 2012

# **LAWS 2012, CHAPTER 36**

AN ACT

RELATING TO JUVENILE JUSTICE; PROVIDING THAT THE JUVENILE PUBLIC SAFETY ADVISORY BOARD SHALL CONSIST OF THREE TO SEVEN MEMBERS; PROVIDING THAT AN EMPLOYEE OF THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT SHALL NOT BE DESIGNATED TO SERVE AS CHAIR OR VICE CHAIR OF THE JUVENILE PUBLIC SAFETY ADVISORY BOARD.

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

## **Chapter 36 Section 1 Laws 2012**

**SECTION 1.** Section 32A-7A-2 NMSA 1978 (being Laws 2009, Chapter 239, Section 59) is amended to read:

"32A-7A-2. JUVENILE PUBLIC SAFETY ADVISORY BOARD--TERMS--  
DIRECTOR.--

A. The "juvenile public safety advisory board" is created, consisting of no fewer than three and no more than seven members appointed by the governor. The board is administratively attached to the department. The terms of members of the board shall be six years.

B. A director shall be appointed by the governor as the administrative officer of the juvenile public safety advisory board. The director shall employ other staff

as necessary to carry out the duties of the board. Employees shall be employed in classified positions and shall be subject to the provisions of the Personnel Act."

## **Chapter 36 Section 2 Laws 2012**

**SECTION 2.** Section 32A-7A-5 NMSA 1978 (being Laws 2009, Chapter 239, Section 62) is amended to read:

"32A-7A-5. BOARD--CHAIR.--

A. The governor shall designate one member of the juvenile public safety advisory board to serve as chair.

B. The chair may designate two members of the board to serve as regional vice chairs.

C. An employee of the department shall not be designated to serve as chair or vice chair of the board."

## **Chapter 36 Section 3 Laws 2012**

**SECTION 3.** EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2012.

---

House Bill 37, aa

Approved March 5, 2012

# **LAWS 2012, CHAPTER 37**

AN ACT

RELATING TO ELECTIONS; REMOVING REQUIREMENTS THAT APPLICATIONS FOR ABSENTEE OR ABSENTEE-EARLY BALLOTS IN CERTAIN CONSERVANCY DISTRICT ELECTIONS BE NOTARIZED.

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

## **Chapter 37 Section 1 Laws 2012**

**SECTION 1.** Section 73-14-31.1 NMSA 1978 (being Laws 1996, Chapter 42, Section 15) is amended to read:

"73-14-31.1. ABSENTEE BALLOT APPLICATION.--

A. Application by a qualified elector for an absentee ballot shall be made on the official form prescribed by the board of directors and printed and furnished by the election director. The form shall identify the applicant and contain information to establish the applicant's qualification as a qualified elector for issuance of an absentee ballot. Each application for an absentee ballot shall be signed by the applicant.

B. The election director shall mark each completed absentee ballot application with the date and time of receipt and enter the required information in the absentee ballot qualified elector list. The election director shall then determine if the applicant is a qualified elector.

C. If the applicant is not listed in the qualified elector list, an absentee ballot shall not be issued and the election director shall mark the application "rejected" and file the application in a separate file from those accepted.

D. The election director shall notify in writing each applicant of the fact of acceptance or rejection of the applicant's application and, if rejected, shall state the reason for rejection.

E. If the election director determines that the applicant is a qualified elector, the election director shall mark the application "accepted" and deliver or mail to the applicant an absentee ballot and the required envelopes for use in returning the ballot to the absent voter precinct."

## **Chapter 37 Section 2 Laws 2012**

**SECTION 2.** Section 73-14-31.3 NMSA 1978 (being Laws 1999, Chapter 168, Section 8) is amended to read:

"73-14-31.3. ABSENTEE-EARLY VOTING--ELECTIONEERING.--

A. A voter may apply to vote absentee-early by completing an absentee-early ballot application on the official form prescribed by the board of directors and printed and furnished by the election director. The form shall identify the applicant and contain information to establish the applicant's qualifications as a qualified elector for issuance of an affidavit for absentee-early voting. Each application shall be signed by the applicant.

B. Once it is determined that the application form is complete, the election director shall mark the application with the date and time of receipt and enter the required information in the absentee ballot register.

C. If the voter is determined to be a qualified elector, the election director shall inform the voter that the voter's application has been accepted and instruct the voter on how to vote.

D. For the purpose of absentee-early voting, electioneering is not permitted in the election director's office, the middle Rio Grande conservancy district offices or designated satellite locations.

E. For the purpose of this section, "electioneering" means any form of campaigning within one hundred feet of the election director's office, the middle Rio Grande conservancy district office or designated satellite locations and includes the display of signs or distribution of campaign literature."

## **Chapter 37 Section 3 Laws 2012**

**SECTION 3. EFFECTIVE DATE.**--The effective date of the provisions of this act is July 1, 2012.

---

House Bill 74

Approved March 5, 2012

## **LAWS 2012, CHAPTER 38**

AN ACT

RELATING TO TAXATION; EXTENDING THE ANGEL INVESTMENT CREDIT FOR FIVE YEARS.

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

## **Chapter 38 Section 1 Laws 2012**

**SECTION 1.** Section 7-2-18.17 NMSA 1978 (being Laws 2007, Chapter 172, Section 1) 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 claim a credit in an amount not to exceed twenty-five percent of not more than one hundred thousand dollars (\$100,000) of the qualified investment. The tax credit provided in this section shall be known as the "angel investment credit".

B. A taxpayer may claim the angel investment credit for not more than two qualified investments in a taxable year; provided that each investment is in a different qualified business. A taxpayer may claim the angel investment credit for qualified investments made in the same qualified business or successor of that business for not more than three taxable years. The angel investment credit shall not exceed twenty-five thousand dollars (\$25,000) for each qualified investment by the taxpayer.

C. A taxpayer may claim the angel investment credit no later than one year following the end of the calendar year in which the qualified investment was made; provided that a claim for the credit may not be made or allowed with respect to any investment made after December 31, 2016.

D. A taxpayer shall apply for certification of eligibility for the angel investment credit from the economic development department. Applications shall be considered in the order received. If the economic development department determines that the taxpayer is an accredited investor and the investment is a qualified investment, it shall issue a certificate of eligibility to the taxpayer, subject to the limitation in Subsection E of this section. The certificate shall be dated and shall include a calculation of the amount of the angel investment credit for which the taxpayer is eligible. The economic development department may issue rules governing the procedure for administering the provisions of this subsection.

E. The economic development department may issue a certificate of eligibility pursuant to Subsection D of this section only if the total amount of angel investment credits represented by certificates of eligibility issued by the economic development department in any calendar year will not exceed seven hundred fifty thousand dollars (\$750,000). If the applications for certificates of eligibility for angel investment credits represent an aggregate amount exceeding seven hundred fifty thousand dollars (\$750,000) for any calendar year, certificates shall be issued in the order that the applications were received. The excess applications that would have been certified, but for the limit imposed by this subsection, shall be certified, subject to the same limit, in subsequent calendar years.

F. The economic development department shall report annually to 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 to whom certificates of eligibility were issued by the department in the previous year; the names of those investors; the amount of angel investment credit for which each investor was certified eligible; and the number and names of the businesses that the department has determined are qualified businesses for purposes of an investment by an accredited investor. The report shall also include an evaluation of the success of the angel investment credit as an incubator of new businesses in New Mexico and of the continued viability and operation in New Mexico of businesses in which investments eligible for the angel investment credit have been made.



G. To claim the angel investment credit, the taxpayer must provide to the taxation and revenue department a certificate of eligibility issued by the economic development department pursuant to Subsection D of this section and any other information the taxation and revenue department may require to determine the amount of the tax credit due the taxpayer. If the requirements of this section have been complied with, the taxation and revenue department shall approve the claim for the credit.

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. The total credit claimed in the aggregate by all members of the partnership or business association in a taxable year with respect to a qualified investment shall not exceed twenty-five thousand dollars (\$25,000).

I. A husband and wife 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 three 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) "high-technology research" means research:

(a) that is undertaken for the purpose of discovering information that is technological in nature and the application of which is intended to be

useful in the development of a new or improved business component of the qualified business; and

(b) substantially all of the activities of which constitute elements of a process or experimentation related to a new or improved function, performance, reliability or quality, but not related to style, taste or cosmetic or seasonal design factors;

(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 in New Mexico;

(b) engages in high-technology 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 at the time of the investment; 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; and

(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."

## **Chapter 38 Section 2 Laws 2012**

**SECTION 2. REPEAL.**--Laws 2007, Chapter 172, Section 24 is repealed.

---

House Bill 123

Approved March 5, 2012

## **LAWS 2012, CHAPTER 39**

AN ACT

RELATING TO TAXATION; PROVIDING FOR AUTHORITY TO REIMPOSE THE COUNTY EDUCATION GROSS RECEIPTS TAX; UPDATING CERTAIN REQUIREMENTS TO REFLECT CURRENT CENSUS DATA.

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

## **Chapter 39 Section 1 Laws 2012**

**SECTION 1.** Section 7-20E-20 NMSA 1978 (being Laws 2001, Chapter 328, Section 1) is amended to read:

"7-20E-20. COUNTY EDUCATION GROSS RECEIPTS TAX--AUTHORITY TO IMPOSE-- RATE--ELECTION--USE OF REVENUE.--

A. Upon submission of a resolution to the governing body pursuant to Subsection D of this section, the governing body of a county shall enact an ordinance imposing or reimposing an excise tax at a rate of one-half of one percent on any person engaging in business in the county for the privilege of engaging in business in the

county. The tax imposed pursuant to this section may be referred to as the "county education gross receipts tax".

B. The governing body, at the time of enacting an ordinance imposing a county education gross receipts tax pursuant to this section shall dedicate the revenue only for the payment of county education gross receipts tax bonds for public school capital projects and off-campus instruction program capital projects, if any, in the county. The tax shall be imposed for the period necessary for payment of the principal and interest on the county education gross receipts tax revenue bonds issued to accomplish the purpose for which the revenue is dedicated, but the period shall not exceed ten years from the effective date of the ordinance imposing the tax.

C. The governing body may reimpose a county education gross receipts tax to be effective upon termination of a previously imposed county education gross receipts tax by following the procedures set forth in this section.

D. Upon a finding of need, the boards of every school district in a county that is either located wholly within the exterior boundaries of the county or that has a student membership no more than ten percent of whom reside outside the exterior boundaries of the county may enter into a joint agreement to submit a resolution to the governing body of the county requiring the governing body to impose a county education gross receipts tax and to issue county education gross receipts tax revenue bonds for funding public school capital projects and, if applicable, off-campus instruction program capital projects. The boards must agree to provide at least one-fourth of the bond proceeds for capital projects for an off-campus instruction program, if one of the school districts in the county has established such a program. The remaining revenues shall be distributed proportionately to each school district for public school capital outlay projects, including capital projects at charter schools and state-chartered charter schools within the district, based on the ratio that the population of each school district, according to the 2010 federal decennial census, bears to the population of all of the school districts in the county that are parties to the agreement.

E. An ordinance imposing the county education gross receipts tax 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 imposing the tax. The governing body shall adopt a resolution calling for an election within sixty days of the date the ordinance is adopted on the question of imposing the tax. The question shall be submitted to the voters of the county as a separate question at a general election or at a special election called for that purpose by the governing body. A special election shall be called, conducted and canvassed in substantially the same manner as provided by law for general elections. If a majority of the voters voting on the question approves the ordinance imposing the county education gross receipts tax, then the ordinance shall become effective in accordance with the provisions of the County Local Option Gross Receipts Taxes Act. If the question of imposing the county education gross receipts tax fails, a resolution from the boards of school districts in the county may not again be proposed to the governing

body requesting imposition of the tax for a period of one year from the date of the election.

F. The proceeds from county education gross receipts tax revenue bonds shall be administered by the governing body and disbursed by the county treasurer to the respective school districts in the amounts and for the purposes authorized in this section and as set out in the resolution submitted by the boards to the governing body.

G. As used in this section:

(1) "board" means the governing body of a school district;

(2) "capital projects" means the designing, constructing and equipping of new buildings; the remodeling, renovating or making additions to and equipping existing buildings; or the improving or equipping of the grounds surrounding buildings;

(3) "county" means:

(a) a class B county with a population of less than twenty-five thousand according to the 1990 federal decennial census and a net taxable value for property tax purposes for the 1999 property tax year of more than five hundred million dollars (\$500,000,000);

(b) a county that has imposed a local hospital gross receipts tax pursuant to the Local Hospital Gross Receipts Tax Act, which tax will expire on December 31, 2001; and

(c) a county that has previously imposed a county education gross receipts tax; and

(4) "off-campus instruction program" means a program established by a school district pursuant to the

Off-Campus Instruction Act."

## **Chapter 39 Section 2 Laws 2012**

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2012.

Approved March 5, 2012

## **LAWS 2012, CHAPTER 40**

AN ACT

RELATING TO TAXATION; CLARIFYING PROVISIONS IN THE OIL AND GAS PROCEEDS AND PASS-THROUGH ENTITY WITHHOLDING TAX ACT; EXCEPTING INSURANCE COMPANIES FROM WITHHOLDING PROVISIONS.

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

### **Chapter 40 Section 1 Laws 2012**

"SECTION 1. Section 7-3A-2 NMSA 1978 (being Laws 2003, Chapter 86, Section 5, as amended) is amended to read:

"7-3A-2. DEFINITIONS.--As used in the Oil and Gas Proceeds and Pass-Through Entity Withholding Tax Act:

A. "department" means the taxation and revenue department, the secretary of taxation and revenue or any employee of the department exercising authority lawfully delegated to that employee by the secretary;

B. "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended;

C. "net income" means, for any pass-through entity:

(1) in the case of an owner that is taxed as a corporation for federal income tax purposes, "net income" as defined in the Corporate Income and Franchise Tax Act; and

(2) for all other owners, "net income" as defined in the Income Tax Act;

D. "oil and gas" means crude oil, natural gas, liquid hydrocarbons or any combination thereof, or carbon dioxide;

E. "oil and gas proceeds" means any amount derived from oil and gas production from any well located in New Mexico and payable as royalty interest, overriding royalty interest, production payment interest, working interest or any other obligation expressed as a right to a specified interest in the cash proceeds received from the sale of oil and gas production or in the cash value of that production, subject to all taxes withheld therefrom pursuant to law; "oil and gas proceeds" excludes "net profits interest" and other types of interest the extent of which cannot be determined with

reference to a specified share of the oil and gas production and excludes any amounts deducted by the remitter from payments to interest owners or paid by interest owners to the remitter that are for expenses related to the production from the well or cessation of production from the well for which the interest owner is liable;

F. "owner" means a partner in a partnership not taxed as a corporation for federal income tax purposes for the taxable year, a shareholder of an S corporation or of a corporation other than an S corporation that is not taxed as a corporation for federal income tax purposes for the taxable year, a member of a limited liability company or any similar person holding an ownership interest in any pass-through entity. "Owner" also means a performing artist to whom payments are due from a personal services business;

G. "partnership" means a combination of persons, including a partnership, joint venture, common trust fund, association, pool or working agreement, or any other combination of persons that is treated as a partnership for federal income tax purposes;

H. "pass-through entity" means a personal services business or any other business association other than:

(1) a sole proprietorship;

(2) an estate or trust that does not distribute income to beneficiaries;

(3) a corporation, limited liability company, partnership or other entity not a sole proprietorship taxed as a corporation for federal income tax purposes for the taxable year;

(4) a partnership that is organized as an investment partnership in which the partners' income is derived solely from interest, dividends and sales of securities;

(5) a single member limited liability company that is treated as a disregarded entity for federal income tax purposes; or

(6) a publicly traded partnership as defined in Subsection (b) of Section 7704 of the Internal Revenue Code;

I. "person" means an individual, club, company, cooperative association, corporation, estate, firm, joint venture, partnership, receiver, syndicate, trust or other association, limited liability company, limited liability partnership or gas, water or electric utility owned or operated by a county or municipality and, to the extent permitted by law, a federal, state or other governmental unit or subdivision or an agency, a department or an instrumentality thereof;

J. "personal services business" means a business organization that receives payments for the services of a performing artist for purposes of the film production tax credit;

K. "remittee" means a person that is entitled to payment of oil and gas proceeds by a remitter; and

L. "remitter" means a person that pays oil and gas proceeds to any remittee."

## **Chapter 40 Section 2 Laws 2012**

SECTION 2. Section 7-3A-3 NMSA 1978 (being Laws 2003, Chapter 86, Section 6, as amended) is amended to read:

"7-3A-3. WITHHOLDING FROM OIL AND GAS PROCEEDS AND NET INCOME.--

A. Except as otherwise provided in this section, a remitter shall deduct and withhold from each payment of oil and gas proceeds being made to a remittee for each quarter an amount equal to the rate specified in Subsection D of this section multiplied by the amount prior to withholding that otherwise would have been payable to the remittee.

B. Except as otherwise provided in this section, a pass-through entity shall deduct and withhold from each owner's allocable share of net income for that calendar year an amount equal to the rate specified in Subsection D of this section multiplied by the owner's allocable share of that net income, reduced, but not below zero, by the amount required to be withheld from the owner's allocable share of net income under Subsection A of this section.

C. The obligation to deduct and withhold from payments or allocable net income as provided in Subsections A and B of this section does not apply to payments that are made to:

(1) a corporation whose principal place of business is in New Mexico or an individual who is a resident of New Mexico;

(2) remittees with a New Mexico address as shown on internal revenue service form 1099-Misc or a successor form or on a *pro forma* 1099-Misc or a successor form for those entities that do not receive an internal revenue service form 1099-Misc;

(3) the United States, this state or any agency, instrumentality or political subdivision of either;



(4) any federally recognized Indian nation, tribe or pueblo or any agency, instrumentality or political subdivision thereof; or

(5) organizations that have been granted exemption from the federal income tax by the United States commissioner of internal revenue as organizations described in Section 501(c)(3) of the Internal Revenue Code. However, the obligation to deduct and withhold from payments of allocable net income to organizations identified in this paragraph applies if that income constitutes unrelated business income.

D. Except as provided in Subsection H of this section, the rate of withholding shall be set by a department directive; provided that the rate may not exceed the higher of the maximum bracket rate set by Section 7-2-7 NMSA 1978 for the taxable year or the maximum bracket rate set by Section 7-2A-5 NMSA 1978 for the taxable year; and provided further that remitters shall be given ninety days' notice of a change in the rate.

E. If a remitter receives oil and gas proceeds from which an amount has been deducted and withheld pursuant to the Oil and Gas Proceeds and Pass-Through Entity Withholding Tax Act or a pass-through entity has deducted and withheld an amount pursuant to the Oil and Gas Proceeds and Pass- Through Entity Withholding Tax Act from the allocable share of net income of an owner that is also a pass-through entity, the remitter or payee pass-through entity may take credit for that amount in determining the amount the remitter or payee pass-through entity must withhold and deduct pursuant to this section.

F. If the amount to be withheld from all payments to a payee in a calendar quarter has not exceeded thirty dollars (\$30.00) and a payment to a payee is less than ten dollars (\$10.00), no withholding is required. If the amount to be withheld from an owner's allocable share of net income in any calendar year is less than one hundred dollars (\$100), no withholding is required.

G. Except as provided in Subsection H of this section, at the option of a remitter or pass-through entity, a remitter or pass-through entity may agree with a payee or an owner that the payee or owner pay the amount that the remitter or pass-through entity would have been required to withhold and remit to the department on behalf of the payee or owner pursuant to the Oil and Gas Proceeds and Pass-Through Entity Withholding Tax Act. The payments by the payee or owner shall be remitted on the dates set forth in Section 7-3A-6 NMSA 1978 on forms and in the manner required by the department.

H. Excluding wages, a personal services business shall deduct and withhold an amount equal to the owner's allocable share of net income multiplied by the highest rate for single individuals provided in Section 7-2-7 NMSA 1978.

I. If the remittee or owner is an insurance company and falls under the provisions of Section 59A-6-6 NMSA 1978, no withholding is required pursuant to this section."

## **Chapter 40 Section 3 Laws 2012**

SECTION 3. Section 7-3A-4 NMSA 1978 (being Laws 2003, Chapter 86, Section 7, as amended) is amended to read:

"7-3A-4. DEDUCTIONS CONSIDERED TAXES.--Amounts deducted under the provisions of the Oil and Gas Proceeds and Pass-Through Entity Withholding Tax Act are a collected tax. A remittee who receives payment of oil and gas proceeds or an owner with an allocable share of net income does not have a right of action against the remitter or pass-through entity for the amount deducted and withheld from the oil and gas proceeds or an allocable share of net income."

## **Chapter 40 Section 4 Laws 2012**

SECTION 4. Section 7-3A-5 NMSA 1978 (being Laws 2003, Chapter 86, Section 8, as amended) is amended to read:

"7-3A-5. REMITTERS AND PASS-THROUGH ENTITIES LIABLE FOR AMOUNTS DEDUCTED AND WITHHELD--EXCEPTIONS.--

A. Every remitter or pass-through entity is liable for:

(1) amounts required to be deducted and withheld by the Oil and Gas Proceeds and Pass-Through Entity Withholding Tax Act regardless of whether the amounts were in fact deducted and withheld; and

(2) for the amounts that a remittee or an owner has agreed to remit pursuant to Subsection G of Section 7-3A-3 NMSA 1978, once the department has notified the remitter or pass-through entity that the remittee or owner has failed to remit.

B. A remitter or pass-through entity is not liable for amounts required to be deducted and withheld by the Oil and Gas Proceeds and Pass-Through Entity Withholding Tax Act but not deducted or withheld if:

(1) the remitter or pass-through entity fails to deduct and withhold the required amounts and if the tax against which the required amounts would have been credited is paid; or

(2) the remitter's or pass-through entity's failure to deduct and withhold the required amounts is due to reasonable cause."

## **Chapter 40 Section 5 Laws 2012**

SECTION 5. Section 7-3A-6 NMSA 1978 (being Laws 2003, Chapter 86, Section 9, as amended) is amended to read:

"7-3A-6. DATE PAYMENT DUE--FORM.--

A. Amounts withheld under the provisions of the Oil and Gas Proceeds and Pass- Through Entity Withholding Tax Act by a remitter are due on or before the twenty-fifth day of the month following the end of the calendar quarter when the taxes were required to be withheld.

B. Amounts withheld under the provisions of the Oil and Gas Proceeds and Pass- Through Entity Withholding Tax Act by a pass-through entity are due on or before the due date of the federal tax return required for the pass-through entity.

C. The amount withheld shall be remitted on a form and in a manner required by the department, provided that amounts withheld and remitted from oil and gas proceeds are kept distinct from every other tax or withheld amount."

## **Chapter 40 Section 6 Laws 2012**

SECTION 6. Section 7-3A-7 NMSA 1978 (being Laws 2003, Chapter 86, Section 10, as amended) is amended to read:

"7-3A-7. STATEMENTS OF WITHHOLDING.--

A. Every remitter shall:

(1) file an annual statement of withholding for each remittee that:

(a) is in electronic format and includes a form 1099-Misc or a successor form or on a *pro forma* 1099-Misc or a successor form for those entities that do not receive an internal revenue service form 1099-Misc;

(b) is filed with the department on or before the last day of February of the year following that for which the statement is made; and

(c) includes the total oil and gas proceeds paid to the remittee and the total amount of tax withheld for the calendar year; and

(2) provide a copy of the annual statement of withholding to the remittee on or before February 15 of the year following the year for which the statement is made.

B. The department shall develop and adopt rules regarding the filing of a report pursuant to this section and the attachment of form 1099-Misc or a successor

form or a *pro forma* 1099-Misc or a successor form, if the remitter is not able to file those forms in an electronic format.

C. Every remitter shall file an electronic report of the remittees who have certified that the remittee is responsible for filing the remittee's own oil and gas proceeds tax report and for paying the remittee's oil and gas proceeds tax liability due.

D. Every pass-through entity doing business in New Mexico shall:

(1) file an annual information return with the department that:

(a) is filed on or before the due date of the entity's federal return for the taxable year;

(b) is signed by the business manager or one of the owners of the pass-through entity; and

(c) contains all information required by the department, including the pass-through entity's gross income; the pass-through entity's net income; the amount of each owner's allocable share of the pass-through entity's net income; and the name, address and tax identification number of each owner entitled to an allocable share of net income; and

(2) provide to each of its owners sufficient information to enable the owner to comply with the provisions of the Income Tax Act and the Corporate Income and Franchise Tax Act with respect to the owner's allocable share of net income.

E. The department shall compile each year the annual statements of withholding received from the remitters and the annual information returns received from pass-through entities and compare the compilations with the records of corporations, individuals, estates or trusts filing income tax returns."

## **Chapter 40 Section 7 Laws 2012**

SECTION 7. Section 7-3A-8 NMSA 1978 (being Laws 2003, Chapter 86, Section 11, as amended) is amended to read:

"7-3A-8. WITHHELD AMOUNTS CREDITED AGAINST INCOME TAX.--The entire amount of oil and gas proceeds and an allocable share of net income upon which the tax was deducted and withheld or upon which payments were made by owners in lieu of withholding shall be included in the base income of the remittee for purposes of the Income Tax Act and the Corporate Income and Franchise Tax Act. The amount of tax deducted and withheld or payments made by owners in lieu of withholding pursuant to the Oil and Gas Proceeds and Pass-Through Entity Withholding Tax Act during the taxable year shall be credited against any income tax or corporate income tax due from the remittee or owner."

## **Chapter 40 Section 8 Laws 2012**

SECTION 8. APPLICABILITY.--The provisions of this act apply to taxable years beginning on or after January 1, 2012.

---

Senate Bill 212, aa

Approved March 5, 2012

## **LAWS 2012, CHAPTER 41**

AN ACT

RELATING TO PAIN MANAGEMENT; AMENDING THE PAIN RELIEF ACT;  
CHANGING THE NAME AND COMPOSITION OF THE PAIN MANAGEMENT  
ADVISORY COUNCIL; REQUIRING CONTINUING EDUCATION FOR

NON-CANCER PAIN MANAGEMENT.

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

## **Chapter 41 Section 1 Laws 2012**

SECTION 1. Section 24-2D-2 NMSA 1978 (being Laws 1999, Chapter 126, Section 2, as amended) is amended to read:

"24-2D-2. DEFINITIONS.--As used in the Pain Relief Act:

A. "accepted guideline" means the most current clinical pain management guideline developed by the American geriatrics society or the American pain society or a clinical pain management guideline based on evidence and expert opinion that has been accepted by the New Mexico medical board;

B. "acute pain" means the normal, predicted physiological response to a noxious chemical or thermal or mechanical stimulus, typically associated with invasive procedures, trauma or disease and generally time-limited;

C. "board" means the licensing board of a health care provider;

D. "chronic pain" means pain that persists after reasonable medical efforts have been made to relieve the pain or its cause and that continues, either continuously or episodically, for longer than three consecutive months. "Chronic pain" does not include pain associated with a terminal condition or with a progressive disease that, in

the normal course of progression, may reasonably be expected to result in a terminal condition;

E. "clinical expert" means a person who by reason of specialized education or substantial relevant experience in pain management has knowledge regarding current standards, practices and guidelines;

F. "disciplinary action" means any formal action taken by a board against a health care provider, upon a finding of probable cause that the health care provider has engaged in conduct that violates the board's practice act;

G. "health care provider" means a person licensed or otherwise authorized by law to provide health care in the ordinary course of business or practice of the person's profession and who has prescriptive authority within the limits of the person's license;

H. "pain" means acute and chronic pain; and

I. "therapeutic purpose" means the use of pharmaceutical and non-pharmaceutical medical treatment that conforms substantially to accepted guidelines for pain management."

## **Chapter 41 Section 2 Laws 2012**

SECTION 2. Section 24-2D-3 NMSA 1978 (being Laws 1999, Chapter 126, Section 3, as amended) is amended to read:

### **"24-2D-3. DISCIPLINARY ACTION--EVIDENTIARY REQUIREMENTS.--**

A. A health care provider who prescribes, dispenses or administers medical treatment for the purpose of relieving pain and who can demonstrate by reference to an accepted guideline that the provider's practice substantially complies with that guideline and with the standards of practice identified in Section 24-2D-4 NMSA 1978 shall not be disciplined pursuant to board action or criminal prosecution, unless the showing of substantial compliance with an accepted guideline by the health care provider is rebutted by clinical expert testimony. If no currently accepted guidelines are available, then rules issued by the board may serve the function of such guidelines for purposes of the Pain Relief Act. The board rules shall conform to the intent of that act. Guidelines established primarily for purposes of coverage, payment or reimbursement do not qualify as an "accepted guideline" when offered to limit treatment options otherwise covered within the Pain Relief Act.

B. In the event that a disciplinary action or criminal prosecution is pursued, the board or prosecutor shall produce clinical expert testimony supporting the finding or charge of violation of disciplinary standards or other legal requirements on the part of

the health care provider. A showing of substantial compliance with an accepted guideline shall only be rebutted by clinical expert testimony.

C. The provisions of this section apply to health care providers in the treatment of pain, regardless of a patient's prior or current chemical dependency or addiction. Each board shall adopt rules establishing standards and procedures for the application of the Pain Relief Act, including pain management for patients with substance use disorders.

D. In an action brought by a board against a health care provider based on treatment of a patient for pain, the board shall consider the totality of the circumstances and shall not use as the sole basis of the action:

- (1) a patient's age;
- (2) a patient's diagnosis;
- (3) a patient's prognosis;
- (4) a patient's history of drug abuse;
- (5) the absence of consultation with a pain specialist; or
- (6) the quantity of medication prescribed or dispensed."

## **Chapter 41 Section 3 Laws 2012**

SECTION 3. Section 24-2D-5 NMSA 1978 (being Laws 1999, Chapter 126, Section 5) is amended to read:

"24-2D-5. NOTIFICATION.--The board shall notify the following persons of the Pain Relief Act and accepted guidelines:

A. health care providers under its jurisdiction; and

B. a health care provider being investigated by the board in relation to the provider's pain management practices."

## **Chapter 41 Section 4 Laws 2012**

SECTION 4. Section 24-2D-5.1 NMSA 1978 (being Laws 2005, Chapter 140, Section 4) is amended to read:

"24-2D-5.1. PAIN MANAGEMENT CONTINUING EDUCATION.--A board shall require non- cancer pain management continuing education as determined by its rules

for health care providers under the board's jurisdiction who hold a federal drug enforcement administration registration and licensure to prescribe opioids."

## **Chapter 41 Section 5 Laws 2012**

SECTION 5. Section 24-2D-5.2 NMSA 1978 (being Laws 2005, Chapter 140, Section 3) is amended to read:

"24-2D-5.2. PRESCRIPTION DRUG MISUSE AND OVERDOSE PREVENTION AND PAIN MANAGEMENT ADVISORY COUNCIL CREATED-- DUTIES.--

A. The "prescription drug misuse and overdose prevention and pain management advisory council" is created and shall be administratively attached to the department of health. Members of the council shall be appointed by the governor to consist of one representative each from the department of health, the New Mexico medical board, the board of nursing, the board of pharmacy, the board of osteopathic medical examiners, the board of acupuncture and oriental medicine, the New Mexico board of dental health care, the board of chiropractic examiners, the university of New Mexico health sciences center, a statewide medical association, a statewide association of pharmacists, a statewide association of nurse practitioners, a statewide association of certified registered nurse anesthetists and a statewide association of osteopathic physicians; one person who is a pain management specialist; one person who is a consumer health care advocate; and one person who has no direct ties or pecuniary interest in the health care field.

B. The council shall meet at least quarterly to review the current status of prescription drug misuse and overdose prevention and current pain management practices in New Mexico and national prescription drug misuse and overdose prevention and pain management standards and educational efforts for both consumers and professionals. The council shall also recommend pain management and clinical guidelines. Members who are not public employees shall receive per diem and mileage as provided in the Per Diem and Mileage Act. Public employee members shall receive mileage from their respective employers for attendance at council meetings."

---

Senate Bill 215, aa

Approved March 5, 2012

## **LAWS 2012, CHAPTER 42**

AN ACT



RELATING TO HEALTH; CREATING THE MEDICAL CANNABIS FUND; PROVIDING FOR REPORTING TO THE LEGISLATIVE FINANCE COMMITTEE; MAKING AN APPROPRIATION.

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

## **Chapter 42 Section 1 Laws 2012**

### SECTION 1. MEDICAL CANNABIS FUND--REPORTING.

A. The "medical cannabis fund" is created in the state treasury. The fund consists of fees collected by the department of health pursuant to the medical cannabis program that the department of health administers, income from investment of the fund and income otherwise accruing to the fund. Any unexpended or unencumbered balance remaining at the end of any fiscal year shall revert to the general fund.

B. The department of health shall administer the fund, and money in the fund is appropriated to the department of health to support the department of health's administration of the medical cannabis program; provided that none of the money from the fund shall be used for capital expenditures.

C. Money in the fund shall be disbursed on warrants signed by the secretary of finance and administration pursuant to vouchers signed by the secretary of health or the secretary of health's authorized representative.

D. The department of health shall report annually to the legislative finance committee on medical cannabis fund income and expenditures.

---

Senate Bill 240, aa, w/o ec

Approved March 5, 2012

## **LAWS 2012, CHAPTER 43**

### AN ACT

RELATING TO PROPERTY; AMENDING THE CONDOMINIUM ACT TO REQUIRE CONFIRMATION THAT A CONDOMINIUM DECLARATION COMPLIES WITH LOCAL ZONING AND SUBDIVISION LAWS.

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

## **Chapter 43 Section 1 Laws 2012**

SECTION 1. Section 47-7B-5 NMSA 1978 (being Laws 1982, Chapter 27, Section 17, as amended) is amended to read:

"47-7B-5. CONTENTS OF DECLARATION.--

A. The declaration for a condominium shall contain:

(1) the names of the condominium, which shall include the word "condominium" or be followed by the words "a condominium", and the association;

(2) the name of every county in which any part of the condominium is situated;

(3) a description, legally sufficient for conveyance, of the real estate included in the condominium;

(4) a statement of the maximum number of units that the declarant reserves the right to create;

(5) a description of the boundaries of each unit created by the declaration, including the unit's identifying number;

(6) a description of any limited common elements, other than those specified in Subsections B, D and E of Section 47-7B-2 NMSA 1978, as provided in Section

47-7B-9 NMSA 1978;

(7) a description of any real estate, except real estate subject to development rights, that may be allocated subsequently as limited common elements, other than limited common elements specified in Subsections B, D and E of Section 47-7B-2 NMSA 1978, together with a statement that they may be so allocated;

(8) a description of any development rights and other special declarant rights reserved by the declarant, together with a legally sufficient description of the real estate to which each of those rights applies, and a time limit within which each of those rights must be exercised;

(9) if any development right may be exercised with respect to different parcels of real estate at different times, a statement to that effect together with either a statement fixing the boundaries of those portions and regulating the order in which those portions may be subjected to the exercise of each development right, or a statement that no assurances are made in those regards, and a statement as to whether, if any development right is exercised in any portion of the real estate subject to that development right, that development right must be exercised in all or in any other portion of the remainder of that real estate;

(10) any other conditions or limitations under which the rights described in Paragraph (8) of this subsection shall be exercised or they shall lapse;

(11) an allocation to each unit of the allocated interests in the manner described in Section

47-7B-7 NMSA 1978;

(12) any restrictions on use, occupancy and alienation of the units;

(13) if required by local ordinance, written confirmation from the local zoning official that the condominium complies with the zoning density requirements of local zoning and subdivision ordinances or regulations as required in Section 47-7A-6 NMSA 1978; and

(14) all matters required by Sections 47-7B-6 through 47-7B-9, 47-7B-15,

47-7B-16 and Subsection D of Section 47-7C-3 NMSA 1978.

B. The declaration may contain any other matters that the declarant deems appropriate."

---

Senate Bill 10

Approved March 6, 2012

## **LAWS 2012, CHAPTER 44**

### **AN ACT**

RELATING TO EDUCATION; PROVIDING FUNDING FOR TRIBAL COLLEGES THAT PARTICIPATE IN THE DUAL CREDIT PROGRAM FOR HIGH SCHOOL STUDENTS TO OFFSET WAIVED TUITION AND FEES; CREATING THE TRIBAL COLLEGE DUAL CREDIT PROGRAM FUND.

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

### **Chapter 44 Section 1 Laws 2012**

SECTION 1. A new section of Chapter 21, Article 1 NMSA 1978 is enacted to read:

FUND CREATED--TRIBAL COLLEGE DUAL CREDIT PROGRAM FUND--  
ADMINISTRATION.--

A. The "tribal college dual credit program fund" is created in the state treasury. The fund shall be administered by the higher education department. Money in the fund is appropriated to the higher education department to be used only to compensate tribal colleges for the tuition and fees waived to allow high school students to attend classes on the college campus or electronically pursuant to the dual credit program set forth in Section 21-1-1.2 NMSA 1978.

B. The fund shall consist of:

(1) money appropriated by the legislature for the purposes of the tribal college dual credit program fund as it applies to tribal colleges;

(2) grants, gifts, donations and bequests for the dual credit program as it applies to tribal colleges; and

(3) earnings on the money in the fund.

C. Disbursements from the fund shall be made by warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of higher education or the secretary's designee.

D. Unexpended and unencumbered balances in the fund shall revert to the general fund at the end of each fiscal year.

## **Chapter 44 Section 2 Laws 2012**

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2012.

---

Senate Bill 256, aa

Approved March 6, 2012

## **LAWS 2012, CHAPTER 45**

AN ACT

RELATING TO FIREARMS; REPEALING A SECTION OF THE CRIMINAL CODE THAT ALLOWS RESIDENTS OF NEW MEXICO TO PURCHASE FIREARMS IN CONTIGUOUS STATES AND RESIDENTS OF CONTIGUOUS STATES TO PURCHASE FIREARMS IN NEW MEXICO.

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

### **Chapter 45 Section 1 Laws 2012**

SECTION 1. REPEAL.--Section 30-7-9 NMSA 1978 (being Laws 1969, Chapter 122, Section 1) is repealed.

### **Chapter 45 Section 2 Laws 2012**

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2012.

---

Senate Bill 26

Approved March 6, 2012

## **LAWS 2012, CHAPTER 46**

AN ACT

RELATING TO LICENSING; AMENDING THE ENGINEERING AND SURVEYING PRACTICE ACT; CLARIFYING THE REQUIREMENTS FOR OBTAINING AND MAINTAINING A PROFESSIONAL ENGINEER OR PROFESSIONAL SURVEYOR LICENSE; REQUIRING THE STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS TO MAINTAIN AND PROVIDE A ROSTER OF ENGINEERS AND SURVEYORS TO THE PUBLIC; INCREASING THE PENALTIES FOR VIOLATION OF THE ACT; PROVIDING NOTICE AND RECORDING REQUIREMENTS FOR SURVEYS THAT OCCUR ON OR BORDERING CERTAIN LAND GRANTS; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

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

### **Chapter 46 Section 1 Laws 2012**

**SECTION 1.** Section 61-23-3 NMSA 1978 (being Laws 1987, Chapter 336, Section 3, as amended) is amended to read:

"61-23-3. DEFINITIONS.--As used in the Engineering and Surveying Practice Act:

A. "approved" or "approval" means acceptable to the board;

B. "board" means the state board of licensure for professional engineers and professional surveyors;

C. "conviction" or "convicted" means a final adjudication of guilt, whether pursuant to a plea of nolo contendere or otherwise and whether or not the sentence is deferred or suspended;

D. "engineer" means a person who is qualified to practice engineering by reason of the person's intensive preparation and knowledge in the use of mathematics, chemistry, physics and engineering sciences, including the principles and methods of engineering analysis and design acquired by professional education and engineering experience;

E. "engineering", "practice of engineering" or "engineering practice" means any creative or engineering work that requires engineering education, training and experience in the application of special knowledge of the mathematical, physical and engineering sciences to such creative work as consultation, investigation, forensic investigation, evaluation, planning and design of engineering works and systems, expert technical testimony, engineering studies and the review of construction for the purpose of assuring substantial compliance with drawings and specifications; any of which embrace such creative work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, chemical, pneumatic, environmental or thermal nature, insofar as they involve safeguarding life, health or property, and including such other professional services as may be necessary to the planning, progress and completion of any engineering work. The "practice of engineering" may include the use of photogrammetric methods to derive topographical and other data. The "practice of engineering" does not include responsibility for the supervision of construction, site conditions, operations, equipment, personnel or the maintenance of safety in the work place;

F. "engineering committee" means a committee of the board entrusted to implement all business of the Engineering and Surveying Practice Act as it pertains to the practice of engineering, including the promulgation and adoption of rules of professional responsibility for professional engineers exclusive to the practice of engineering;

G. "engineer intern" means a person who has qualified for, taken and passed an examination in the fundamental engineering subjects as provided in the Engineering and Surveying Practice Act;

H. "fund" means the professional engineers' and surveyors' fund;

I. "incidental practice" means the performance of other professional services that are related to a licensee's work as an engineer;

J. "person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture or a legal or commercial entity;

K. "professional development" means education by a licensee in order to maintain, improve or expand skills and knowledge obtained prior to initial licensure or to develop new and relevant skills and knowledge to maintain licensure;

L. "professional engineer", "consulting engineer", "licensed engineer" or "registered engineer" means a person who is licensed by the board to practice the profession of engineering;

M. "responsible charge" means responsibility for the direction, control and supervision of engineering or surveying work, as the case may be, to assure that the work product has been critically examined and evaluated for compliance with appropriate professional standards by a licensee in that profession, and by sealing or signing the documents, the professional engineer or professional surveyor accepts responsibility for the engineering or surveying work, respectively, represented by the documents and that applicable engineering or surveying standards have been met;

N. "surveying", "practice of surveying" or "surveying practice" means any service or work, the substantial performance of which involves the application of the principles of mathematics and the related physical and applied sciences for:

(1) the measuring and locating of lines, angles, elevations and natural and man-made features in the air, on the surface of the earth, within underground workings and on the beds or bodies of water for the purpose of defining location, areas and volumes;

(2) the monumenting of property boundaries and for the platting and layout of lands and subdivisions;

(3) the application of photogrammetric methods used to derive topographic and other data;

(4) the establishment of horizontal and vertical controls that will be the basis for all geospatial data used for future design surveys, including construction staking surveys, surveys to lay out horizontal and vertical alignments, topographic surveys, control surveys for aerial photography for the collection of topographic and planimetric data using photogrammetric methods and construction surveys of engineering and architectural public works projects; and

(5) the preparation and perpetuation of maps, records, plats, field notes and property descriptions;

O. "surveying committee" means a committee of the board entrusted to implement all business of the Engineering and Surveying Practice Act as it pertains to the practice of surveying, including the promulgation and adoption of rules of professional responsibility for professional surveyors exclusive to the practice of surveying;

P. "surveyor" or "professional surveyor" means a person who is qualified to practice surveying by reason of the person's intensive preparation and knowledge in the use of mathematics, physical and applied sciences and surveying, including the principles and methods of surveying acquired by education and experience, and who is licensed by the board to practice surveying;

Q. "surveyor intern" means a person who has qualified for, taken and passed an examination in the fundamentals of surveying subjects as provided in the Engineering and Surveying Practice Act;

R. "surveying work" means the work performed in the practice of surveying; and

S. "supplemental surveying work" means surveying work performed in order to densify, augment and enhance previously performed survey work or site information but excludes the surveying of real property for the establishment of land boundaries, rights of way and easements and the dependent or independent surveys or resurveys of the public land system. The board shall recognize that there may be occasions when professional engineers need to obtain supplemental survey information for the planning and design of an engineering project. A licensed professional engineer who has primary engineering responsibility and control of an engineering project may perform supplemental surveying work in obtaining data incidental to that project. Supplemental surveying work may be performed by a licensed professional engineer only on a project for which the engineer is providing engineering design services."

## **Chapter 46 Section 2 Laws 2012**

**SECTION 2.** Section 61-23-13 NMSA 1978 (being Laws 1987, Chapter 336, Section 13, as amended) is amended to read:

"61-23-13. ROSTER OF LICENSED PROFESSIONAL ENGINEERS AND SURVEYORS.--A roster showing the names and addresses of all licensed professional engineers and professional surveyors shall be maintained by the board and shall be placed on file with the secretary of state and the state commission of public records and made available to the public."

## **Chapter 46 Section 3 Laws 2012**

**SECTION 3.** Section 61-23-14.1 NMSA 1978 (being Laws 1993, Chapter 218, Section 12, as amended) is amended to read:



"61-23-14.1. LICENSURE AS A PROFESSIONAL ENGINEER--  
REQUIREMENTS.--

A. Licensure as a professional engineer may be either through examination or through endorsement or comity. In either case, an applicant shall file the appropriate application in which it shall be demonstrated that the applicant:

(1) is of good moral character and reputation; and

(2) has five references, three of whom shall be licensees practicing in the branch of engineering for which the applicant is applying and who have personal knowledge of the applicant's engineering experience and reputation. The use of nonlicensed engineer references having personal knowledge of the applicant's engineering experience and reputation other than professional engineers may be accepted by the board, provided that a satisfactory written explanation is given.

B. An applicant may be licensed through examination if the applicant can demonstrate the following:

(1) the applicant is certified as an engineer intern and has at least one of the following:

(a) received a bachelor's degree in an engineering discipline recognized by the board from a board-approved engineering curriculum and has four years of engineering experience subsequent to receiving the degree;

(b) received a master's degree in an engineering discipline recognized by the board from a board-approved engineering curriculum and has at least three years of engineering experience subsequent to receiving the degree;

(c) received a doctorate degree in an engineering discipline recognized by the board from a board-approved engineering curriculum and has at least two years of engineering experience subsequent to receiving the degree; or

(d) at least six years of board-approved engineering experience after graduation from a school offering a board-approved, four-year engineering technology curriculum accredited by the technology accreditation commission of the accreditation board for engineering and technology, including the two years for engineer intern certification; or

(2) the applicant is not certified as an engineer intern and has at least one of the following:

(a) received a bachelor's degree in an engineering discipline recognized by the board from a board-approved engineering curriculum and has twelve years of engineering experience subsequent to receiving the degree;

(b) received a master's degree in an engineering discipline recognized by the board from a board-approved engineering curriculum and has at least six years of engineering experience subsequent to receiving the degree; or

(c) received a doctorate degree in an engineering discipline recognized by the board from a board-approved engineering curriculum and has at least four years of engineering experience subsequent to receiving the degree.

C. Upon successfully completing the examination, required experience and all the requirements as noted in this section, the applicant shall be eligible to be licensed as a professional engineer upon action of the board.

D. An applicant may be licensed by endorsement or comity if the applicant:

(1) is currently licensed as an engineer in the District of Columbia, another state, a territory or a possession of the United States, provided the licensure does not conflict with the provisions of the Engineering and Surveying Practice Act and that the standards required by the licensure or the applicant's qualifications equaled or exceeded the licensure standards in New Mexico at the time the applicant was initially licensed; or

(2) is currently licensed as an engineer in a foreign country and can demonstrate, to the board's satisfaction, evidence that the licensure was based on standards that equal or exceed those currently required for licensure by the Engineering and Surveying Practice Act and can satisfactorily demonstrate to the board competence in current engineering standards and procedures."

## **Chapter 46 Section 4 Laws 2012**

**SECTION 4.** 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. 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 46 Section 5 Laws 2012**

**SECTION 5.** Section 61-23-19 NMSA 1978 (being Laws 1987, Chapter 336, Section 19, as amended) is amended to read:

"61-23-19. ENGINEERING--LICENSE--SEALS.--

A. The board shall issue licenses pursuant to the provisions of the Engineering and Surveying Practice Act. The board shall provide for the proper authentication of all documents.

B. The board shall regulate the use of seals.

C. An engineer shall have the right to engage in activities properly classified as architecture insofar as it is incidental to the engineer's work as an engineer, provided that the engineer shall not make any representation as being an architect or as performing architectural services unless duly registered as such."

## **Chapter 46 Section 6 Laws 2012**

**SECTION 6.** 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. 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, need not question the applicant's qualifications for licensure unless the qualifications have changed since the license expired. The board may adopt rules for inactive and retired status."

## **Chapter 46 Section 7 Laws 2012**

**SECTION 7.** Section 61-23-23.1 NMSA 1978 (being Laws 2003, Chapter 233, Section 4) is amended to read:

"61-23-23.1. AUTHORITY TO INVESTIGATE--CIVIL PENALTIES FOR UNLICENSED PERSONS--ENGINEERING.--

A. The board may investigate and initiate a hearing on a complaint against a person who does not have a license, who is not exempt from the Engineering and Surveying Practice Act and who acts in the capacity of a professional engineer within the meaning of the Engineering and Surveying Practice Act. A valid license is required for a person to act as a professional engineer or to solicit or propose to perform work involving the practice of engineering.

B. If after the hearing the board determines that based on the evidence the person committed a violation pursuant to the Engineering and Surveying Practice Act, it shall, in addition to any other sanction, action or remedy, issue an order that imposes a civil penalty up to seven thousand five hundred dollars (\$7,500) per violation.

C. In determining the amount of the civil penalty it imposes, the board shall consider:

- (1) the seriousness of the violation;
- (2) the economic benefit to the violator that was generated by the violator's commission of the violation;
- (3) the violator's history of violations; and
- (4) any other considerations the board deems appropriate.

D. A person aggrieved by the board's decision may appeal a decision made or an order issued pursuant to Subsection B of this section to the district court pursuant to Section 39-3-1.1 NMSA 1978.

E. Failure to pay a fine levied by the board or to otherwise comply with an order issued by the board pursuant to the Engineering and Surveying Practice Act is a misdemeanor, and upon conviction the person shall be sentenced pursuant to Section 31-19-1 NMSA 1978. Conviction shall be grounds for further action against the person by the board and for judicial sanctions or relief, including a petition for injunction."

## **Chapter 46 Section 8 Laws 2012**

**SECTION 8.** Section 61-23-24 NMSA 1978 (being Laws 1993, Chapter 218, Section 18, as amended) is amended to read:

"61-23-24. ENGINEERING--VIOLATIONS--DISCIPLINARY ACTION--PENALTIES-- REISSUANCE OF LICENSES.--

A. The board may suspend, refuse to renew or revoke a license, impose a fine not to exceed seven thousand five hundred dollars (\$7,500), place on probation for a specific period of time with specific conditions or reprimand any professional engineer who is found by the board to have:

(1) practiced or offered to practice engineering in New Mexico in violation of the Engineering and Surveying Practice Act;

(2) attempted to use the license of another;

(3) given false or forged evidence to the board or to a board member for obtaining a license;

(4) falsely impersonated any other licensee of like or different name;

(5) attempted to use an expired, suspended or revoked license;

(6) falsely purported to be a professional engineer by claim, sign, advertisement or letterhead;

(7) violated the rules of professional responsibility for professional engineers adopted and promulgated by the board;

(8) been disciplined in another state for action that would constitute a violation of either or both the Engineering and Surveying Practice Act or the rules adopted by the board;

(9) been convicted of a felony; or

(10) procured, aided or abetted any violation of the provisions of the Engineering and Surveying Practice Act or the rules of the board.

B. Except as provided in Subsection C of Section 61-23-21 NMSA 1978, nothing in the Engineering and Surveying Practice Act shall prohibit the general use of the word "engineer", "engineered" or "engineering" so long as such words are not used in an offer to the public to perform engineering work as defined in Subsections E and L of Section 61-23-3 NMSA 1978.

C. The board may by rule establish the guidelines for the disposition of disciplinary cases involving specific types of violations. The guidelines may include minimum and maximum fines, periods of probation or conditions of probation or reissuance of a license.

D. Failure to pay a fine levied by the board or to otherwise comply with an order issued by the board pursuant to the Uniform Licensing Act is a misdemeanor and shall be grounds for further action against the licensee by the board and for judicial sanctions or relief.

E. A person may prefer charges of fraud, deceit, gross negligence, incompetence or misconduct against a licensed professional engineer. The charges shall be in writing and shall be sworn to by the person making the charges and filed with the executive director of the board. All charges shall be referred to the engineering committee, acting for the board. No action that would have any of the effects specified in Subsection D, E or F of Section 61-1-3 NMSA 1978 may be initiated later than two years after the discovery by the board, but in no case shall an action be brought more than ten years after the completion of the conduct that constitutes the basis for the action. All charges, unless dismissed as unfounded, trivial, resolved by reprimand or settled informally, shall be heard in accordance with the provisions of the Uniform Licensing Act by the engineering committee acting for the board or by the board.

F. Persons making charges shall not be subject to civil or criminal suits, provided that the charges are made in good faith and are not frivolous or malicious.

G. The board or a board member may initiate proceedings pursuant to the provisions of this section in accordance with the provisions of the Uniform Licensing Act. Nothing in the Engineering and Surveying Practice Act shall deny the right of appeal from the decision and order of the board in accordance with the provisions of the Uniform Licensing Act.

H. The board, for reasons it deems sufficient, may reissue a license to a person whose license has been revoked or suspended, provided that a majority of the members of the engineering committee, acting for the board, or of the board votes in favor of the reissuance. A new license bearing the original license number to replace a

revoked, lost, destroyed or mutilated license may be issued subject to the rules of the board with payment of a fee determined by the board.

I. The professional engineering committee shall prepare and adopt rules of professional responsibility for professional engineers as provided in the Engineering and Surveying Practice Act.

J. A violation of any provision of the Engineering and Surveying Practice Act is a misdemeanor punishable upon conviction by a fine of not more than seven thousand five hundred dollars (\$7,500) or by imprisonment of no more than one year, or both.

K. The attorney general or district attorney of the proper district or special prosecutor retained by the board shall prosecute violations of the Engineering and Surveying Practice Act by a nonlicensee.

L. The practice of engineering in violation of the provisions of the Engineering and Surveying Practice Act shall be deemed a nuisance and may be restrained and abated by injunction without bond in an action brought in the name of the state by the district attorney or on behalf of the board by the attorney general or the special prosecutor retained by the board. Action shall be brought in the county where the violation occurs."

## **Chapter 46 Section 9 Laws 2012**

**SECTION 9.** Section 61-23-27.3 NMSA 1978 (being Laws 1993, Chapter 218, Section 24, as amended) is amended to read:

"61-23-27.3. CERTIFICATION OF SURVEYOR INTERN--REQUIREMENTS.--

A. An applicant for certification as a surveyor intern shall file the appropriate application and demonstrate that the applicant:

(1) is of good moral character and reputation;

(2) has obtained at least a senior status in a board-approved, four-year curriculum in surveying; and

(3) has three references, two of whom shall be licensed professional surveyors having personal knowledge of the applicant's knowledge and experience.

B. After acceptance of the application by the board, the applicant shall be allowed to take the appropriate examination for certification as a surveyor intern.

C. Upon successfully completing the examination and an approved four-year surveying curriculum, then by action of the board, the applicant may be certified as a surveyor intern.

D. The certification of surveyor intern does not permit the intern to practice surveying. Certification as a surveyor intern is intended to demonstrate that the intern has obtained certain skills in surveying fundamentals and is pursuing a career in surveying.

E. If otherwise qualified, a graduate of a board-approved but related curriculum of at least four years, to be considered for certification as a surveyor intern, shall have a specific record of four years of combined office and field board-approved surveying experience obtained under the direction of a licensed professional surveyor. Class time will not be counted in the four years of required experience, but work prior to or while attending school may be counted toward the four years of required experience at the discretion of the board."

## **Chapter 46 Section 10 Laws 2012**

**SECTION 10.** Section 61-23-27.4 NMSA 1978 (being Laws 1993, Chapter 218, Section 25, as amended) is amended to read:

"61-23-27.4. LICENSURE AS A PROFESSIONAL SURVEYOR--GENERAL REQUIREMENTS.--

A. Licensure as a professional surveyor may be either through examination or through endorsement or comity. In either case, an applicant shall file the appropriate application to demonstrate that the applicant:

(1) is of good moral character and reputation;

(2) is certified as a surveyor intern;

(3) has at least four years of board-approved surveying experience if graduated from a four-year, board-approved surveying curriculum as defined by board rule;

(4) has five references, three of which shall be from licensed professional surveyors having personal knowledge of the applicant's surveying experience; and

(5) if graduated from a board-approved, four-year related science curriculum as specifically defined by board rules, has a minimum of four years of board-approved surveying experience subsequent to certification as a surveyor intern.



B. The applicant's experience pursuant to Paragraphs (3) and (5) of Subsection A of this section shall, at a minimum, include three years of increasingly responsible experience in boundary surveying and four years of increasingly responsible experience under the direct supervision of a licensed professional surveyor.

C. After acceptance of the application by the board, the applicant shall be allowed to take the appropriate examination for licensure as a professional surveyor.

D. Upon successfully completing the examination, the applicant shall be eligible to be licensed as a professional surveyor upon action of the board.

E. If otherwise qualified, an applicant may be licensed if the applicant is currently licensed as a professional surveyor in:

(1) the District of Columbia, another state, a territory or a possession of the United States, provided that:

(a) licensure does not conflict with the provisions of the Engineering and Surveying Practice Act and that the standards required for licensure and the applicant's qualifications equaled or exceeded the licensure standards in New Mexico at the time the applicant was initially licensed; and

(b) the applicant has passed examinations the board deems necessary to determine the applicant's qualifications, including a written examination that includes questions on laws, procedures and practices pertaining to surveying in this state; or

(2) a foreign country and can demonstrate to the board's satisfaction:

(a) evidence that the licensure was based on standards that equal or exceed those currently required for licensure by the Engineering and Surveying Practice Act; and

(b) competence in current surveying standards and procedures by passing examinations the board deems necessary to determine the applicant's qualification, including a written examination that includes questions on laws, procedures and practices pertaining to surveying in New Mexico."

## **Chapter 46 Section 11 Laws 2012**

**SECTION 11.** 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. 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 46 Section 12 Laws 2012**

**SECTION 12.** Section 61-23-27.8 NMSA 1978 (being Laws 1993, Chapter 218, Section 29, as amended) is amended to read:

"61-23-27.8. SURVEYING LICENSES AND SEALS.--

A. The board shall issue surveying licenses pursuant to the Engineering and Surveying Practice Act. The board shall provide for the proper authentication of all documents.

B. The board shall regulate the use of seals."

## **Chapter 46 Section 13 Laws 2012**

**SECTION 13.** Section 61-23-27.11 NMSA 1978 (being Laws 1993, Chapter 218, Section 32, as amended) is amended to read:

"61-23-27.11. SURVEYING--VIOLATIONS--DISCIPLINARY ACTIONS--  
PENALTIES-- REISSUANCE OF LICENSES.--

A. The board may suspend, refuse to renew or revoke the license, impose a fine not to exceed seven thousand five hundred dollars (\$7,500), place on probation for a specific period of time with specific conditions or reprimand a professional surveyor who is found by the board to have:

(1) practiced or offered to practice surveying in New Mexico in violation of the Engineering and Surveying Practice Act;

(2) attempted to use the license of another;

(3) given false or forged evidence to the board or to any board member for obtaining a license;

(4) falsely impersonated any other licensee of like or different name;

(5) attempted to use an expired, suspended or revoked license;

(6) falsely purported to be a professional surveyor by claim, sign, advertisement or letterhead;

(7) violated the rules of professional responsibility for professional surveyors adopted and promulgated by the board;

(8) been disciplined in another state for action that would constitute a violation of either or both the Engineering and Surveying Practice Act or the rules adopted by the board pursuant to the Engineering and Surveying Practice Act;

(9) been convicted of a felony; or

(10) procured, aided or abetted any violation of the provisions of the Engineering and Surveying Practice Act or the rules adopted by the board.

B. The board may by rule establish the guidelines

for the disposition of disciplinary cases involving specific types of violations. Guidelines may include minimum and maximum fines, periods of probation or conditions of probation or reissuance of a license.

C. Failure to pay a fine levied by the board or to otherwise comply with an order issued by the board pursuant to the Uniform Licensing Act is a misdemeanor and shall be grounds for further action against the licensee by the board and for judicial sanctions or relief.

D. A person may prefer charges of fraud, deceit, gross negligence, incompetency or misconduct against a licensee. Such charges shall be in writing, shall be sworn to by the person making them and shall be filed with the executive director of the board. No action that would have any of the effects specified in Subsection D, E or F of Section 61-1-3 NMSA 1978 may be initiated later than two years after the discovery by the board, but in no case shall such an action be brought more than ten years after the completion of the conduct that constitutes the basis for the action. All charges shall be referred to the professional surveying committee, acting for the board, or to the board. All charges, unless dismissed as unfounded, trivial, resolved by reprimand or settled informally, shall be heard in accordance with the provisions of the Uniform Licensing Act by the professional surveying committee, acting for the board, or by the board.

E. Persons making charges shall not be subject to civil or criminal suits, provided the charges are made in good faith and are not frivolous or malicious.

F. The board or a board member may initiate proceedings pursuant to the provisions of this section in accordance with the provisions of the Uniform Licensing Act. Nothing in the Engineering and Surveying Practice Act shall deny the right of appeal from the decision and order of the board in accordance with the provisions of the Uniform Licensing Act.

G. The board, for reasons it deems sufficient, may reissue a license to a person whose license has been revoked or suspended, provided that a majority of the members of the professional surveying committee, acting for the board, or of the board votes in favor of reissuance. A new license bearing the original license number to replace a revoked, lost, destroyed or mutilated license may be issued subject to the rules of the board with payment of a fee determined by the board.

H. The professional surveying committee shall prepare and adopt rules of professional responsibility for professional surveyors as provided in the Engineering and Surveying Practice Act.

I. A violation of any provision of the Engineering and Surveying Practice Act is a misdemeanor punishable upon conviction by a fine of not more than seven thousand five hundred dollars (\$7,500) or by imprisonment of no more than one year, or both.

J. The attorney general or district attorney of the proper district or special prosecutor retained by the board shall prosecute violations of the Engineering and Surveying Practice Act by a nonlicensee.

K. The practice of surveying in violation of the provisions of the Engineering and Surveying Practice Act shall be deemed a nuisance and may be restrained and abated by injunction without bond in an action brought in the name of the state by the district attorney or on behalf of the board by the attorney general or the

special prosecutor retained by the board. Action shall be brought in the county in which the violation occurs."

## **Chapter 46 Section 14 Laws 2012**

**SECTION 14.** Section 61-23-27.15 NMSA 1978 (being Laws 2003, Chapter 233, Section 5) is amended to read:

"61-23-27.15. AUTHORITY TO INVESTIGATE--CIVIL PENALTIES FOR UNLICENSED PERSONS--SURVEYING.--

A. The board may investigate and initiate a hearing on a complaint against a person who does not have a license, who is not exempt from the Engineering and Surveying Practice Act and who acts in the capacity of a professional surveyor within the meaning of the Engineering and Surveying Practice Act. A valid license is required for a person to act as a professional surveyor or to solicit or purport to perform work involving the practice of surveying.

B. If after the hearing the board determines that based on the evidence the person committed a violation under the Engineering and Surveying Practice Act, it shall, in addition to any other sanction, action or remedy, issue an order that imposes a civil penalty up to seven thousand five hundred dollars (\$7,500) per violation.

C. In determining the amount of the civil penalty it imposes, the board shall consider:

- (1) the seriousness of the violation;
- (2) the economic benefit to the violator that was generated by the violator's commission of the violation;
- (3) the violator's history of violations; and
- (4) any other considerations the board deems appropriate.

D. A person aggrieved may appeal a decision made or an order issued pursuant to Subsection B of this section to the district court pursuant to Section 39-3-1.1 NMSA 1978.

E. Failure to pay a fine levied by the board or to otherwise comply with an order issued by the board pursuant to the Engineering and Surveying Practice Act is a misdemeanor and upon conviction the person shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978. Conviction shall be grounds for further action against the person by the board and for judicial sanctions or relief, including a petition for injunction."

## **Chapter 46 Section 15 Laws 2012**

**SECTION 15.** A new section of the Engineering and Surveying Practice Act is enacted to read:

"NOTICE OF BOUNDARY SURVEY--CERTAIN LAND GRANTS.--

A. If a boundary survey of property is conducted within or bordering the common lands of a community land grant governed and operated pursuant to the provisions of Chapter 49, Article 6, 7, 8 or 10 NMSA 1978, the surveyor shall give written notice by certified mail to the board of trustees or to the commissioners of the affected land grant prior to recording the boundary survey or plat with the county clerk. The notice shall indicate the location of the boundary survey and the date the boundary survey was or will be conducted.

B. The board of trustees or the commissioners of a community land grant, as provided in Subsection A of this section, shall record with the county clerk of the county within which the land grant is located the address and contact information of the community land grant that receives the notice required by this section. Any change in address or contact information shall be updated and recorded as soon as practicable.

C. A surveyor shall record with the county clerk on the boundary survey or plat proof that the notice required by this section was mailed by certified mail to the recorded address of the community land grant. A boundary survey or plat recorded pursuant to Section 61-23-28.2 NMSA 1978 without proof of the notice required by this section shall not be considered a valid filing or recording of the boundary survey or plat."

## **Chapter 46 Section 16 Laws 2012**

**SECTION 16.** Section 61-23-32 NMSA 1978 (being Laws 1987, Chapter 336, Section 32, as amended) is amended to read:

"61-23-32. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--The state board of licensure for professional engineers and professional surveyors is terminated on July 1, 2017 pursuant to the Sunset Act. The board shall continue to operate according to the provisions of the Engineering and Surveying Practice Act until July 1, 2018. Effective July 1, 2018, the Engineering and Surveying Practice Act is repealed."

## **Chapter 46 Section 17 Laws 2012**

**SECTION 17.** EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2012.

Approved March 6, 2012

## **LAWS 2012, CHAPTER 47**

AN ACT

RELATING TO MOTOR VEHICLES; ALLOWING THE TAXATION AND REVENUE DEPARTMENT TO DESIGNATE MILITARY INSTALLATIONS AS FEE AGENTS; PROVIDING FOR A DISPOSITION OF CERTAIN FEES TO MILITARY INSTALLATION FEE AGENTS.

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

### **Chapter 47 Section 1 Laws 2012**

**SECTION 1.** Section 66-2-14.1 NMSA 1978 (being Laws 1985, Chapter 95, Section 2, as amended) is amended to read:

"66-2-14.1. FEE AGENT DESIGNATION--TERMINATION.--

A. Any class A county or municipality within a class A county that has adopted an ordinance for a vehicle emission inspection and maintenance program pursuant to Subsection C of Section 74-2-4 NMSA 1978 may be designated by the department as an agent for the registration and re- registration of motor vehicles whose registered owner's address, as shown in the records of the department, is within the class A county or municipality within the class A county.

B. A military installation in New Mexico that has entered into an agency agreement with the department to operate a motor vehicle field office may be designated by the department as a fee agent for purposes of this section.

C. When designated as an agent or fee agent pursuant to this section, the county, municipality or military installation shall provide for effective enforcement to ensure compliance with the state motor vehicle registration laws and the vehicle emission inspection and maintenance program. Enforcement shall include but not be limited to denial of motor vehicle registration to any vehicle that fails to pass the vehicle emission inspection.

D. When designated as an agent or fee agent pursuant to this section, the county, municipality or military installation shall reimburse the department for any additional costs incurred by the department as a result of the designation of the county, municipality or military installation as an agent or fee agent. Money reimbursed to the department is appropriated to the department for administration and enforcement of the Motor Vehicle Code.

E. The department may terminate the designation of an agent or fee agent for failure of the agent to perform to the secretary's satisfaction the agent's duties by notifying the agent of the termination. Agency agreements may provide for the form of notice and the length of the period, if any, between the notice and the effective date of the termination."

## **Chapter 47 Section 2 Laws 2012**

**SECTION 2.** Section 66-6-23 NMSA 1978 (being Laws 1978, Chapter 35, Section 358, as amended) is amended to read:

"66-6-23. DISPOSITION OF FEES.--

A. After the necessary disbursements for refunds and other purposes have been made, the money remaining in the motor vehicle suspense fund, except for remittances received within the previous two months that are unidentified as to source or disposition, shall be distributed as follows:

(1) to each municipality, county or fee agent operating a motor vehicle field office:

(a) an amount equal to six dollars (\$6.00) per driver's license and five dollars (\$5.00) per identification card or motor vehicle or motorboat registration or title transaction performed;

(b) for each such agent determined by the secretary pursuant to Section 66-2-16 NMSA 1978 to have performed ten thousand or more transactions in the preceding fiscal year, other than a class A county with a population exceeding three hundred thousand or a municipality with a population exceeding three hundred thousand that has been designated as an agent pursuant to Section 66-2-14.1 NMSA 1978, an amount equal to one dollar (\$1.00) in addition to the amount distributed pursuant to Subparagraph (a) of this paragraph for each driver's license, identification card, motor vehicle registration, motorboat registration or title transaction performed; and

(c) to each military installation designated as a fee agent pursuant to Section 66-2-14.1 NMSA 1978, an amount equal to one dollar fifty cents (\$1.50) in addition to the amount distributed pursuant to Subparagraph (a) of this paragraph for each administrative service fee remitted by the military installation to the department pursuant to Subsection A of Section 66-2-16 NMSA 1978;

(2) to each municipality or county, other than a class A county with a population exceeding three hundred thousand or a municipality with a population exceeding three hundred thousand that has been designated as an agent pursuant to Section 66-2-14.1 NMSA 1978, operating a motor vehicle field office, an amount equal to one dollar fifty cents (\$1.50) for each administrative service fee remitted by that



county or municipality to the department pursuant to the provisions of Subsection A of Section 66-2-16 NMSA 1978;

(3) to the state road fund:

(a) an amount equal to the fees collected pursuant to Sections 66-7-413 and 66-7-413.4 NMSA 1978;

(b) an amount equal to the fee collected pursuant to Section 66-3-417 NMSA 1978;

(c) the remainder of each driver's license fee collected by the department employees from an applicant to whom a license is granted after deducting from the driver's license fee the amount of the distribution authorized in Paragraph (1) of this subsection with respect to that collected driver's license fee; and

(d) an amount equal to fifty percent of the fees collected pursuant to Section 66-6-19 NMSA 1978;

(4) to the local governments road fund, the amount of the fees collected pursuant to Subsection B of Section 66-5-33.1 NMSA 1978 and the remainder of the fees collected pursuant to Subsection A of Section 66-5-408 NMSA 1978;

(5) to the department:

(a) any amounts reimbursed to the department pursuant to Subsection D of Section 66-2-14.1 NMSA 1978;

(b) an amount equal to two dollars (\$2.00) of each motorcycle registration fee collected pursuant to Section 66-6-1 NMSA 1978;

(c) an amount equal to the fees provided for in Subsection D of Section 66-2-7 NMSA 1978, Subsection E of Section 66-2-16 NMSA 1978, Subsections K and L of Section 66-3-6 NMSA 1978 other than the administrative fee, Subsection C of Section 66-5-44 NMSA 1978 and Subsection B of Section 66-5-408 NMSA 1978;

(d) the amounts due to the department for the manufacture and issuance of a special registration plate collected pursuant to the section of law authorizing the issuance of the specialty plate;

(e) an amount equal to the registration fees collected pursuant to Section 66-6-6.1 NMSA 1978 for the purposes of enforcing the provisions of the Mandatory Financial Responsibility Act and for creating and maintaining a multilanguage noncommercial driver's license testing program; and after those purposes

are met, the balance of the registration fees shall be distributed to the department to defray the costs of operating the motor vehicle division;

(f) an amount equal to fifty cents (\$.50) for each administrative fee remitted to the department by a county or municipality operating a motor vehicle field office pursuant to Subsection A of Section 66-2-16 NMSA 1978;

(g) an amount equal to one dollar twenty-five cents (\$1.25) for each administrative fee collected by the department or any of its agents other than a county or municipality operating a motor vehicle field office pursuant to Subsection A of Section 66-2-16 NMSA 1978; and

(h) an amount equal to the royalties or other consideration paid by commercial users of databases of motor vehicle-related records of the department pursuant to Subsection C of Section 14-3-15.1 NMSA 1978 for the purpose of defraying the costs of maintaining databases of motor vehicle-related records of the department; and after that purpose is met, the balance of the royalties and other consideration shall be distributed to the department to defray the costs of operating the motor vehicle division or for use pursuant to Subsection F of Section 66-6-13 NMSA 1978;

(6) to each New Mexico institution of higher education, an amount equal to that part of the fees distributed pursuant to Paragraph (2) of Subsection D of Section 66-3-416 NMSA 1978 proportionate to the number of special registration plates issued in the name of the institution to all such special registration plates issued in the name of all institutions;

(7) to the armed forces veterans license fund, the amount to be distributed pursuant to Paragraph (2) of Subsection E of Section 66-3-419 NMSA 1978;

(8) to the children's trust fund, the amount to be distributed pursuant to Paragraph (2) of Subsection D of Section 66-3-420 NMSA 1978;

(9) to the department of transportation, an amount equal to the fees collected pursuant to Section 66-5-35 NMSA 1978;

(10) to the state equalization guarantee distribution made annually pursuant to the general appropriation act, an amount equal to one hundred percent of the driver safety fee collected pursuant to Subsection D of Section 66-5-44 NMSA 1978;

(11) to the motorcycle training fund, two dollars (\$2.00) of each motorcycle registration fee collected pursuant to Section 66-6-1 NMSA 1978;

(12) to the recycling and illegal dumping fund:

(a) fifty cents (\$.50) of the tire recycling fee collected pursuant to the provisions of Section 66-6-1 NMSA 1978;

(b) fifty cents (\$.50) of each of the tire recycling fees collected pursuant to the provisions of Sections 66-6-2 and 66-6-4 NMSA 1978; and

(c) twenty-five cents (\$.25) of each of the tire recycling fees collected pursuant to Sections 66-6-5 and 66-6-8 NMSA 1978;

(13) to the highway infrastructure fund:

(a) fifty cents (\$.50) of the tire recycling fee collected pursuant to the provisions of Section 66-6-1 NMSA 1978;

(b) one dollar (\$1.00) of each of the tire recycling fees collected pursuant to the provisions of Sections 66-6-2 and 66-6-4 NMSA 1978; and

(c) twenty-five cents (\$.25) of each of the tire recycling fees collected pursuant to Sections 66-6-5 and 66-6-8 NMSA 1978;

(14) to each county, an amount equal to fifty percent of the fees collected pursuant to Section 66-6-19 NMSA 1978 multiplied by a fraction, the numerator of which is the total mileage of public roads maintained by the county and the denominator of which is the total mileage of public roads maintained by all counties in the state;

(15) to the litter control and beautification fund, an amount equal to the fees collected pursuant to Section 66-6-6.2 NMSA 1978;

(16) to the local government division of the department of finance and administration, an amount equal to the fees collected pursuant to Section 66-3-424.3 NMSA 1978 for distribution to each county to support animal control spaying and neutering programs in an amount proportionate to the number of residents of that county who have purchased pet care special registration plates pursuant to Section 66-3-424.3 NMSA 1978; and

(17) to the Cumbres and Toltec scenic railroad commission, twenty-five dollars (\$25.00) collected pursuant to the Cumbres and Toltec scenic railroad special registration plate.

B. The balance, exclusive of unidentified remittances, shall be distributed in accordance with Section 66-6-23.1 NMSA 1978.

C. If any of the paragraphs, subsections or sections referred to in Subsection A of this section are recompiled or otherwise redesignated without a corresponding change to Subsection A of this section, the reference in Subsection A of

this section shall be construed to be the recompiled or redesignated paragraph, subsection or section."

## **Chapter 47 Section 3 Laws 2012**

**SECTION 3. EFFECTIVE DATE.**--The effective date of the provisions of this act is July 1, 2012.

---

House Bill 219

Approved March 6, 2012

## **LAWS 2012, CHAPTER 48**

AN ACT

RELATING TO PROFESSIONAL LICENSES; CHANGING THE NAME OF THE THANATOPRACTICE ACT TO THE FUNERAL SERVICES ACT; CHANGING AND ADDING CERTAIN EDUCATIONAL REQUIREMENTS; CONVERTING CERTAIN LICENSES TO INTERN LICENSES; PROVIDING FOR THE RELINQUISHMENT OF ESTABLISHMENT LICENSES IN CERTAIN CASES; PROVIDING FOR REIMBURSEMENT OF CERTAIN COSTS; PROVIDING FOR CEASE AND DESIST ORDERS; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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

## **Chapter 48 Section 1 Laws 2012**

**SECTION 1.** Section 12-10A-6 NMSA 1978 (being Laws 2003, Chapter 218, Section 6) is amended to read:

"12-10A-6. SPECIAL POWERS DURING A PUBLIC HEALTH EMERGENCY.--

A. In order to protect the health, safety and welfare of the people in the state during a public health emergency, the secretary of health, in coordination with the secretary of public safety and the director, may:

(1) utilize, secure or evacuate health care facilities for public use;  
and

(2) inspect, regulate or ration health care supplies as provided in Subsection B of this section.

B. If a public health emergency results in a statewide or regional shortage of health care supplies, the secretary of health may control, restrict and regulate the allocation, sale, dispensing or distribution of health care supplies.

C. The state medical investigator, after consultation with the secretary of health, the secretary of public safety, the director and the chair of the board of funeral services, may implement and enforce measures to provide for the safe disposal of human remains that may be reasonable and necessary to respond to a public health emergency. The measures may include special provisions for embalming, burial, cremation, interment, disinterment, transportation and disposal of human remains. To the extent possible, the religious, cultural, family and individual beliefs of a deceased person or of the family of a deceased person shall be considered when disposing of human remains."

## **Chapter 48 Section 2 Laws 2012**

**SECTION 2.** Section 24-11-1 NMSA 1978 (being Laws 1971, Chapter 112, Section 1, as amended) is amended to read:

"24-11-1. BOARD OF MEDICAL INVESTIGATORS--CREATION--MEMBERSHIP-- COMPENSATION.--There is created the "board of medical investigators", consisting of the dean of the university of New Mexico school of medicine, the secretary of health, the chief of the New Mexico state police, the chair of the board of funeral services and the secretary of Indian affairs. The members of the board of medical investigators shall receive no compensation for their services as board members other than as provided in the Per Diem and Mileage Act."

## **Chapter 48 Section 3 Laws 2012**

**SECTION 3.** Section 61-32-1 NMSA 1978 (being Laws 1993, Chapter 204, Section 1, as amended) is amended to read:

"61-32-1. SHORT TITLE.--Chapter 61, Article 32 NMSA 1978 may be cited as the "Funeral Services Act"."

## **Chapter 48 Section 4 Laws 2012**

**SECTION 4.** Section 61-32-2 NMSA 1978 (being Laws 1993, Chapter 204, Section 2) is amended to read:

"61-32-2. PURPOSE.--In the interest of public health, safety and welfare and to protect the public from the unprofessional, improper, incompetent and unlawful practice of the care and disposition of the dead human body, it is necessary to provide laws and regulations to govern the handling and care of the dead and the sensitivities of those who survive, whether they wish or do not wish rites or ceremonies. The primary responsibility and obligation of the board of funeral services is to protect the public."

## Chapter 48 Section 5 Laws 2012

**SECTION 5.** Section 61-32-3 NMSA 1978 (being Laws 1993, Chapter 204, Section 3, as amended) is amended to read:

"61-32-3. DEFINITIONS.--As used in the Funeral Services Act:

- A. "board" means the board of funeral services;
- B. "committal service" means a service at a place of interment or entombment that follows a funeral conducted at another location;
- C. "cremains" means cremated remains;
- D. "cremation" means the reduction of a dead human body by direct flame to a residue, which includes bone fragments;
- E. "crematory" means every place or premises that is devoted to or used for cremation and pulverization of the cremains;
- F. "crematory authority" means the individual who is ultimately responsible for the operation of a crematory;
- G. "department" means the regulation and licensing department;
- H. "direct disposer" means a person licensed to engage solely in providing direct disposition at a direct disposition establishment, licensed pursuant to the Funeral Services Act, as provided in that act;
- I. "direct disposition" means only the disposition of a dead human body as quickly as possible, without a direct disposer performing or arranging a funeral, graveside service, committal service or memorial service, whether public or private, and without embalming of the body unless embalming is required by the place of disposition;
- J. "direct supervision" means that the supervising funeral service practitioner is physically present with and in direct control of the person being trained;
- K. "disposition" means the final disposal of a dead human body, whether it be by earth interment, above-ground interment or entombment, cremation, burial at sea or delivery to a medical school, when the medical school assumes complete responsibility for the disposal of the body following medical study;
- L. "embalming" means the disinfection, preservation and restoration, when possible, of a dead human body by a licensed funeral service practitioner or a licensed funeral service intern under the supervision of a licensed funeral service practitioner;

M. "ennichement" means interment of cremains in a niche in a columbarium, whether in an urn or not;

N. "entombment" means interment of a casketed body or cremains in a crypt in a mausoleum;

O. "establishment" means every office, premises or place of business where the practice of funeral service or direct disposition is conducted or advertised as being conducted and includes commercial establishments that provide for the practice of funeral service or direct disposition services exclusively to licensed funeral or direct disposition establishments or a school of medicine;

P. "funeral" means a period following death in which there is an organized, purposeful, time-limited, group-centered ceremony or rite, whether religious or not, with the body of the deceased present;

Q. "funeral merchandise" means that personal property offered for sale in connection with the transportation, funeralization or disposition of a dead human body, including the enclosure into which a dead human body is or cremains are directly placed, and excluding mausoleum crypts, interment enclosures preset in a cemetery and columbarium niches;

R. "funeral service intern" means a person licensed to be in training for the practice of funeral service under the supervision and instruction of a funeral service practitioner at a funeral establishment or commercial establishment, licensed pursuant to the Funeral Services Act;

S. "funeral service practitioner" means a person licensed to engage in the practice of funeral service at a funeral establishment or commercial establishment that is licensed pursuant to the Funeral Services Act;

T. "funeral services" means those immediate post-death activities related to a dead human body and its care and disposition, whether with or without rites or ceremonies; but "funeral services" does not include disposition of the body by a school of medicine following medical study;

U. "general supervision" means that the supervising funeral service practitioner is not necessarily physically present in the establishment with the person being trained but is available for advice and assistance;

V. "graveside service" means a funeral held at the graveside only, excluding a committal service that follows a funeral conducted at another location;

W. "jurisprudence examination" means an examination prescribed by the board on the statutes, rules and regulations pertaining to the practice of funeral service

or direct disposition, including the Funeral Services Act, the rules of the board, state health regulations governing human remains and the Vital Statistics Act;

X. "licensee in charge" means a funeral service practitioner who is ultimately responsible for the conduct of a funeral or commercial establishment and its employees; or a direct disposer who is ultimately responsible for the conduct of a direct disposition establishment and its employees;

Y. "make arrangements" means advising or counseling about specific details for a funeral, graveside service, committal service, memorial service, disposition or direct disposition;

Z. "memorial service" means a gathering of persons for recognition of a death without the presence of the body of the deceased;

AA. "practice of funeral service" means those activities allowed under the Funeral Services Act by a funeral service practitioner or funeral service intern; and

BB. "pulverization" means the process that reduces cremains to a granular substance."

## **Chapter 48 Section 6 Laws 2012**

**SECTION 6.** Section 61-32-4 NMSA 1978 (being Laws 1993, Chapter 204, Section 4, as amended) is amended to read:

"61-32-4. LICENSE REQUIRED.--

A. Unless licensed to practice under the Funeral Services Act, a person shall not:

(1) practice as a funeral service practitioner, funeral service intern or direct disposer;

(2) use the title or make any representation as being a funeral service practitioner, funeral service intern or direct disposer or use any other title, abbreviation, letters, figures, signs or devices that indicate the person is licensed to practice as a funeral service practitioner, funeral service intern or direct disposer; or

(3) maintain, manage or operate a funeral establishment, a commercial establishment, a direct disposition establishment or a crematory.

B. A person who engages in the practice or acts in the capacity of a funeral service practitioner, funeral service intern or direct disposer in this state, with or without a New Mexico license, is subject to the jurisdiction of the state and to the



administrative jurisdiction of the board and is subject to all penalties and remedies available for a violation of a provision of the Funeral Services Act.

C. A person who maintains, manages or operates a funeral establishment, commercial establishment, direct disposition establishment or a crematory in this state, with or without a New Mexico establishment or crematory license, is subject to the jurisdiction of the state and to the administrative jurisdiction of the board and is subject to all penalties and remedies available for a violation of a provision of the Funeral Services Act."

## **Chapter 48 Section 7 Laws 2012**

**SECTION 7.** Section 61-32-5 NMSA 1978 (being Laws 1993, Chapter 204, Section 5, as amended) is amended to read:

"61-32-5. BOARD CREATED.--

A. There is created the "board of funeral services".

B. The board is administratively attached to the department.

C. The board consists of six members. Three members shall be funeral service practitioners who have been licensed in this state for at least five years; two members shall represent the public and shall not have been licensed for the practice of funeral service or direct disposition in this state or any other jurisdiction and shall not ever have had any financial interest, direct or indirect, in any funeral, commercial or direct disposition establishment or crematory; and one member shall be a licensed direct disposer or health care practitioner from the office of the state medical investigator who has been licensed in this state for at least five years.

D. Members of the board shall be appointed by the governor for terms of four years. Each member shall hold office until the member's successor is duly qualified and appointed. Vacancies shall be filled for an unexpired term in the same manner as original appointments.

E. Members of the board shall be reimbursed per diem and mileage as provided in the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance.

F. A simple majority of the board members currently serving constitutes a quorum.

G. The board shall hold at least two regular meetings each year and shall meet at such other times as it deems necessary.

H. No board member shall serve more than two full consecutive terms. The board shall recommend removal of any board member who has three unexcused absences from properly noticed meetings within a twelve-month period and may recommend removal of a board member for any other just cause.

I. The board shall elect a chair and other officers as deemed necessary to administer its duties."

## **Chapter 48 Section 8 Laws 2012**

**SECTION 8.** Section 61-32-6 NMSA 1978 (being Laws 1993, Chapter 204, Section 6, as amended) is amended to read:

"61-32-6. BOARD POWERS.--

A. In addition to any other authority provided by law, the board has the power to:

(1) adopt, in accordance with the provisions of the Uniform Licensing Act, and file, in accordance with the State Rules Act, rules necessary to carry out the provisions of the Funeral Services Act;

(2) adopt rules implementing continuing education requirements;

(3) conduct hearings upon charges relating to the discipline of licensees and take administrative actions pursuant to Section 61-1-3 NMSA 1978;

(4) establish reasonable fees to carry out the provisions of the Funeral Services Act;

(5) provide for investigations necessary to determine violations of the Funeral Services Act;

(6) establish committees as the board deems necessary for carrying out the provisions of the Funeral Services Act;

(7) apply for injunctive relief to enforce the provisions of the Funeral Services Act or to restrain any violation of that act;

(8) impose a fine not to exceed five thousand dollars (\$5,000) for each violation, in addition to other administrative or disciplinary costs, and all fines shall be deposited in the funeral services fund; and

(9) conduct criminal background checks on applicants for licensure.

B. No action or other legal proceedings for damages shall be instituted against the board, any board member or employee of the board for any act performed in good faith and in the intended performance of any power or duty granted under the Funeral Services Act or for any neglect or default in the good faith performance or exercise of any such power or duty."

## **Chapter 48 Section 9 Laws 2012**

**SECTION 9.** Section 61-32-7 NMSA 1978 (being Laws 1993, Chapter 204, Section 7) is amended to read:

"61-32-7. BOARD DUTIES.--The board shall:

- A. administer the provisions of the Funeral Services Act;
- B. provide for the examination, licensing and renewal of applicants or licensees; and
- C. provide for the inspection of establishments and crematories."

## **Chapter 48 Section 10 Laws 2012**

**SECTION 10.** Section 61-32-8 NMSA 1978 (being Laws 1993, Chapter 204, Section 8, as amended) is amended to read:

"61-32-8. INSPECTION--ACCESS--COUNSEL.--

A. Inspection of establishments and crematories, including all records, financial or otherwise, is authorized during regular business hours. Acceptance of a license shall include permission for the board or its designee to enter the premises without legal process.

B. An establishment or crematory shall maintain business records required by law or rule at the establishment or crematory.

C. The board shall be represented by the attorney general. The board may employ special counsel, upon approval of the attorney general, to review and prosecute cases of consumer complaints against any person, establishment or crematory licensed pursuant to the Funeral Services Act. Payment for the services shall be by the board."

## **Chapter 48 Section 11 Laws 2012**

**SECTION 11.** Section 61-32-9 NMSA 1978 (being Laws 1993, Chapter 204, Section 9, as amended) is amended to read:

"61-32-9. REQUIREMENTS FOR LICENSURE--FUNERAL SERVICE PRACTITIONER-- FUNERAL SERVICE INTERN--DIRECT DISPOSER-- CONVERSION OF CERTAIN LICENSES-- TEMPORARY LICENSES.--

A. A license to practice as a funeral service practitioner shall be issued to any person who files a completed application, accompanied by the required fees and documentation, and who submits satisfactory evidence that the person:

(1) is at least eighteen years of age;

(2) has served as a licensed funeral service intern for not less than twelve months, under the supervision of a licensed funeral service practitioner. During the training period, the applicant shall have assisted in the embalming of at least fifty bodies, making of at least fifty funeral arrangements and the directing of at least fifty funerals;

(3) has successfully completed an examination, including a jurisprudence examination, prescribed by board rules;

(4) has not been convicted of unprofessional conduct or incompetency; and

(5) has obtained an associate's degree in funeral science requiring the completion of at least sixty semester hours from an institution whose funeral program is accredited by the American board of funeral service education or any other successor institution offering funeral service education recognized by the United States government.

B. A license to practice as a funeral service intern shall be issued to any person who files a completed application, accompanied by the required fees and documentation, and who submits satisfactory evidence that the person:

(1) is at least eighteen years of age;

(2) has graduated from high school or the equivalent;

(3) has submitted proof of employment and supervision as required by board rules. Except as may be allowed by board rule, a license as a funeral service intern is issued only for a specific funeral establishment or an establishment that is part of a multi-establishment enterprise;

(4) has successfully completed an examination, including a jurisprudence examination, prescribed by board rules; and

(5) has not been convicted of unprofessional conduct or incompetency.

C. A license to practice as a direct disposer shall be issued to any person who files a completed application, accompanied by the required fees and documentation, and who submits satisfactory evidence that the person:

(1) is at least eighteen years of age;

(2) has obtained an associate's degree in funeral science requiring the completion of at least sixty semester hours from an institution whose funeral program is accredited by the American board of funeral service education or any other successor institution offering funeral service education and recognized by the United States government;

(3) has successfully completed any examination, including a jurisprudence examination, prescribed by board rules; and

(4) has not been convicted of unprofessional conduct or incompetency.

D. On and after July 1, 2012, the board shall not issue a new license that was formerly designated an "assistant funeral services practitioner" or "associate funeral services practitioner" license under a version of the Funeral Services Act in effect on June 30, 2012. A person holding one of these licenses that is valid as of June 30, 2012 shall be considered as holding a valid, renewable funeral services intern license subject to the general supervision of a licensed funeral services practitioner pursuant to the Funeral Services Act.

E. The board may adopt by rule requirements for issuing a temporary license that will be valid until the next scheduled board meeting."

## **Chapter 48 Section 12 Laws 2012**

**SECTION 12.** Section 61-32-11 NMSA 1978 (being Laws 1993, Chapter 204, Section 11, as amended) is amended to read:

"61-32-11. LICENSURE OF ESTABLISHMENTS--FUNERAL ESTABLISHMENTS-- COMMERCIAL ESTABLISHMENTS--DIRECT DISPOSITION ESTABLISHMENTS-- CREMATORIES.--

A. Funeral establishment licenses shall only be granted under the following terms and conditions:

(1) applications for licensure shall be upon forms furnished by the board and shall be accompanied by the required fee;

(2) the establishment shall be maintained at a specific location primarily devoted to the practice of funeral service and shall comply with the following minimum requirements:

(a) a chapel shall be present in which funerals may be conducted;

(b) a display room shall be present for displaying caskets and other funeral merchandise; and

(c) a preparation room shall be present with necessary drainage and ventilation and necessary instruments and supplies for the preparation and embalming of dead human bodies for burial or other disposition or transportation; and

(3) a license shall not be issued or renewed by the board unless the establishment is in compliance with the Funeral Services Act and board rules.

B. Commercial establishment licenses shall only be granted under the following terms and conditions:

(1) applications for licensure shall be upon forms furnished by the board and shall be accompanied by the required fee;

(2) the establishment shall be maintained at a specific location primarily devoted to the practice allowed for a commercial establishment and shall comply with the following minimum requirements:

(a) a preparation room shall be present with the necessary drainage and ventilation and necessary instruments and supplies for the preparation and embalming of dead human bodies for burial or other disposition and transportation; and

(b) an office shall be present for conducting business; and

(3) a license shall not be issued or renewed by the board unless the establishment is in compliance with the Funeral Services Act and board rules.

C. Direct disposition establishment licenses shall only be granted under the following terms and conditions:

(1) applications for licensure shall be upon forms furnished by the board and shall be accompanied by the required fee;

(2) the establishment shall be maintained at a specific location primarily devoted to the practice allowed for a direct disposer and shall comply with the following minimum requirements:

(a) a room shall be present with necessary drainage and ventilation for housing a refrigeration unit;

(b) a refrigeration unit, thermodynamically controlled with a minimum storage area of twelve and one-half cubic feet per body, shall be present for sheltering of dead human bodies prior to burial or other disposition or transportation;

(c) an office shall be present for conducting business;

(d) necessary supplies for safely handling unembalmed dead human bodies; and

(e) if funeral merchandise is made available, a display room shall be present for displaying caskets and other funeral merchandise; and

(3) no license shall be issued or renewed by the board unless the establishment is in compliance with the Funeral Services Act and board rules.

D. Crematory licenses shall only be granted under the following terms and conditions:

(1) applications for licensure shall be upon forms furnished by the board and shall be accompanied by the required fee;

(2) the crematory shall be maintained at a specific location, including a funeral, commercial or direct disposition establishment, primarily devoted to the practice allowed for a crematory and shall comply with the following minimum requirements:

(a) a room shall be present with necessary ventilation for housing a cremation retort;

(b) a cremation retort shall be present for cremating dead human bodies; and

(c) a unit to pulverize cremated dead human bodies shall be present; and

(3) no license shall be issued or renewed by the board unless the crematory is in compliance with the Funeral Services Act and board rules.

E. The board may adopt by rule additional requirements in the interest of public health, safety and welfare."

## **Chapter 48 Section 13 Laws 2012**

**SECTION 13.** Section 61-32-13 NMSA 1978 (being Laws 1993, Chapter 204, Section 13, as amended) is amended to read:

"61-32-13. ESTABLISHMENTS--REQUIREMENTS--TEMPORARY LICENSES.--

A. Each establishment shall have a full-time funeral service practitioner; provided the establishment license is a privilege granted to the person to whom it is issued and is not transferable to other owners or operators or to another location than that designated on the license. Whenever an establishment no longer employs or otherwise has a full-time licensee in charge, the establishment shall immediately cease the practice of funeral service or direct disposition and the person to whom the establishment license is granted shall immediately return the establishment license to the board by certified mail, return receipt requested, or by another delivery service that provides a means of tracking an item in its delivery system.

B. The board may adopt by rule special requirements for multi-establishment enterprises where the establishments are located within fifty miles of each other and wish to share a licensee in charge.

C. The board may adopt by rule the requirements for reapplication or reinspection.

D. The board may adopt by rule requirements for issuing a temporary establishment or crematory license that will be valid until the next scheduled board meeting."

## **Chapter 48 Section 14 Laws 2012**

**SECTION 14.** Section 61-32-17 NMSA 1978 (being Laws 1993, Chapter 204, Section 17, as amended) is amended to read:

"61-32-17. DIRECT DISPOSER--SCOPE OF PRACTICE-- LIMITATIONS.--

A. Except as otherwise provided in the Funeral Services Act, a direct disposer may transport and dispose of a dead human body and participate in any rites or ceremonies after final disposition of the body.

B. Prior to interment, entombment or other final disposition of the body, a direct disposer shall not:



(1) participate in any rites or ceremonies in connection with the final disposition of the body;

(2) provide facilities for any such rites or ceremonies; and

(3) have the body embalmed unless embalming is required by the place of disposition."

## **Chapter 48 Section 15 Laws 2012**

**SECTION 15.** Section 61-32-20 NMSA 1978 (being Laws 1993, Chapter 204, Section 20, as amended) is amended to read:

"61-32-20. EMBALMING.--

A. All dead human bodies not disposed of within twenty-four hours after death or release or receipt by the establishment or crematory shall be embalmed in accordance with the Funeral Services Act or stored under refrigeration as determined by board rule, unless otherwise required by regulation of the office of the state medical investigator or the secretary of health or by orders of an authorized official of the office of the state medical investigator, a court of competent jurisdiction or other authorized official.

B. A dead human body shall not be embalmed except by a funeral service practitioner or a funeral service intern under the supervision of a funeral service practitioner.

C. When embalming is not required under the provisions of this section, a dead human body shall not be embalmed without express authorization by the:

(1) surviving spouse or next of kin;

(2) legal agent or personal representative of the deceased; or

(3) person assuming responsibility for final disposition.

D. When embalming is not required, and prior to obtaining authorization for the embalming, a dead human body may be washed and other health procedures, including closing of the orifices, may be performed without authorization.

E. When a dead human body is embalmed, the funeral service practitioner who embalms the body or the funeral service intern who embalms the body and the funeral service practitioner who supervises the embalming shall, within twenty-four hours after the embalming procedure, complete and sign an embalming case report describing the elapsed time since death, the condition of the remains before and after embalming and the embalming procedures used. The embalming case report shall be

kept on file at the establishment for a period of not less than seven years following the embalming.

F. Except as provided in Subsection A of this section, embalming is not required."

## **Chapter 48 Section 16 Laws 2012**

**SECTION 16.** Section 61-32-22 NMSA 1978 (being Laws 1993, Chapter 204, Section 22, as amended) is amended to read:

"61-32-22. INACTIVE STATUS.--

A. A funeral service practitioner, funeral service intern or direct disposer who has a current license may request that the license be placed on inactive status. Except as provided in Subsection E of this section, the board shall approve each request for inactive status.

B. A license placed on inactive status may be renewed within a period not to exceed five years following the date the board granted the inactive status.

C. Renewal of an inactive license requires payment of renewal and reinstatement fees as set forth by board rule and compliance with the following requirements:

(1) certification by the licensee that the licensee has not engaged in the practice of funeral service or direct disposition in this state during the inactive status;

(2) compliance with continuing education requirements established by board rule; and

(3) successful completion of an examination, which shall be administered at the discretion of the board, to certify continuing competency.

D. Disciplinary proceedings may be initiated or continued against a licensee who has been granted inactive status.

E. A license shall not be placed on inactive status if the licensee is under investigation or if disciplinary proceedings have been initiated."

## **Chapter 48 Section 17 Laws 2012**

**SECTION 17.** Section 61-32-24 NMSA 1978 (being Laws 1993, Chapter 204, Section 24, as amended) is amended to read:

"61-32-24. DISCIPLINARY PROCEEDINGS--JUDICIAL REVIEW.--

A. The board, in accordance with the procedures set forth in the Uniform Licensing Act, may take disciplinary action against any licensee, temporary licensee or applicant.

B. The board has the authority to take any action set forth in Section 61-1-3 NMSA 1978 upon a finding by the board that the applicant or licensee is guilty of any of the following acts of commission or omission:

(1) conviction of an offense punishable by incarceration in a state penitentiary or federal prison; provided the board receives a copy of the record of conviction, certified to by the clerk of the court entering the conviction, which shall be conclusive evidence of the conviction;

(2) fraud or deceit in procuring or attempting to procure a license;

(3) gross negligence or incompetence;

(4) unprofessional or dishonorable conduct, which includes:

(a) misrepresentation or fraud;

(b) false or misleading advertising;

(c) solicitation of dead human bodies by the licensee or the licensee's agents, assistants or employees, whether the solicitation occurs after death or while death is impending, provided that this shall not be deemed to prohibit general advertising;

(d) solicitation or acceptance by a licensee of a commission, bonus or rebate in consideration of recommending or causing a dead human body to be disposed of in a cemetery, mausoleum or crematory;

(e) using any funeral merchandise previously purchased, in whole or in part, except for transportation purposes, without prior written permission of the person selecting or paying for the use of the merchandise; and

(f) failing to make disposition of a dead human body in the enclosure or container that was purchased for that purpose by the arrangers;

(5) violation of the provisions of the Funeral Services Act or a rule of the board;

(6) violation of any local, state or federal ordinance, law or regulation affecting the practice of funeral service, direct disposition or cremation, including the Prearranged Funeral Plan Regulatory Law or any regulations ordered by the superintendent of insurance;

(7) willful or negligent practice beyond the scope of the license issued by the board;

(8) refusing to release properly a dead human body to the custody of the person or entity who has the legal right to effect the release, whether or not the authorized cost has been paid. If an establishment receives a dead human body for funeral services but the body is subsequently transferred to another establishment that completes or performs funeral services, the subsequent establishment shall be responsible for all reasonable nonprofessional service charges incurred by the next previous establishment prior to and including transfer of the body and the subsequent establishment shall reimburse the next previous establishment for those charges;

(9) failure to secure a necessary permit required by law for removal from this state or cremation of a dead human body;

(10) knowingly making a false statement on a certificate of death;

(11) failure to give full cooperation to the board or one of its committees, staff, inspectors, agents or an attorney for the board in the performance of official duties;

(12) having had a license, certificate or registration to practice revoked, suspended or denied in any jurisdiction, territory or possession of the United States or another country for actions of the licensee or applicant similar to acts described in this subsection. A certified copy of the record of the jurisdiction taking the disciplinary action is conclusive evidence of the violation;

(13) failure to supervise adequately subordinate personnel;

(14) conduct unbecoming a licensee or detrimental to the safety or welfare of the public;

(15) employing fraudulent billing practices; or

(16) practicing funeral service or cremation without a current license.

C. In addition to the offenses listed in Subsection B of this section, the board has the authority to take any action set forth in Section 61-1-3 NMSA 1978 upon a finding by the board that a person who is licensed as or is an applicant for a license as a funeral service practitioner or funeral service intern is guilty of any of the following acts of commission or omission:

(1) practicing funeral service without a license or aiding or abetting an unlicensed person to practice funeral service; or

(2) permitting a funeral service intern to exceed the limitations set forth in the provisions of the Funeral Services Act or the rules of the board.

D. In addition to the offenses listed in Subsection B of this section, the board has the authority to take any action set forth in Section 61-1-3 NMSA 1978 upon a finding by the board that a direct disposer licensee or a direct disposition establishment licensee is guilty of any of the following acts of commission or omission:

(1) embalming, restoring, acting as a cosmetician or in any way altering the condition of a dead human body, except for washing and dressing;

(2) causing a body to be embalmed when embalming is not required by a place of disposition;

(3) prior to interment, entombment or other final disposition of a dead human body, participating in any rites or ceremonies in connection with such final disposition of the body, or providing facilities for any such rites or ceremonies;

(4) reclaiming, transporting or causing to be transported a dead human body after written release for disposition; or

(5) practicing direct disposition without a license or aiding or abetting an unlicensed person to practice direct disposition.

E. In addition to the offenses listed in Subsection B of this section, the board has the authority to take any action set forth in Section 61-1-3 NMSA 1978 upon a finding by the board that a crematory licensee or applicant or a crematory authority is guilty of any of the following acts of commission or omission:

(1) engaging or making any representation as engaging in the practice of funeral service or direct disposition, unless the applicant or crematory authority has a license to practice funeral service or direct disposition;

(2) operating a crematory without a license or aiding and abetting a crematory to operate without a license; or

(3) engaging in conduct or activities for which a license to engage in the practice of funeral service or direct disposition is required or aiding and abetting an unlicensed person to engage in conduct or activities for which a license to practice funeral service or direct disposition is required.

F. Unless exonerated by the board, persons who have been subjected to formal disciplinary sanctions by the board shall be responsible for the payment of costs of the disciplinary proceedings, which include costs for:

(1) court reporters;

- (2) transcripts;
- (3) certification or notarization;
- (4) photocopies;
- (5) witness attendance and mileage fees;
- (6) postage for mailings required by law;
- (7) expert witnesses; and
- (8) depositions.

G. All fees, fines and costs imposed on an applicant, licensee, establishment or crematory shall be paid in full to the board before an initial or renewal license may be issued."

## **Chapter 48 Section 18 Laws 2012**

**SECTION 18.** Section 61-32-25 NMSA 1978 (being Laws 1993, Chapter 204, Section 25) is amended to read:

"61-32-25. ADDITIONAL PROHIBITIONS.--

A. No person licensed pursuant to the provisions of the Funeral Services Act shall advertise under any name that tends to mislead the public or that sufficiently resembles the professional or business name of another license holder or that may cause confusion or misunderstanding.

B. No person licensed pursuant to the provisions of the Funeral Services Act shall transport or cause to be transported by common carrier any dead human body out of this state when the licensee knows or has reason to believe that the dead human body carries any notifiable communicable disease or when the transportation would take place more than twenty-four hours after death, unless the body has been prepared or embalmed as provided in the Funeral Services Act, unless approval for transportation has been given by the office of the medical investigator, the secretary of health, a court of competent jurisdiction or other authorized official or unless the body is placed in a sealed container.

C. No person licensed pursuant to the provisions of the Funeral Services Act shall remove, and no authorized person shall embalm, a dead human body when the authorized person has information indicating crime or violence of any sort in connection with the cause or manner of death, unless in accordance with instructions or regulations of the office of the medical investigator or until permission has been obtained from the office of the medical investigator or other authorized official."

## **Chapter 48 Section 19 Laws 2012**

**SECTION 19.** Section 61-32-26 NMSA 1978 (being Laws 1993, Chapter 204, Section 26, as amended) is amended to read:

"61-32-26. FUND ESTABLISHED.--

A. There is created in the state treasury the "funeral services fund".

B. All money received or collected by the board or the department pursuant to provisions of the Funeral Services Act shall be deposited with the state treasurer for credit to the funeral services fund. The state treasurer shall invest the fund as other state funds are invested. All balances in the fund at the end of any fiscal year shall remain in the fund and shall not revert to the general fund.

C. Money in the funeral services fund is appropriated to the board and shall be used only for the purpose of carrying out the provisions of the Funeral Services Act."

## **Chapter 48 Section 20 Laws 2012**

**SECTION 20.** Section 61-32-27 NMSA 1978 (being Laws 1993, Chapter 204, Section 27) is amended to read:

"61-32-27. CRIMINAL OFFENDER EMPLOYMENT ACT.--The provisions of the Criminal Offender Employment Act shall govern any consideration of criminal records required or permitted pursuant to the provisions of the Funeral Services Act."

## **Chapter 48 Section 21 Laws 2012**

**SECTION 21.** Section 61-32-29 NMSA 1978 (being Laws 1993, Chapter 204, Section 29) is amended to read:

"61-32-29. CONSTRUCTION.--Nothing in the Funeral Services Act shall be construed to:

A. prohibit a funeral service practitioner or funeral service intern under the supervision of a funeral service practitioner from providing a direct disposition at a funeral or commercial establishment; or

B. govern or limit the authority of any personal representative, trustee or other person having a fiduciary relationship with the deceased."

## **Chapter 48 Section 22 Laws 2012**

**SECTION 22.** Section 61-32-30 NMSA 1978 (being Laws 1993, Chapter 204, Section 30, as amended) is amended to read:

"61-32-30. CRIMINAL PENALTIES.--A person who commits any of the following acts is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars (\$100) or more than one thousand dollars (\$1,000) or by imprisonment of less than one year, or both:

A. violation of any provision of the Funeral Services Act;

B. rendering or offering to render funeral services, direct disposition services or cremation services without a current valid license issued pursuant to the Funeral Services Act; or

C. advertising or using any designation, diploma or certificate tending to imply that the person is a practitioner of funeral services, direct disposition services or cremation services without a current valid license issued pursuant to the Funeral Services Act."

## **Chapter 48 Section 23 Laws 2012**

**SECTION 23.** Section 61-32-30.1 NMSA 1978 (being Laws 2003, Chapter 420, Section 11) is amended to read:

"61-32-30.1. UNLICENSED ACTIVITY--CIVIL PENALTY.--The board may impose a fine and costs as set forth in the Funeral Services Act on a person who is found to have acted without a license in violation of the Funeral Services Act by a court or an administrative proceeding as provided for in the Funeral Services Act."

## **Chapter 48 Section 24 Laws 2012**

**SECTION 24.** Section 61-32-31 NMSA 1978 (being Laws 1993, Chapter 204, Section 31, as amended) is amended to read:

"61-32-31. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--The board of funeral services is terminated on July1, 2017, pursuant to the provisions of the Sunset Act. The board shall continue to operate according to the provisions of Section 12-9-18 NMSA 1978 until July 1, 2018. Effective July 1, 2018, the Funeral Services Act is repealed."

## **Chapter 48 Section 25 Laws 2012**

**SECTION 25.** A new section of the Funeral Services Act is enacted to read:

"CEASE AND DESIST ORDERS--FINES--FINALITY--HEARINGS.--



A. Notwithstanding the provisions of Sections 61-1-3 and 61-32-24 NMSA 1978, if the board has reasonable cause to believe a person is committing a violation of a provision of the Funeral Services Act, or a rule adopted pursuant to that act, that creates a health risk for the community or a risk to the orderly or prompt disposition of dead human bodies and immediate enforcement is deemed necessary, the board may serve, in the manner prescribed by Section 61-1-5 NMSA 1978, a cease and desist order on a person to require that person to cease the violation. The order shall:

(1) indicate the violation and the general nature of the evidence of the violation;

(2) include a notice that if the person fails to comply with the order within twenty-four hours, the person may be subject to fines or costs, as provided in Sections 61-32-6 and 61- 32-30.1 NMSA 1978, for noncompliance with the order as a violation of the Funeral Services Act, in addition to fines and costs imposed for a violation indicated in the order; and

(3) include a notice that a hearing has been scheduled to occur within five working days after service of the cease and desist order and the hearing will proceed unless waived by the person.

B. If the person waives a hearing as provided in Subsection A of this section, the order shall be final and not subject to review or appeal. The board may apply for injunctive relief to enforce the cease and desist order.

C. If a hearing is held, it shall be conducted pursuant to the hearing procedures of the Uniform Licensing Act that are consistent with this section and the consequences of the hearing, including a right to review, shall occur pursuant to that act.

D. An order of the board pursuant to this section or an order of a court to enforce it shall not relieve or absolve a person affected by the order from another liability, penalty or sanction applicable under law."

## **Chapter 48 Section 26 Laws 2012**

**SECTION 26. REPEAL.**--Sections 61-32-15 and 61-32-16 NMSA 1978 (being Laws 1993, Chapter 204, Sections 15 and 16) are repealed.

## **Chapter 48 Section 27 Laws 2012**

**SECTION 27. EFFECTIVE DATE.**--The effective date of the provisions of this act is July 1, 2012.

---

HJC/House Bill 64, aa

Approved March 6, 2012

## **LAWS 2012, CHAPTER 49**

AN ACT

RELATING TO THE NEW MEXICO FINANCE AUTHORITY; EXPANDING THE PURPOSE OF THE LOCAL GOVERNMENT PLANNING FUND TO INCLUDE INFRASTRUCTURE AND ENERGY AUDITS; REMOVING THE REQUIREMENT THAT CERTAIN GRANTS BE REPAYED; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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

### **Chapter 49 Section 1 Laws 2012**

**SECTION 1.** Section 6-21-6.4 NMSA 1978 (being Laws 2002, Chapter 26, Section 2, as amended) is amended to read:

"6-21-6.4. LOCAL GOVERNMENT PLANNING FUND--CREATION--  
ADMINISTRATION-- PURPOSES.--

A. The "local government planning fund" is created within the authority and shall be administered by the authority. The authority shall adopt rules necessary to administer the fund.

B. The following shall be deposited directly into the local government planning fund:

(1) the net proceeds from the sale of bonds issued pursuant to the provisions of Section 6-21-6.1 NMSA 1978 for the purposes of the local government planning fund and payable from the public project revolving fund;

(2) money appropriated by the legislature to implement the provisions of this section; and

(3) any other public or private money dedicated to the fund.

C. Money in the local government planning fund is appropriated to the authority to make grants to qualified entities; to evaluate and to 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.

D. The authority shall adopt rules governing the terms and conditions of grants made from the local government planning fund.

E. The authority may make grants from the local government planning fund to qualified entities without specific authorization by law for each grant."

## **Chapter 49 Section 2 Laws 2012**

**SECTION 2. 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 2012 and subsequent fiscal years to fund local government planning for water or wastewater system development, economic development or long-term water management and water conservation strategies. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the public project revolving fund.

## **Chapter 49 Section 3 Laws 2012**

**SECTION 3. EMERGENCY.**--It is necessary for the public peace, health and safety that this act take effect immediately.

---

H AFC/House Bill 55, w/ec

Approved March 6, 2012

# **LAWS 2012, CHAPTER 50**

AN ACT

RELATING TO GEOTHERMAL RESOURCES; PROVIDING FOR GROUND WATER TO QUALIFY AS A GEOTHERMAL RESOURCE.

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

## **Chapter 50 Section 1 Laws 2012**

**SECTION 1.** Section 71-5-2.1 NMSA 1978 (being Laws 2003, Chapter 16, Section 2) is amended to read:

"71-5-2.1. EXCLUSION--INCIDENTAL LOSS OR EXTRACTION OF HEAT-- LIMITED EXCEPTION.--

A. When the application of potable water to a beneficial use involves the incidental loss or extraction of heat, and the water is two hundred fifty degrees Fahrenheit or less, then that heat is not a geothermal resource for which a royalty is due. In such a case, the use is not governed by laws related to geothermal resources but is simply governed by Chapter 72 NMSA 1978.

B. A permit from the state engineer is not required for the use of ground water over two hundred fifty degrees Fahrenheit as incident to the development of geothermal resources permitted pursuant to the Geothermal Resources Conservation Act when:

(1) the use does not require any diversion of ground water; or

(2) all diverted ground water is reinjected as soon as practicable into the same ground water source from which it was diverted, resulting in no new net depletions to the source; provided that the division shall provide to the state engineer all information available to the division regarding the proposed diversion and reinjection and shall request the opinion of the state engineer as to whether existing ground water rights sharing the same ground water source may be impaired. If the state engineer determines that the information provided is sufficient to render an opinion, and it is the opinion of the state engineer that any existing ground water rights may be impaired, then the division, upon receipt of the opinion of the state engineer, shall require the owner or operator to submit to the division a plan of replacement with regard to any existing ground water rights that are likely to be impaired. In response to a request for an opinion under this subsection, the determination by the state engineer as to whether the information provided is sufficient to render an opinion or the issuance by the state engineer of an opinion shall not constitute a decision, act or refusal to act under Section 72-2-16 NMSA 1978.

C. No ground water right is established through the use of ground water as allowed in Subsection B of this section.

D. As used in this section, "plan of replacement" means a detailed plan for the replacement of water, which may include:

(1) the furnishing of a substitute water supply;

(2) the modification of existing water supply facilities;

(3) the drilling of replacement wells;

(4) the assumption of additional operating costs;

(5) the procurement of documentation establishing a waiver of protection by owners of affected water rights;

(6) artificial recharge; or

(7) any other means to avoid impairment of water rights."

## **Chapter 50 Section 2 Laws 2012**

**SECTION 2.** A new section of the Geothermal Resources Conservation Act is enacted to read:

"WATER RIGHTS OWNER--ACTION FOR IMPAIRMENT.--Any water rights owner may bring a de novo action in the district court of the county in which the water rights are located for damages or injunctive relief with respect to any claimed impairment of existing water rights due to the development of geothermal resources pursuant to Subsection B of Section 71-5-2.1 NMSA 1978."

## **Chapter 50 Section 3 Laws 2012**

**SECTION 3.** EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2012.

---

HENRC/House Bill 201, aa

Approved March 6, 2012

# **LAWS 2012, CHAPTER 51**

AN ACT

RELATING TO PUBLIC SCHOOLS; PROVIDING FLEXIBILITY TO SCHOOL DISTRICTS TO MEET STATE FISCAL SOLVENCY REQUIREMENTS.

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

## **Chapter 51 Section 1 Laws 2012**

**SECTION 1.** Section 22-1-10 NMSA 1978 (being Laws 2010, Chapter 68, Section 1) is amended to read:

"22-1-10. WAIVER OF REQUIREMENTS--TEMPORARY PROVISION.--The legislature finds that school districts need flexibility to meet state fiscal solvency requirements. For the 2012-2013 school year, the secretary may waive requirements of the Public School Code and rules promulgated in accordance with that code pertaining to individual class load, teaching load, length of school day, staffing patterns, subject areas and purchases of instructional materials. The department shall monitor such waivers, and the secretary shall report to the legislative education study committee and the legislative finance committee on any issues or actions of a school district that appear to adversely affect student learning."

---

Senate Bill 209

Approved March 7, 2012

## **LAWS 2012, CHAPTER 52**

AN ACT

RELATING TO STATE CONTRACTS; REPEALING PROVISIONS OF THE PROCUREMENT CODE REQUIRING THE GENERAL SERVICES DEPARTMENT TO MAINTAIN A CONTRACTS DATABASE.

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

### **Chapter 52 Section 1 Laws 2012**

SECTION 1. REPEAL.--Section 13-1-97.1 NMSA 1978 (being Laws 2009, Chapter 107, Section 1) is repealed.

---

Senate Bill 206

Approved March 7, 2012

## **LAWS 2012, CHAPTER 53**

AN ACT

RELATING TO CERTAIN EDUCATIONAL FACILITIES; MAKING THE FACILITIES AT THE NEW MEXICO SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED AND THE NEW MEXICO SCHOOL FOR THE DEAF ELIGIBLE FOR PUBLIC SCHOOL CAPITAL OUTLAY ACT FUNDING; EXEMPTING THESE INSTITUTIONS FROM THE

REQUIRED LOCAL SHARE OF PROJECT FUNDING UNDER CERTAIN CONDITIONS.

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

### **Chapter 53 Section 1 Laws 2012**

SECTION 1. Section 22-24-3 NMSA 1978 (being Laws 1975, Chapter 235, Section 3, as amended) is amended to read:

"22-24-3. DEFINITIONS.--As used in the Public School Capital Outlay Act:

A. "constitutional special schools" means the New Mexico school for the blind and visually impaired and the New Mexico school for the deaf;

B. "constitutional special schools support spaces" means all facilities necessary to support the constitutional special schools' educational mission that are not included in the constitutional special schools' educational adequacy standards, including, but not limited to, performing arts centers, facilities for athletic competition, school district administration and facility and vehicle maintenance;

C. "council" means the public school capital outlay council;

D. "fund" means the public school capital outlay fund; and

E. "school district" includes state-chartered charter schools and the constitutional special schools."

### **Chapter 53 Section 2 Laws 2012**

SECTION 2. Section 22-24-5 NMSA 1978 (being Laws 1975, Chapter 235, Section 5, as amended) is amended to read:

"22-24-5. PUBLIC SCHOOL CAPITAL OUTLAY PROJECTS--APPLICATION--GRANT ASSISTANCE.--

A. Applications for grant assistance, approval of applications, prioritization of projects and grant awards shall be conducted pursuant to the provisions of this section.

B. Except as provided in Sections 22-24-4.3, 22-24-5.4 and 22-24-5.6 NMSA 1978, the following provisions govern grant assistance from the fund for a public school capital outlay project not wholly funded pursuant to

Section 22-24-4.1 NMSA 1978:

(1) all school districts are eligible to apply for funding from the fund, regardless of percentage of indebtedness;

(2) priorities for funding shall be determined by using the statewide adequacy standards developed pursuant to Subsection C of this section; provided that:

(a) the council shall apply the standards to charter schools to the same extent that they are applied to other public schools;

(b) the council shall adopt and apply adequacy standards appropriate to the unique needs of the constitutional special schools; and

(c) in an emergency in which the health or safety of students or school personnel is at immediate risk or in which there is a threat of significant property damage, the council may award grant assistance for a project using criteria other than the statewide adequacy standards;

(3) the council shall establish criteria to be used in public school capital outlay projects that receive grant assistance pursuant to the Public School Capital Outlay Act. In establishing the criteria, the council shall consider:

(a) the feasibility of using design, build and finance arrangements for public school capital outlay projects;

(b) the potential use of more durable construction materials that may reduce long-term operating costs;

(c) concepts that promote efficient but flexible utilization of space; and

(d) any other financing or construction concept that may maximize the dollar effect of the state grant assistance;

(4) no more than ten percent of the combined total of grants in a funding cycle shall be used for retrofitting existing facilities for technology infrastructure;

(5) except as provided in Paragraph (6), (8), (9) or (10) of this subsection, the state share of a project approved and ranked by the council shall be funded within available resources pursuant to the provisions of this paragraph. No later than May 1 of each calendar year, a value shall be calculated for each school district in accordance with the following procedure:

(a) the final prior year net taxable value for a school district divided by the MEM for that school district is calculated for each school district;



(b) the final prior year net taxable value for the whole state divided by the MEM for the state is calculated;

(c) excluding any school district for which the result calculated pursuant to Subparagraph (a) of this paragraph is more than twice the result calculated pursuant to Subparagraph (b) of this paragraph, the results calculated pursuant to Subparagraph (a) of this paragraph are listed from highest to lowest;

(d) the lowest value listed pursuant to Subparagraph (c) of this paragraph is subtracted from the highest value listed pursuant to that subparagraph;

(e) the value calculated pursuant to Subparagraph (a) of this paragraph for the subject school district is subtracted from the highest value listed in Subparagraph (c) of this paragraph;

(f) the result calculated pursuant to Subparagraph (e) of this paragraph is divided by the result calculated pursuant to Subparagraph (d) of this paragraph;

(g) the sum of the property tax mill levies for the prior tax year imposed by each school district on residential property pursuant to Chapter 22, Article 18 NMSA 1978, the Public School Capital Improvements Act, the Public School Buildings Act, the Education Technology Equipment Act and Paragraph (2) of Subsection B of

Section 7-37-7 NMSA 1978 is calculated for each school district;

(h) the lowest value calculated pursuant to Subparagraph (g) of this paragraph is subtracted from the highest value calculated pursuant to that subparagraph;

(i) the lowest value calculated pursuant to Subparagraph (g) of this paragraph is subtracted from the value calculated pursuant to that subparagraph for the subject school district;

(j) the value calculated pursuant to Subparagraph (i) of this paragraph is divided by the value calculated pursuant to Subparagraph (h) of this paragraph;

(k) if the value calculated for a subject school district pursuant to Subparagraph (j) of this paragraph is less than five-tenths, then, except as provided in Subparagraph (n) or (o) of this paragraph, the value for that school district equals the value calculated pursuant to Subparagraph (f) of this paragraph;

(l) if the value calculated for a subject school district pursuant to Subparagraph (j) of this paragraph is five-tenths or greater, then that value is multiplied by five-hundredths;

(m) if the value calculated for a subject school district pursuant to Subparagraph (j) of this paragraph is five-tenths or greater, then the value calculated pursuant to Subparagraph (l) of this paragraph is added to the value calculated pursuant to Subparagraph (f) of this paragraph. Except as provided in Subparagraph (n) or (o) of this paragraph, the sum equals the value for that school district;

(n) in those instances in which the calculation pursuant to Subparagraph (k) or (m) of this paragraph yields a value less than one-tenth, one-tenth shall be used as the value for the subject school district;

(o) in those instances in which the calculation pursuant to Subparagraph (k) or (m) of this paragraph yields a value greater than one, one shall be used as the value for the subject school district;

(p) except as provided in Section 22-24-5.7 NMSA 1978 and except as adjusted pursuant to Paragraph (6), (8), (9) or (10) of this subsection, the amount to be distributed from the fund for an approved project shall equal the total project cost multiplied by a fraction the numerator of which is the value calculated for the subject school district in the current year plus the value calculated for that school district in each of the two preceding years and the denominator of which is three; and

(q) as used in this paragraph: 1) "MEM" means the average full-time-equivalent enrollment of students attending public school in a school district on the eightieth and one hundred twentieth days of the prior school year; 2) "total project cost" means the total amount necessary to complete the public school capital outlay project less any insurance reimbursement received by the school district for the project; and 3) in the case of a state-chartered charter school that has submitted an application for grant assistance pursuant to this section, the "value calculated for the subject school district" means the value calculated for the school district in which the state-chartered charter school is physically located;

(6) the amount calculated pursuant to Subparagraph (p) of Paragraph (5) of this subsection shall be reduced by the following procedure:

(a) the total of all legislative appropriations made after January 1, 2003 for nonoperating purposes either directly to the subject school district or to another governmental entity for the purpose of passing the money through directly to the subject school district, and not rejected by the subject school district, is calculated; provided that: 1) an appropriation made in a fiscal year shall be deemed to be accepted by a school district unless, prior to June 1 of that fiscal year, the school district notifies the department of finance and administration and the public education

department that the district is rejecting the appropriation; 2) the total shall exclude any educational technology appropriation made prior to January 1, 2005 unless the appropriation was on or after January 1, 2003 and not previously used to offset distributions pursuant to the Technology for Education Act; 3) the total shall exclude any appropriation previously made to the subject school district that is reauthorized for expenditure by another recipient; 4) the total shall exclude one-half of the amount of any appropriation made or reauthorized after January 1, 2007 if the purpose of the appropriation or reauthorization is to fund, in whole or in part, a capital outlay project that, when prioritized by the council pursuant to this section either in the immediately preceding funding cycle or in the current funding cycle, ranked in the top one hundred fifty projects statewide; 5) the total shall exclude the proportionate share of any appropriation made or reauthorized after January 1, 2008 for a capital project that will be jointly used by a governmental entity other than the subject school district. Pursuant to criteria adopted by rule of the council and based upon the proposed use of the capital project, the council shall determine the proportionate share to be used by the governmental entity and excluded from the total; and 6) unless the grant award is made to the state-chartered charter school or unless the appropriation was previously used to calculate a reduction pursuant to this paragraph, the total shall exclude appropriations made after January 1, 2007 for nonoperating purposes of a specific state-chartered charter school, regardless of whether the charter school is a state-chartered charter school at the time of the appropriation or later opts to become a state-chartered charter school;

(b) the applicable fraction used for the subject school district and the current calendar year for the calculation in Subparagraph (p) of Paragraph (5) of this subsection is subtracted from one;

(c) the value calculated pursuant to Subparagraph (a) of this paragraph for the subject school district is multiplied by the amount calculated pursuant to Subparagraph (b) of this paragraph for that school district;

(d) the total amount of reductions for the subject school district previously made pursuant to Subparagraph (e) of this paragraph for other approved public school capital outlay projects is subtracted from the amount calculated pursuant to Subparagraph (c) of this paragraph; and

(e) the amount calculated pursuant to Subparagraph (p) of Paragraph (5) of this subsection shall be reduced by the amount calculated pursuant to Subparagraph (d) of this paragraph;

(7) as used in this subsection:

(a) "governmental entity" includes an Indian nation, tribe or pueblo; and

(b) "subject school district" means the school district that has submitted the application for funding and in which the approved public school capital outlay project will be located;

(8) the amount calculated pursuant to Subparagraph (p) of Paragraph (5) of this subsection, after any reduction pursuant to Paragraph (6) of this subsection, may be increased by an additional five percent if the council finds that the subject school district has been exemplary in implementing and maintaining a preventive maintenance program. The council shall adopt such rules as are necessary to implement the provisions of this paragraph;

(9) the council may adjust the amount of local share otherwise required if it determines that a school district has used all of its local resources. Before making any adjustment to the local share, the council shall consider whether:

(a) the school district has insufficient bonding capacity over the next four years to provide the local match necessary to complete the project and, for all educational purposes, has a residential property tax rate of at least ten dollars (\$10.00) on each one thousand dollars (\$1,000) of taxable value, as measured by the sum of all rates imposed by resolution of the local school board plus rates set to pay interest and principal on outstanding school district general obligation bonds;

(b) the school district: 1) has fewer than an average of eight hundred full-time-equivalent students on the eightieth and one hundred twentieth days of the prior school year; 2) has at least seventy percent of its students eligible for free or reduced-fee lunch; 3) has a share of the total project cost, as calculated pursuant to provisions of this section, that would be greater than fifty percent; and 4) for all educational purposes, has a residential property tax rate of at least seven dollars (\$7.00) on each one thousand dollars (\$1,000) of taxable value, as measured by the sum of all rates imposed by resolution of the local school board plus rates set to pay interest and principal on outstanding school district general obligation bonds; or

(c) the school district: 1) has an enrollment growth rate over the previous school year of at least two and one-half percent; 2) pursuant to its five-year facilities plan, will be building a new school within the next two years; and 3) for all educational purposes, has a residential property tax rate of at least ten dollars (\$10.00) on each one thousand dollars (\$1,000) of taxable value, as measured by the sum of all rates imposed by resolution of the local school board plus rates set to pay interest and principal on outstanding school district general obligation bonds;

(10) the local match for the constitutional special schools shall be set at fifty percent for projects that qualify under the educational adequacy category and one hundred percent for projects that qualify in the support spaces category; provided that the council may adjust or waive the amount of any direct appropriation offset to or local share required for the constitutional special schools if an applicant constitutional special school has insufficient or no local resources available; and

(11) no application for grant assistance from the fund shall be approved unless the council determines that:

(a) the public school capital outlay project is needed and included in the school district's five-year facilities plan among its top priorities;

(b) the school district has used its capital resources in a prudent manner;

(c) the school district has provided insurance for buildings of the school district in accordance with the provisions of Section 13-5-3 NMSA 1978;

(d) the school district has submitted a five-year facilities plan that includes: 1) enrollment projections; 2) a current preventive maintenance plan that has been approved by the council pursuant to Section

22-24-5.3 NMSA 1978 and that is followed by each public school in the district; 3) the capital needs of charter schools located in the school district; and 4) projections for the facilities needed in order to maintain a full-day kindergarten program;

(e) the school district is willing and able to pay any portion of the total cost of the public school capital outlay project that, according to Paragraph (5), (6), (8) or (9) of this subsection, is not funded with grant assistance from the fund; provided that school district funds used for a project that was initiated after September 1, 2002 when the statewide adequacy standards were adopted, but before September 1, 2004 when the standards were first used as the basis for determining the state and school district share of a project, may be applied to the school district portion required for that project;

(f) the application includes the capital needs of any charter school located in the school district or the school district has shown that the facilities of the charter school have a smaller deviation from the statewide adequacy standards than other district facilities included in the application; and

(g) the school district has agreed, in writing, to comply with any reporting requirements or conditions imposed by the council pursuant to Section 22-24-5.1 NMSA 1978.

C. After consulting with the public school capital outlay oversight task force and other experts, the council shall regularly review and update statewide adequacy standards applicable to all school districts. The standards shall establish the acceptable level for the physical condition and capacity of buildings, the educational suitability of facilities and the need for technological infrastructure. Except as otherwise provided in the Public School Capital Outlay Act, the amount of outstanding deviation from the standards shall be used by the council in evaluating and prioritizing public school capital outlay projects.

D. The acquisition of a facility by a school district or charter school pursuant to a financing agreement that provides for lease payments with an option to purchase for a price that is reduced according to lease payments made may be considered a public school capital outlay project and eligible for grant assistance under this section pursuant to the following criteria:

(1) no grant shall be awarded unless the council determines that, at the time of exercising the option to purchase the facility by the school district or charter school, the facility will equal or exceed the statewide adequacy standards and the building standards for public school facilities;

(2) no grant shall be awarded unless the school district and the need for the facility meet all of the requirements for grant assistance pursuant to the Public School Capital Outlay Act;

(3) the total project cost shall equal the total payments that would be due under the agreement if the school district or charter school would eventually acquire title to the facility;

(4) the portion of the total project cost to be paid from the fund may be awarded as one grant, but disbursements from the fund shall be made from time to time as lease payments become due;

(5) the portion of the total project cost to be paid by the school district or charter school may be paid from time to time as lease payments become due; and

(6) neither a grant award nor any provision of the Public School Capital Outlay Act creates a legal obligation for the school district or charter school to continue the lease from year to year or to purchase the facility.

E. In order to encourage private capital investment in the construction of public school facilities, the purchase of a privately owned school facility that is, at the time of application, in use by a school district may be considered a public school capital outlay project and eligible for grant assistance pursuant to this section if the council finds that:

(1) at the time of the initial use by the school district, the facility to be purchased equaled or exceeded the statewide adequacy standards and the building standards for public school facilities;

(2) at the time of application, attendance at the facility to be purchased is at seventy-five percent or greater of design capacity and the attendance at other schools in the school district that the students at the facility would otherwise attend is at eighty-five percent or greater of design capacity; and

(3) the school district and the capital outlay project meet all of the requirements for grant assistance pursuant to the Public School Capital Outlay Act; provided that, when determining the deviation from the statewide adequacy standards for the purposes of evaluating and prioritizing the project, the students using the facility shall be deemed to be attending other schools in the school district.

F. It is the intent of the legislature that grant assistance made pursuant to this section allows every school district to meet the standards developed pursuant to Subsection C of this section; provided, however, that nothing in the Public School Capital Outlay Act or the development of standards pursuant to that act prohibits a school district from using other funds available to the district to exceed the statewide adequacy standards.

G. Upon request, the council shall work with, and provide assistance and information to, the public school capital outlay oversight task force.

H. The council may establish committees or task forces, not necessarily consisting of council members, and may use the committees or task forces, as well as existing agencies or organizations, to conduct studies, conduct surveys, submit recommendations or otherwise contribute expertise from the public schools, programs, interest groups and segments of society most concerned with a particular aspect of the council's work.

I. Upon the recommendation of the public school facilities authority, the council shall develop building standards for public school facilities and shall promulgate other such rules as are necessary to carry out the provisions of the Public School Capital Outlay Act.

J. No later than December 15 of each year, the council shall prepare a report summarizing its activities during the previous fiscal year. The report shall describe in detail all projects funded, the progress of projects previously funded but not completed, the criteria used to prioritize and fund projects and all other council actions. The report shall be submitted to the public education commission, the governor, the legislative finance committee, the legislative education study committee and the legislature."

## **Chapter 53 Section 3 Laws 2012**

SECTION 3. Section 22-24-5.6 NMSA 1978 (being Laws 2006, Chapter 95, Section 6, as amended) is amended to read:

"22-24-5.6. OUTSTANDING DEFICIENCIES AT CERTAIN STATE EDUCATIONAL INSTITUTIONS.--

A. In consultation with the higher education department and the applicable board of regents, and after reviewing the existing five-year facilities plan and the facilities condition assessment, the public school facilities authority shall verify the assessed outstanding health, safety or infrastructure deficiencies at the constitutional special schools and shall develop a plan to correct the deficiencies.

B. The council may approve allocations from the fund and, working with the higher education department and the applicable board of regents, enter into construction contracts to correct the deficiencies.

C. The council shall establish oversight functions for the public school facilities authority and such other guidelines and conditions as it deems necessary to ensure that the allocations from the fund pursuant to this section are expended in the most prudent manner possible and consistent with the original purpose.

D. As used in the Public School Capital Outlay Act, "public school capital outlay project", "capital outlay project" or "project" includes a program for the correction of deficiencies at the constitutional special schools pursuant to this section."

## **Chapter 53 Section 4 Laws 2012**

SECTION 4. A new section of the Public School Capital Outlay Act is enacted to read:

"ADEQUACY STANDARDS--CONSTITUTIONAL SPECIAL SCHOOLS.--Until July 1, 2018, the council may apply the adequacy standards to the constitutional special schools on a building-by- building basis rather than the entire campus. After that time, the adequacy standards rankings shall be based on the facilities condition of the entire campus."

---

Senate Bill 196, aa

Approved March 7, 2012

## **LAWS 2012, CHAPTER 54**

AN ACT

AUTHORIZING THE ISSUANCE AND SALE OF CAPITAL PROJECTS GENERAL OBLIGATION BONDS TO MAKE CAPITAL EXPENDITURES FOR SENIOR CITIZEN FACILITY IMPROVEMENTS AND ACQUISITIONS, FOR LIBRARY ACQUISITIONS AND CONSTRUCTION AND FOR CAPITAL IMPROVEMENTS AND ACQUISITIONS AT INSTITUTIONS OF HIGHER EDUCATION AND STATE SPECIAL SCHOOLS; PROVIDING FOR A TAX LEVY FOR PAYMENT OF PRINCIPAL OF, INTEREST ON



AND CERTAIN COSTS RELATED TO THE BONDS; REQUIRING APPROVAL OF THE REGISTERED VOTERS AT THE 2012 GENERAL ELECTION OF THE STATE; DECLARING AN EMERGENCY.

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

### **Chapter 54 Section 1 Laws 2012**

SECTION 1. SHORT TITLE.--This act may be cited as the "2012 Capital Projects General Obligation Bond Act".

### **Chapter 54 Section 2 Laws 2012**

SECTION 2. PURPOSE.--For the purpose of providing funds for capital expenditures as authorized in the 2012 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 54 Section 3 Laws 2012**

SECTION 3. BOND TERMS.--

A. The state board of finance, except as limited by the 2012 Capital Projects General Obligation Bond Act, shall determine the terms, covenants and conditions of bonds issued pursuant to that act, including but not limited to:

(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 2012 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 2012 Capital Projects General Obligation Bond Act.

## **Chapter 54 Section 4 Laws 2012**

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 2012 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 54 Section 5 Laws 2012**

SECTION 5. SALE.--The bonds authorized under the 2012 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 54 Section 6 Laws 2012**

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 54 Section 7 Laws 2012**

SECTION 7. 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 2012 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 54 Section 8 Laws 2012**

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 2012 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 54 Section 9 Laws 2012**

SECTION 9. IRREPEALABLE CONTRACT--AUTHORITY FOR ISSUANCE.--An owner of bonds issued pursuant to the provisions of the 2012 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 irrepealable 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 2012 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 54 Section 10 Laws 2012**

SECTION 10. PROJECTS.--The proceeds from the sale of bonds issued under the provisions of the 2012 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 thousand dollars (\$50,000) to purchase and install equipment for the central kitchens of the senior centers in Albuquerque in Bernalillo county;

(2) thirty thousand dollars (\$30,000) to plan, design, renovate and equip the central kitchen for senior centers in Albuquerque in Bernalillo county;

(3) one hundred thousand dollars (\$100,000) to purchase and install equipment citywide in the senior centers in Albuquerque in Bernalillo county;

(4) one hundred one thousand seven hundred twenty dollars (\$101,720) to purchase and install meals equipment for senior centers citywide in Albuquerque in Bernalillo county;

(5) five hundred nineteen thousand dollars (\$519,000) to purchase and equip vehicles for the Albuquerque department of senior affairs senior centers in Bernalillo county;

(6) one hundred fifty thousand dollars (\$150,000) to make improvements for building code compliance, including purchase and installation of equipment, to the home service program office in the Albuquerque department of senior affairs in Albuquerque in Bernalillo county;

(7) five hundred thousand dollars (\$500,000) to make improvements for building code compliance, including purchase and installation of equipment, to Los Volcanes senior center in Albuquerque in Bernalillo county;

(8) two hundred fifty thousand dollars (\$250,000) to plan, design, renovate and equip the Highland senior center in Bernalillo county;

(9) six thousand five hundred dollars (\$6,500) to purchase and install equipment in the Pueblo of Isleta senior center in Bernalillo county;

(10) fifty thousand three hundred forty dollars (\$50,340) to purchase and install equipment in the Paradise Hills senior center in Bernalillo county;

(11) seventeen thousand three hundred fifty dollars (\$17,350) to purchase and install meals equipment for the Paradise Hills senior center in Bernalillo county;

(12) forty-eight thousand dollars (\$48,000) to purchase and equip vehicles for the Paradise Hills senior center in Bernalillo county;

(13) eighty-five thousand dollars (\$85,000) to make improvements for building code compliance, including purchase and installation of equipment and parking lot improvements, to the Paradise Hills senior center in Bernalillo county;

(14) forty-eight thousand dollars (\$48,000) to purchase and equip vehicles for the Tijeras senior center in Bernalillo county;

(15) ninety-one thousand two hundred dollars (\$91,200) to purchase and install equipment for the senior olympics program in Chaves county;

(16) twenty-six thousand five hundred dollars (\$26,500) to purchase and equip vehicles for the senior olympics program in Chaves county;

(17) one hundred fifty thousand dollars (\$150,000) to plan, design, renovate and equip the Hagerman senior center in Chaves county;

(18) eighty-four thousand dollars (\$84,000) to purchase and equip vehicles for senior centers countywide in Colfax county;

(19) fifteen thousand dollars (\$15,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Raton senior center in Colfax county;

(20) eight thousand dollars (\$8,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Baxter-Curren senior center in Clovis in Curry county;

(21) three thousand eight hundred dollars (\$3,800) to purchase and install equipment in the Clovis senior center in Curry county;

(22) three thousand three hundred thirty dollars (\$3,330) to purchase and install meals equipment at the Grady senior center in Curry county;

(23) twenty-five thousand dollars (\$25,000) to purchase and equip vehicles for the senior center in Fort Sumner in De Baca county;

(24) twenty-three thousand nine hundred fifty dollars (\$23,950) to purchase and install meals equipment at the Fort Sumner senior center in De Baca county;

(25) fifteen thousand two hundred ninety-five dollars (\$15,295) to purchase and install meals equipment for the senior centers countywide in Dona Ana county;

(26) sixty-two thousand five hundred dollars (\$62,500) to make improvements for building code compliance, including purchase and installation of equipment and a fire suppression system, to the Dona Ana community and Placitas senior centers in Dona Ana county;

(27) two hundred fifty thousand dollars (\$250,000) to make improvements for building code compliance, including purchase and installation of equipment, wiring, ventilation and plumbing, to the Munson senior center in Dona Ana county;

(28) three thousand six hundred eighty dollars (\$3,680) to purchase and install meals equipment in the Radium Springs senior center in Dona Ana county;

(29) forty-eight thousand dollars (\$48,000) to purchase and equip vehicles for the Artesia senior center in Eddy county;

(30) eighty-three thousand dollars (\$83,000) to purchase and equip vehicles for the southeast New Mexico community action corporation meal site in Artesia in Eddy county;

(31) thirty-eight thousand dollars (\$38,000) to purchase and install meals equipment in the senior centers countywide in Grant county;

(32) twenty-five thousand dollars (\$25,000) to make improvements for building code compliance, including purchase and installation of equipment, to the La Loma senior center in Guadalupe county;

(33) thirty-six thousand dollars (\$36,000) to purchase and install meals equipment for the senior centers countywide in Guadalupe county;

(34) eighteen thousand nine hundred seventy-five dollars (\$18,975) to purchase and install meals equipment for the La Loma senior center in Guadalupe county;

(35) forty-five thousand dollars (\$45,000) to purchase and equip vehicles for the La Loma senior center in Guadalupe county;

(36) thirteen thousand seven hundred fifteen dollars (\$13,715) to plan, design, renovate and equip the Santa Rosa senior center in Guadalupe county;

(37) forty-one thousand four hundred seventy dollars (\$41,470) to purchase and install meals equipment for the Santa Rosa senior center in Guadalupe county;

(38) six thousand six hundred dollars (\$6,600) to purchase and install meals equipment for the senior center in Hidalgo county;

(39) one hundred twenty thousand dollars (\$120,000) to plan, design, renovate and equip the Eunice senior center in Lea county;

(40) thirty-nine thousand five hundred eighty-five dollars (\$39,585) to purchase and install meals equipment for the Deming senior center in Luna county;

(41) three hundred thousand dollars (\$300,000) to make improvements for building code compliance, including purchase and installation of equipment, to the senior center in the Baahaali chapter of the Navajo Nation in McKinley county;

(42) twenty-seven thousand dollars (\$27,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Baca senior center in the Baca chapter of the Navajo Nation in McKinley county;

(43) one hundred eighty-nine thousand one hundred dollars (\$189,100) to make improvements for building code compliance, including purchase and installation of equipment and parking lot improvements, to the Ford Canyon senior center in Gallup in McKinley county;

(44) four thousand eight hundred fifty dollars (\$4,850) to purchase and install meals equipment for the county neighborhood facility in McKinley county;

(45) fifteen thousand dollars (\$15,000) to plan, design, renovate and equip the senior center in the Pinedale chapter of the Navajo Nation in McKinley county;

(46) fourteen thousand dollars (\$14,000) to make improvements for building code compliance, including purchase and installation of equipment, to the senior center in the Pinedale chapter of the Navajo Nation in McKinley county;

(47) one hundred seventy thousand dollars (\$170,000) to plan, design, renovate and equip the senior center in the Tohatchi chapter of the Navajo Nation in McKinley county;

(48) six thousand dollars (\$6,000) to purchase and install equipment in the Pueblo of Zuni senior center in McKinley county;

(49) five thousand dollars (\$5,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Pueblo of Zuni senior center in McKinley county;

(50) three hundred thousand dollars (\$300,000) to purchase and equip vehicles for Navajo Nation senior centers nationwide in Bernalillo, McKinley, San Juan and Socorro counties;

(51) two hundred fifty thousand dollars (\$250,000) to purchase and install equipment for the Navajo Nation senior centers nationwide in Bernalillo, McKinley, San Juan and Socorro counties;

(52) two hundred seventy-five thousand dollars (\$275,000) to purchase and install meals equipment for senior centers nationwide on the Navajo Nation in Bernalillo, McKinley, San Juan and Socorro counties;

(53) one million dollars (\$1,000,000) to purchase and install equipment for the area agencies on aging statewide;

(54) one hundred thirty thousand six hundred eighty dollars (\$130,680) to plan, design, renovate and equip the Alamogordo senior center in Otero county;

(55) two hundred sixty-five thousand dollars (\$265,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Alamogordo senior center in Alamogordo in Otero county;

(56) three thousand dollars (\$3,000) to purchase and install equipment in the Cloudcroft senior center in Otero county;

(57) five thousand dollars (\$5,000) to purchase and install meals equipment for the Cloudcroft senior center in Otero county;

(58) one thousand five hundred dollars (\$1,500) to purchase and install equipment in the Logan senior center in Quay county;

(59) eight thousand nine hundred dollars (\$8,900) to purchase and install equipment in the Tucumcari senior center in Quay county;



(60) forty-five thousand dollars (\$45,000) to purchase and equip vehicles for the senior center in Tucumcari in Quay county;

(61) eighteen thousand dollars (\$18,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Tucumcari senior center in Quay county;

(62) twenty-nine thousand nine hundred dollars (\$29,900) to purchase and install meals equipment at the Tucumcari senior center in Quay county;

(63) twenty-four thousand five hundred dollars (\$24,500) to plan, design, renovate and equip the Tucumcari senior center in Quay county;

(64) nine thousand three hundred sixty dollars (\$9,360) to purchase and install equipment in the Beatrice Martinez senior center in Espanola in Rio Arriba county;

(65) two hundred fifty thousand dollars (\$250,000) to make improvements for building code compliance, including purchase and installation of equipment and roof replacement, to the Beatrice Martinez senior center in Espanola in Rio Arriba county;

(66) twenty-one thousand dollars (\$21,000) to purchase and install meals equipment in the Beatrice Martinez senior center in Rio Arriba county;

(67) five thousand dollars (\$5,000) to purchase and install meals equipment at the Chama senior center in Rio Arriba county;

(68) seventy-seven thousand four hundred ninety dollars (\$77,490) to plan, design, renovate and equip the Chama senior center in Rio Arriba county;

(69) ten thousand eight hundred ten dollars (\$10,810) to purchase and install meals equipment for the Coyote senior center in Rio Arriba county;

(70) twenty-seven thousand three hundred five dollars (\$27,305) to plan, design, renovate and equip the Coyote senior center in Rio Arriba county;

(71) one hundred fifty thousand nine hundred sixty dollars (\$150,960) to plan, design, renovate and equip the Dixon senior center in Rio Arriba county;

(72) thirty-four thousand nine hundred dollars (\$34,900) to plan, design, renovate and equip the county senior center in Espanola in Rio Arriba county;

(73) nineteen thousand three hundred ninety dollars (\$19,390) to purchase and install equipment in senior centers countywide in Rio Arriba county;

(74) thirty-four thousand dollars (\$34,000) to purchase and equip vehicles for the Pueblo of Santa Clara senior center in Rio Arriba county;

(75) six thousand five hundred dollars (\$6,500) to plan, design, renovate and equip the Pueblo of Santa Clara senior center in Rio Arriba county;

(76) two hundred thousand dollars (\$200,000) to make improvements for building code compliance, including purchase and installation of equipment and renovations to the portal, to the Pueblo of Santa Clara senior center in Rio Arriba county;

(77) two thousand seven hundred fifteen dollars (\$2,715) to purchase and install meals equipment for the Tierra Amarilla senior center in Rio Arriba county;

(78) one hundred seventy thousand dollars (\$170,000) to plan, design, renovate and equip the Beclabito chapter senior center on the Navajo Nation in San Juan county;

(79) twenty-five thousand dollars (\$25,000) to purchase and equip vehicles for the Bloomfield senior center in San Juan county;

(80) twenty-seven thousand one hundred dollars (\$27,100) to make improvements for building code compliance, including purchase and installation of equipment, to the Bonnie Dallas senior center in San Juan county;

(81) nine thousand seven hundred dollars (\$9,700) to purchase and install meals equipment for the Bonnie Dallas and Fruitland senior centers in San Juan county;

(82) thirty thousand dollars (\$30,000) to plan, design, renovate and equip the Crystal chapter senior center on the Navajo Nation in San Juan county;

(83) sixty-eight thousand one hundred forty-five dollars (\$68,145) to plan, design, renovate and equip the Lower Valley senior center in San Juan county;

(84) seventy thousand dollars (\$70,000) to plan, design, renovate and equip the Naschitti chapter senior center on the Navajo Nation in San Juan county;

(85) forty thousand dollars (\$40,000) to purchase and install equipment for senior centers countywide in San Juan county;

(86) seventy thousand dollars (\$70,000) to plan, design, renovate and equip the Sheep Springs chapter senior center on the Navajo Nation in San Juan county;

(87) forty-eight thousand dollars (\$48,000) to purchase and equip vehicles for the Las Vegas senior center in San Miguel county;

(88) fifteen thousand eight hundred dollars (\$15,800) to purchase and install meals equipment in the Pecos senior center in San Miguel county;

(89) ten thousand one hundred ninety-five dollars (\$10,195) to plan, design, renovate and equip the Pecos senior center in San Miguel county;

(90) nineteen thousand four hundred ten dollars (\$19,410) to make improvements for building code compliance, including purchase and installation of equipment, to the Bernalillo senior center in Sandoval county;

(91) twenty-three thousand dollars (\$23,000) to plan, design, renovate and equip the Corrales senior center in Sandoval county;

(92) twenty-three thousand dollars (\$23,000) to plan, design, renovate and equip the Cuba senior center in Sandoval county;

(93) nine thousand three hundred forty dollars (\$9,340) to purchase and install meals equipment in the Pueblo of Jemez senior center in Sandoval county;

(94) sixty-seven thousand dollars (\$67,000) to purchase and equip vehicles for the senior center in the Pueblo of Jemez in Sandoval county;

(95) fifty-six thousand dollars (\$56,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Jemez senior center in Sandoval county;

(96) seventy thousand eight hundred ten dollars (\$70,810) to purchase and install equipment in the Rio Rancho senior center in Sandoval county;

(97) one hundred thirteen thousand four hundred ten dollars (\$113,410) to make improvements for building code compliance, including purchase and installation of equipment, to the Rio Rancho senior center in Sandoval county;

(98) three thousand dollars (\$3,000) to purchase and install meals equipment in the Pueblo of Sandia senior center in Sandoval county;

(99) twenty-five thousand five hundred dollars (\$25,500) to purchase and install equipment for senior centers countywide in Sandoval county;

(100) one hundred seventy-one thousand dollars (\$171,000) to purchase and equip vehicles for senior centers countywide in Sandoval county;

(101) twenty-five thousand dollars (\$25,000) to plan, design, renovate and equip the Pueblo of Santo Domingo senior center in Sandoval county;

(102) thirty-five thousand dollars (\$35,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Pueblo of Santo Domingo senior center in Sandoval county;

(103) three thousand dollars (\$3,000) to purchase and install meals equipment in the Pueblo of Zia senior center in Sandoval county;

(104) one hundred eighty-five thousand six hundred ninety dollars (\$185,690) to make improvements for building code compliance to the Luisa senior center in

Santa Fe county;

(105) one hundred forty-six thousand nine hundred forty dollars (\$146,940) to plan, design, renovate and equip the Luisa senior center in Santa Fe in Santa Fe county;

(106) one hundred thirty-four thousand eight hundred eighty dollars (\$134,880) to plan, design, renovate and equip the Mary Esther Gonzales senior center in Santa Fe in Santa Fe county;

(107) three hundred thousand dollars (\$300,000) to make improvements for building code compliance, including purchase and installation of equipment and roof replacement, to the Mary Esther Gonzales senior center in Santa Fe county;

(108) eight thousand five hundred dollars (\$8,500) to make improvements for building code compliance, including purchase and installation of equipment, to the Pasatiempo senior center in Santa Fe in Santa Fe county;

(109) thirty-four thousand dollars (\$34,000) to purchase and equip vehicles for the Pueblo of Pojoaque senior center in Santa Fe county;

(110) one hundred eleven thousand nine hundred dollars (\$111,900) to purchase and install meals equipment for citywide senior centers in Santa Fe in Santa Fe county;

(111) one hundred thirty-two thousand dollars (\$132,000) to purchase and equip vehicles for senior centers citywide in Santa Fe in Santa Fe county;

(112) ten thousand dollars (\$10,000) to purchase and install equipment in the Pueblo of Tesuque senior center in Santa Fe county;

(113) forty-eight thousand dollars (\$48,000) to purchase and equip vehicles for the Pueblo of Tesuque senior center in Santa Fe county;

(114) one hundred ten thousand eight hundred ninety dollars (\$110,890) to make improvements for building code compliance, including purchase and installation of equipment, to the Villa Consuelo senior center in Santa Fe county;

(115) sixteen thousand fifty-five dollars (\$16,055) to purchase and install meals equipment for the Truth or Consequences senior center in Sierra county;

(116) four thousand three hundred seventy-five dollars (\$4,375) to purchase and install meals equipment in the Socorro senior center in Socorro county;

(117) forty-two thousand dollars (\$42,000) to purchase and equip vehicles for senior centers countywide in Socorro county;

(118) fifteen thousand dollars (\$15,000) to make improvements for building code compliance, including purchase and installation of equipment, to the Socorro senior center in Socorro county;

(119) twenty-five thousand dollars (\$25,000) to plan, design, renovate and equip the Socorro senior center in Socorro county;

(120) thirty-three thousand one hundred fifteen dollars (\$33,115) to plan, design, renovate and equip the Chamisal senior center in Taos county;

(121) fifty-nine thousand dollars (\$59,000) to purchase and equip vehicles for the Pueblo of Taos senior center in Taos county;

(122) sixty-two thousand dollars (\$62,000) to plan, design, renovate and equip the Taos senior center in Taos county;

(123) ten thousand dollars (\$10,000) to plan, design, renovate and equip the Estancia senior center in Torrance county;

(124) twelve thousand dollars (\$12,000) to purchase and install meals equipment for the senior center in Moriarty in Torrance county;

(125) ten thousand dollars (\$10,000) to plan, design, renovate and equip the Moriarty senior center in Torrance county;

(126) nine thousand five hundred dollars (\$9,500) to plan, design, renovate and equip the Mountainair senior center in Torrance county;

(127) three thousand eight hundred seventy-five dollars (\$3,875) to plan, design, renovate and equip the Mountainair and Moriarty senior centers in Torrance county;

(128) six thousand five hundred dollars (\$6,500) to plan, design, renovate and equip the Clayton senior center in Union county;

(129) two hundred thousand dollars (\$200,000) to make improvements for building code compliance, including purchase and installation of equipment and roof replacement, to the Clayton senior center in Union county;

(130) two thousand five hundred dollars (\$2,500) to plan, design, renovate and equip the Des Moines senior center in Union county; and

(131) sixty-eight thousand dollars (\$68,000) to purchase and install meals equipment in the senior center in Belen in Valencia county;

B. for library acquisitions and capital improvements at public libraries, public school libraries, academic libraries and tribal libraries statewide:

(1) to the cultural affairs department:

(a) seven hundred thousand dollars (\$700,000) for equipment and supplemental library resource acquisitions, including print, non-print and electronic resources, and for planning, designing and constructing capital improvements to include library facilities for tribal libraries statewide; and

(b) three million dollars (\$3,000,000) for equipment and supplemental library resource acquisitions, including print, non-print and electronic resources, for non-tribal public libraries statewide;

(2) to the higher education department, three million dollars (\$3,000,000) for library resource acquisitions, including books, equipment, 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 library resource acquisitions, including library books, for public school libraries statewide; and

C. for capital improvements at institutions of higher education and special schools statewide:

(1) to the board of regents of eastern New Mexico university:

(a) one million five hundred thousand dollars (\$1,500,000) for campuswide renovations and infrastructure improvements, including related demolition, at the Roswell branch campus of eastern New Mexico university in Chaves county;

(b) five hundred thousand dollars (\$500,000) for renovations and infrastructure improvements, including designing, purchasing, equipping and installing an energy management system, at the Ruidoso branch campus of eastern New Mexico university in Lincoln county; and

(c) nine million dollars (\$9,000,000) to plan, design and make infrastructure improvements to ~~[technology classrooms at]~~ the Jack Williamson liberal arts building at eastern New Mexico university in Portales in Roosevelt county;  
*LINE-ITEM VETOED*

(2) to the higher education department:

(a) ten million five hundred thousand dollars (\$10,500,000) to improve, renovate, equip and furnish the south valley campus and the main campus of central New Mexico community college in Albuquerque in Bernalillo county;

(b) eight hundred thousand dollars (\$800,000) to plan, design, renovate and equip infrastructure improvements at Clovis community college in Clovis in Curry county;

(c) three million three hundred thousand dollars (\$3,300,000) to plan, design and make infrastructure improvements, including tunnel system upgrades, piping and electrical and mechanical system upgrades, at New Mexico junior college in Hobbs in Lea county;

(d) one million dollars (\$1,000,000) for roof repair or replacement and other infrastructure improvements at Mesalands community college in Tucumcari in Quay county;

(e) one million two hundred thousand dollars (\$1,200,000) to plan, design, renovate and equip infrastructure improvements at San Juan college in Farmington in San Juan county;

(f) four million dollars (\$4,000,000) to plan, design, renovate and equip the vocational education complex at Luna community college in Las Vegas in San Miguel county; and

(g) one million dollars (\$1,000,000) for roofing upgrades to buildings at Santa Fe community college in Santa Fe county;

(3) to the board of regents of New Mexico highlands university, six million dollars (\$6,000,000) to improve the site for, and to plan, design, renovate, construct, furnish and equip, the Trolley building to be used for the media arts program at New Mexico highlands university in Las Vegas in San Miguel county;

(4) to the board of regents of New Mexico institute of mining and technology, eighteen million dollars (\$18,000,000) to plan, design, construct and equip phase 1 of the geology facility at New Mexico institute of mining and technology in Socorro in Socorro county;

(5) to the board of regents of New Mexico military institute, five million dollars (\$5,000,000) for renovations, including improvements related to code compliance, at Lusk hall at New Mexico military institute in Roswell in Chaves county;

(6) to the board of regents of New Mexico state university:

(a) one million dollars (\$1,000,000) for infrastructure renovation and upgrades at the Grants branch campus of New Mexico state university in Cibola county;

(b) nineteen million dollars (\$19,000,000) to plan, design, renovate, conduct necessary demolition, construct, furnish, expand and equip the Hardman and Jacobs halls at New Mexico state university in Las Cruces in Dona Ana county;

(c) two million dollars (\$2,000,000) for infrastructure renovation and upgrades at the Dona Ana community college branch of New Mexico state university in Dona Ana county;

(d) one million dollars (\$1,000,000) for infrastructure renovations and improvements at the Carlsbad branch campus of New Mexico state university in Eddy county; and

(e) one million dollars (\$1,000,000) for infrastructure renovations and improvements at the Alamogordo branch campus of New Mexico state university in Otero county;

(7) to the board of regents of northern

New Mexico state school, two million dollars (\$2,000,000) for power, campus security and equipment upgrades at the El Rito and Espanola campuses of northern New Mexico state school in Rio Arriba county;

(8) to the board of regents of the university of New Mexico:



(a) sixteen million dollars (\$16,000,000) to renovate Clark hall, the chemistry building, at the university of New Mexico in Albuquerque in Bernalillo county;

(b) three million dollars (\$3,000,000) to demolish, renovate, expand, construct, equip and furnish Castetter hall, the biology building, at the university of New Mexico in Albuquerque in Bernalillo county;

(c) five hundred thousand dollars (\$500,000) to renovate and equip labs, classrooms and storage space at the science laboratories at the Los Alamos branch campus of the university of New Mexico in Los Alamos county;

(d) one million dollars (\$1,000,000) for water and sewer upgrades, including improvements to utility infrastructure and fire suppression systems, at the Gallup branch campus of the university of New Mexico in McKinley county;

(e) three million dollars (\$3,000,000) to renovate and upgrade the campus, including lighting, signage, infrastructure and parking lot and drainage improvements, at the Taos branch campus of the university of New Mexico in Taos county; and

(f) one million dollars (\$1,000,000) for infrastructure improvements, including roof replacement, heating, ventilation and air conditioning system upgrades, plumbing upgrades and construction of a loop road and parking lot, at the Valencia branch campus of the university of New Mexico in Los Lunas in Valencia county;

(9) to the board of regents of western New Mexico university, four million dollars (\$4,000,000) for infrastructure renovations and improvements, including fire alarm systems, paving, drainage and sidewalk repairs, at western New Mexico university in Silver City in Grant county; and

(10) to the Indian affairs department:

(a) eight hundred thousand dollars (\$800,000) to plan, design and construct the science and technology building at the institute of American Indian arts in Santa Fe county;

(b) one million three hundred thousand dollars (\$1,300,000) to plan, design and construct classrooms and laboratories for the wellness center at the Santa Fe Indian school in Santa Fe in Santa Fe county;

(c) five hundred thousand dollars (\$500,000) for improvements and security enhancements at southwestern Indian polytechnic institute in Albuquerque in Bernalillo county; and

(d) five hundred thousand dollars (\$500,000) to plan, design, construct and equip an education wellness center at Navajo technical college in Crownpoint in McKinley county.

## **Chapter 54 Section 11 Laws 2012**

### **SECTION 11. ELECTION.--**

A. Bonds issued pursuant to the 2012 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 2012, 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 2012 general election shall contain substantially the following language:

(1) "The 2012 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 ten million three hundred thirty-five thousand dollars (\$10,335,000) 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 2012 Capital Projects General Obligation Bond Act authorizes the issuance and sale of library acquisition and construction bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed nine million eight hundred thirty thousand dollars (\$9,830,000) to make capital expenditures for academic, public school, tribal and public library resource acquisitions and construction 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 2012 Capital Projects General Obligation Bond Act authorizes the issuance and sale of higher education and special schools capital improvement and acquisition bonds. Shall the state be authorized to issue general

obligation bonds in an amount not to exceed one hundred twenty million dollars (\$120,000,000) to make capital expenditures for certain higher education and special 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 2012 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 2012 Capital Projects General Obligation Bond Act. The failure of a question to be approved by the electorate at the 2012 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 2012 general election, and it shall be included in the general election proclamation of each of the county clerks. The secretary of state shall cause the 2012 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 54 Section 12 Laws 2012**

SECTION 12. ART IN PUBLIC PLACES.--Pursuant to Section 13-4A-4 NMSA 1978 and where applicable, the appropriations authorized in the 2012 Capital Projects General Obligation Bond Act include money for the art in public places fund.

## **Chapter 54 Section 13 Laws 2012**

SECTION 13. PROJECT SCOPE--EXPENDITURES--REVERSION.--

A. If an appropriation for a project authorized in the 2012 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 2012 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 54 Section 14 Laws 2012**

SECTION 14. SEVERABILITY.--If any part or application of the 2012 Capital Projects General Obligation Bond Act is held invalid, the remainder or its application to other situations or persons shall not be affected.

## **Chapter 54 Section 15 Laws 2012**

SECTION 15. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

---

SFC/Senate Bill 66, aa, w/ec, partial veto

Approved March 7, 2012

# **LAWS 2012, CHAPTER 55**

AN ACT

RELATING TO TAXATION; ENACTING NEW SECTIONS OF THE INCOME TAX ACT AND THE CORPORATE INCOME AND FRANCHISE TAX ACT; CREATING THE VETERAN EMPLOYMENT TAX CREDIT.

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

## **Chapter 55 Section 1 Laws 2012**

**SECTION 1.** A new section of the Income Tax Act is enacted to read:

"VETERAN EMPLOYMENT TAX CREDIT.--

A. A taxpayer who is not a dependent of another individual and who employs a qualified military veteran in New Mexico is eligible for a credit against the taxpayer's tax liability imposed pursuant to the Income Tax Act in an amount up to one thousand dollars (\$1,000) of the gross wages paid to each qualified military veteran by the taxpayer during the taxable year for which the return is filed. A taxpayer who employs a qualified military veteran for less than the full taxable year is eligible for a credit amount equal to one thousand dollars (\$1,000) multiplied by the fraction of a full

year for which the qualified military veteran was employed. The tax credit provided by this section may be referred to as the "veteran employment tax credit".

B. The purpose of the veteran employment tax credit is to encourage the full-time employment of qualified military veterans within two years of discharge from the armed forces of the United States.

C. A taxpayer may claim the veteran employment tax credit provided in this section for each taxable year in which the taxpayer employs one or more qualified military veterans; provided that the taxpayer may not claim the veteran employment tax credit for any individual qualified military veteran for more than one calendar year from the date of hire.

D. That portion of a veteran employment tax credit approved by the department that exceeds a taxpayer's income tax liability in the taxable year in which the veteran employment tax credit is claimed shall not be refunded to the taxpayer but may be carried forward for up to three years. The veteran employment tax credit shall not be transferred to another taxpayer.

E. A husband and wife filing separate returns for a taxable year for which they could have filed a joint return may each claim only one-half of the veteran employment tax credit that would have been claimed on a joint return.

F. A taxpayer may be allocated the right to claim a veteran employment tax credit in proportion to its ownership interest if the taxpayer owns an interest in a business entity that is taxed for federal income tax purposes as a partnership 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 Subsection A of this section.

G. The taxpayer shall submit to the department with respect to each employee for whom the veteran employment tax credit is claimed information required by the department with respect to the veteran's employment by the taxpayer during the taxable year for which the veteran employment tax credit is claimed, including information establishing that the employee is a qualified military veteran that can be used to determine that the employee was not also employed in the same taxable year by another taxpayer claiming a veteran employment tax credit for that employee pursuant to this section or the Corporate Income and Franchise Tax Act.

H. The department shall adopt rules establishing procedures to certify qualified military veterans for purposes of obtaining a veteran employment tax credit. The rules shall ensure that not more than one veteran employment tax credit per qualified military veteran shall be allowed in a taxable year and that the credits allowed per qualified military veteran are limited to a maximum of one year's employment.

I. As used in this section, "qualified military veteran" means an individual who is hired within two years of receipt of an honorable discharge from a branch of the United States military, who works at least forty hours per week during the taxable year for which the veteran employment tax credit is claimed and who was not previously employed by the taxpayer prior to the individual's deployment."

## **Chapter 55 Section 2 Laws 2012**

**SECTION 2.** A new section of the Corporate Income and Franchise Tax Act is enacted to read:

### **"VETERAN EMPLOYMENT TAX CREDIT.--**

A. A taxpayer that employs a qualified military veteran in New Mexico is eligible for a credit against the taxpayer's tax liability imposed pursuant to the Corporate Income and Franchise Tax Act in an amount up to one thousand dollars (\$1,000) of the gross wages paid to each qualified military veteran by the taxpayer during the taxable year for which the return is filed. A taxpayer that employs a qualified military veteran for less than the full taxable year is eligible for a credit amount equal to one thousand dollars (\$1,000) multiplied by the fraction of a full year for which the qualified military veteran was employed. The tax credit provided by this section may be referred to as the "veteran employment tax credit".

B. The purpose of the veteran employment tax credit is to encourage the full-time employment of qualified military veterans within two years of discharge from the armed forces of the United States.

C. A taxpayer may claim the veteran employment tax credit provided in this section for each taxable year in which the taxpayer employs one or more qualified military veterans; provided that the taxpayer may not claim the veteran employment tax credit for any individual qualified military veteran for more than one calendar year from the date of hire.

D. That portion of a veteran employment tax credit approved by the department that exceeds a taxpayer's corporate income tax liability in the taxable year in which the credit is claimed shall not be refunded to the taxpayer but may be carried forward for up to three years. The veteran employment tax credit shall not be transferred to another taxpayer.

E. The taxpayer shall submit to the department with respect to each employee for whom the veteran employment tax credit is claimed information required by the department with respect to the veteran's employment by the taxpayer during the taxable year for which the veteran employment tax credit is claimed, including information establishing that the employee is a qualified military veteran that can be used to determine that the employee was not also employed in the same taxable year

by another taxpayer claiming a veteran employment tax credit for that employee pursuant to this section or the Income Tax Act.

F. The department shall adopt rules establishing procedures to certify qualified military veterans for purposes of obtaining a veteran employment tax credit. The rules shall ensure that not more than one veteran employment tax credit per qualified military veteran shall be allowed in a taxable year and that the credits allowed per qualified military veteran are limited to a maximum of one year's employment.

G. The department shall compile an annual report for the revenue stabilization and tax policy committee and the legislative finance committee that sets forth the number of taxpayers approved to receive the veteran employment tax credit, the aggregate amount of credits approved and the average and median amounts of credits approved. The department shall advise those committees in 2015 whether the veteran employment tax credit is performing the purpose for which it was enacted.

H. Acceptance of the veteran employment tax credit is authorization to the department to reveal the amount of the tax credit claimed by the taxpayer and other information from the taxpayer's tax reports as needed to report fully as required by this section to the revenue stabilization and tax policy committee and the legislative finance committee.

I. As used in this section, "qualified military veteran" means an individual who is hired within two years of receipt of an honorable discharge from a branch of the United States military, who works at least forty hours per week during the taxable year for which the veteran employment tax credit is claimed and who was not previously employed by the taxpayer prior to the individual's deployment."

## **Chapter 55 Section 3 Laws 2012**

**SECTION 3. APPLICABILITY.**--The provisions of this act apply to taxable years beginning on or after January 1, 2012 and ending on or before January 1, 2017.

---

HTRC/House Bills 10 & 154, aa

Approved March 7, 2012

## **LAWS 2012, CHAPTER 56**

AN ACT

RELATING TO PROCUREMENT; ESTABLISHING A TEMPORARY PREFERENCE FOR RESIDENT VETERAN BUSINESSES AND FOR RESIDENT VETERAN

CONTRACTORS; PROVIDING FOR CERTIFICATION AS A RESIDENT VETERAN BUSINESS AND A RESIDENT VETERAN CONTRACTOR.

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

## **Chapter 56 Section 1 Laws 2012**

**SECTION 1.** Section 13-1-21 NMSA 1978 (being Laws 1979, Chapter 72, Section 1, as amended) is amended to read:

"13-1-21. APPLICATION OF PREFERENCES.--

A. For the purposes of this section:

(1) "business" means a commercial enterprise carried on for the purpose of selling goods or services, including growing, producing, processing or distributing agricultural products;

(2) "formal bid process" means a competitive sealed bid process;

(3) "formal request for proposals process" means a competitive sealed proposal process, including a competitive sealed qualifications-based proposal process;

(4) "public body" means a department, commission, council, board, committee, institution, legislative body, agency, government corporation, educational institution or official of the executive, legislative or judicial branch of the government of the state or a political subdivision of the state and the agencies, instrumentalities and institutions thereof, including two-year post-secondary educational institutions, school districts, local school boards and all municipalities, including home-rule municipalities;

(5) "recycled content goods" means supplies and materials composed twenty- five percent or more of recycled materials; provided that the recycled materials content meets or exceeds the minimum content standards required by bid specifications;

(6) "resident business" means a business that has a valid resident business certificate issued by the taxation and revenue department pursuant to Section 13-1-22 NMSA 1978 but does not include a resident veteran business; and

(7) "resident veteran business" means a business that has a valid resident veteran business certificate issued by the taxation and revenue department pursuant to Section 13-1-22 NMSA 1978.



B. Except as provided in Subsection C of this section, when a public body makes a purchase using a formal bid process, the public body shall deem a bid submitted by a:

(1) resident business to be five percent lower than the bid actually submitted;

(2) resident veteran business with annual revenues of one million dollars (\$1,000,000) or less to be ten percent lower than the bid actually submitted;

(3) resident veteran business with annual revenues of more than one million dollars (\$1,000,000) but less than five million dollars (\$5,000,000) to be eight percent lower than the bid actually submitted subject to the limitation provided in Subsection G of this section; and

(4) resident veteran business with annual revenues of five million dollars (\$5,000,000) or more to be seven percent lower than the bid actually submitted subject to the limitation provided in Subsection G of this section.

C. When a public body makes a purchase using a formal bid process and the bids are received for both recycled content goods and nonrecycled content goods, the public body shall deem:

(1) bids submitted for recycled content goods from any business, except a resident veteran business, to be five percent lower than the bids actually submitted;

(2) bids submitted for recycled content goods from a resident veteran business with annual revenues of one million dollars (\$1,000,000) or less to be ten percent lower than the bids actually submitted;

(3) bids submitted for recycled content goods from a resident veteran business with annual revenues of more than one million dollars (\$1,000,000) but less than five million dollars (\$5,000,000) to be eight percent lower than the bids actually submitted subject to the limitation provided in Subsection G of this section; and

(4) bids submitted for recycled content goods from a resident veteran business with annual revenues of five million dollars (\$5,000,000) or more to be seven percent lower than the bids actually submitted subject to the limitation provided in Subsection G of this section.

D. When a public body makes a purchase using a formal request for proposals process, not including contracts awarded on a point-based system, the public body shall award an additional:

(1) five percent of the total weight of all the factors used in evaluating the proposals to a resident business;

(2) ten percent of the total weight of all the factors used in evaluating the proposals to a resident veteran business that has annual revenues of one million dollars (\$1,000,000) or less;

(3) eight percent of the total weight of all the factors used in evaluating the proposals to a resident veteran business that has annual revenues of more than one million dollars (\$1,000,000) but less than five million dollars (\$5,000,000) subject to the limitation provided in Subsection G of this section; and

(4) seven percent of the total weight of all the factors used in evaluating the proposals to a resident veteran business that has annual revenues of five million dollars (\$5,000,000) or more subject to the limitation provided in Subsection G of this section.

E. When a public body makes a purchase using a formal request for proposals process, and the contract is awarded based on a point-based system, the public body shall award an additional of the equivalent of:

(1) five percent of the total possible points to a resident business;

(2) ten percent of the total possible points to a resident veteran business that has annual revenues of one million dollars (\$1,000,000) or less;

(3) eight percent of the total possible points to a resident veteran business that has annual revenues of more than one million dollars (\$1,000,000) but less than five million dollars (\$5,000,000) subject to the limitation provided in Subsection G of this section; and

(4) seven percent of the total possible points to a resident veteran business that has annual revenues of five million dollars (\$5,000,000) or more subject to the limitation provided in Subsection G of this section.

F. When a joint bid or joint proposal is submitted by a combination of resident veteran, resident or nonresident businesses, the preference provided pursuant to Subsection B, C, D or E of this section shall be calculated in proportion to the percentage of the contract, based on the dollar amount of the goods or services provided under the contract, that will be performed by each business as specified in the joint bid or proposal.

G. The preference pursuant to Paragraphs (3) and (4) of Subsection B of this section, Paragraphs (3) and (4) of Subsection C of this section, Paragraphs (3) and (4) of Subsection D of this section and Paragraphs (3) and (4) of Subsection E of this section shall be limited, in any calendar year, to an aggregate of ten million dollars

(\$10,000,000) in purchases by public bodies from all resident veteran businesses receiving preferences pursuant to the provisions of those paragraphs.

H. A public body shall not award a business both a resident business preference and a resident veteran business preference.

I. The procedures provided in Sections 13-1-172 through 13-1-183 NMSA 1978 or in an applicable purchasing ordinance apply to a protest to a public body concerning the awarding of a contract in violation of this section.

J. This section shall not apply when the expenditure includes federal funds for a specific purchase."

## **Chapter 56 Section 2 Laws 2012**

**SECTION 2.** Section 13-1-21 NMSA 1978 (being Laws 1979, Chapter 72, Section 1, as amended by Section 1 of this act) is repealed and a new Section 13-1-21 NMSA 1978 is enacted to read:

"13-1-21. APPLICATION OF PREFERENCES.--

A. For the purposes of this section:

(1) "business" means a commercial enterprise carried on for the purpose of selling goods or services, including growing, producing, processing or distributing agricultural products;

(2) "formal bid process" means a competitive sealed bid process;

(3) "formal request for proposals process" means a competitive sealed proposal process, including a competitive sealed qualifications-based proposal process;

(4) "public body" means a department, commission, council, board, committee, institution, legislative body, agency, government corporation, educational institution or official of the executive, legislative or judicial branch of the government of the state or a political subdivision of the state and the agencies, instrumentalities and institutions thereof, including two-year post-secondary educational institutions, school districts, local school boards and all municipalities, including home-rule municipalities;

(5) "resident business" means a business that has a valid resident business certificate issued by the taxation and revenue department pursuant to Section 13-1-22 NMSA 1978; and

(6) "recycled content goods" means supplies and materials composed twenty- five percent or more of recycled materials; provided that the recycled

materials content meets or exceeds the minimum content standards required by bid specifications.

B. When a public body makes a purchase using a formal bid process, the public body shall deem a bid submitted by a resident business to be five percent lower than the bid actually submitted.

C. When a public body makes a purchase using a formal request for proposals process:

(1) five percent of the total weight of all the factors used in evaluating the proposals shall be awarded to a resident business based on the resident business possessing a valid resident business certificate; or

(2) if the contract is awarded based on a point-based system, a resident business shall be awarded the equivalent of five percent of the total possible points to be awarded based on the resident business possessing a valid resident business certificate.

D. When a joint bid or joint proposal is submitted by both resident and nonresident businesses, the resident business preference provided pursuant to Subsection B or C of this section shall be reduced in proportion to the percentage of the contract, based on the dollar amount of the goods or services provided under the contract, that will be performed by a nonresident business as specified in the joint bid or proposal.

E. When bids are received for both recycled content goods and nonrecycled content goods, the public body shall deem the bids submitted for recycled content goods of equal quality to be five percent lower than the bids actually submitted. A bid calculation pursuant to this subsection for a resident business shall not also receive the bid calculation preference pursuant to Subsection B of this section.

F. The procedures provided in Sections 13-1-172 through 13-1-183 NMSA 1978 or in an applicable purchasing ordinance apply to a protest to a public body concerning the awarding of a contract in violation of this section.

G. This section shall not apply when the expenditure includes federal funds for a specific purchase."

## **Chapter 56 Section 3 Laws 2012**

**SECTION 3.** Section 13-1-22 NMSA 1978 (being Laws 1969, Chapter 184, Section 1, as amended) is amended to read:

"13-1-22. RESIDENT BUSINESS, RESIDENT VETERAN BUSINESS, RESIDENT CONTRACTOR AND RESIDENT VETERAN CONTRACTOR CERTIFICATION.--

A. To receive a resident business or resident veteran business preference pursuant to Section 13-1-21 NMSA 1978 or a resident contractor or resident veteran contractor preference pursuant to Section 13-4-2 NMSA 1978, a business or contractor shall submit with its bid or proposal a copy of a valid resident business certificate, valid resident veteran business certificate, valid resident contractor certificate or valid resident veteran contractor certificate issued by the taxation and revenue department.

B. An application for a resident business certificate shall include an affidavit from a certified public accountant setting forth that the business is licensed to do business in this state and that:

(1) the business has paid property taxes or rent on real property in the state and paid at least one other tax administered by the state in each of the three years immediately preceding the submission of the affidavit;

(2) if the business is a new business, the owner or majority of owners has paid property taxes or rent on real property in the state and has paid at least one other tax administered by the state in each of the three years immediately preceding the submission of the affidavit and has not applied for a resident business or resident contractor certificate pursuant to this section during that time period;

(3) if the business is a relocated business, at least eighty percent of the total personnel of the business in the year immediately preceding the submission of the affidavit were residents of the state and that, prior to the submission of the affidavit, the business either leased real property for ten years or purchased real property greater than one hundred thousand dollars (\$100,000) in value in the state; or

(4) if the business is a previously certified business or was eligible for certification, the business has changed its name, has reorganized into one or more different legal entities, was purchased by another legal entity but operates in the state as substantially the same commercial enterprise or has merged with a different legal entity but operates in the state as substantially the same commercial enterprise.

C. An application for a resident veteran business certificate shall include the affidavit required by Subsection B of this section, an affidavit from a certified public accountant providing the previous year's annual revenues of the resident veteran business and:

(1) verification by the federal department of veterans affairs as being either a veteran-owned small business or a service-disabled veteran-owned small business; or

(2) verification of veteran status as indicated by the United States department of defense DD form 214 of release or discharge from active duty with an honorable discharge or of service- disabled veteran status by the department of veterans affairs and proof that a veteran or veterans own a majority of the business.

D. An application for a resident contractor certificate shall include an affidavit from a certified public accountant setting forth that the contractor is currently licensed as a contractor in this state and that:

(1) the contractor has:

(a) registered with the state at least one vehicle; and

(b) in each of the five years immediately preceding the submission of the affidavit: 1) paid property taxes or rent on real property in the state and paid at least one other tax administered by the state; and 2) paid unemployment insurance on at least three full-time employees who are residents of the state; provided that if a contractor is a legacy contractor, the requirement of at least three full-time employees who are residents of the state is waived;

(2) if the contractor is a new contractor, the owner or majority of owners has paid property taxes or rent on real property in the state and has paid at least one other tax administered by the state in each of the five years immediately preceding the submission of the affidavit and has not applied for a resident business or resident contractor certificate pursuant to this section during that time period;

(3) if the contractor is a relocated business, at least eighty percent of the total personnel of the business in the year immediately preceding the submission of the affidavit were residents of the state and that, prior to the submission of the affidavit, the contractor either leased real property for ten years or purchased real property greater than one hundred thousand dollars (\$100,000) in value in the state; or

(4) if the contractor is a previously certified contractor or was eligible for certification, the contractor has changed its name, has reorganized into one or more different legal entities, was purchased by another legal entity but operates in the state as substantially the same enterprise or has merged with a different legal entity but operates in the state as substantially the same commercial enterprise.

E. An application for a resident veteran contractor certificate shall include the affidavit required by Subsection D of this section, an affidavit from a certified public accountant providing the previous year's annual revenues for the resident veteran contractor and:

(1) verification by the federal department of veterans affairs as being either a veteran-owned small business or a service-disabled veteran-owned small business; or

(2) verification of veteran status as indicated by the United States department of defense DD form 214 of release or discharge from active duty with an honorable discharge or of service- disabled veteran status by the department of veterans affairs and proof that a veteran or veterans own a majority of the business.

F. The taxation and revenue department shall prescribe the form and content of an application for certification and required affidavit. The taxation and revenue department shall examine the application and affidavit and, if necessary, may seek additional information to ensure that the business or contractor is eligible to receive the certificate pursuant to the provisions of this section. If the taxation and revenue department determines that an applicant is eligible, the department shall issue a certificate pursuant to the provisions of this section. If the taxation and revenue department determines that the applicant is not eligible, the department shall issue notification within thirty days. If no notification is provided by the department, the certificate is deemed approved. A certificate is valid for three years from the date of its issuance; provided that if there is a change of ownership of more than fifty percent, a resident business, resident veteran business, resident contractor or resident veteran contractor shall reapply for a certificate.

G. A business or contractor whose application for a certificate is denied has fifteen days from the date of the taxation and revenue department's decision to file an objection with the taxation and revenue department. The person filing the objection shall submit evidence to support the objection. The taxation and revenue department shall review the evidence and issue a decision within fifteen days of the filing of the objection.

H. If, following a hearing and an opportunity to be heard, the taxation and revenue department finds that a business or contractor provided false information to the taxation and revenue department in order to obtain a certificate or that a business or contractor used a certificate to obtain a resident business, resident veteran business, resident contractor or resident veteran contractor preference for a bid or proposal and the resident business, resident veteran business, resident contractor or resident veteran contractor did not perform the percentage of the contract specified in the bid or proposal, the business or contractor:

(1) is not eligible to receive a certificate or a preference pursuant to Section 13- 1-21 or 13-4-2 NMSA 1978 for a period of five years from the date on which the taxation and revenue department became aware of the submission of the false information or the failure to perform the contract as specified in the bid or proposal; and

(2) is subject to an administrative penalty of up to fifty thousand dollars (\$50,000) for each violation.

I. In a decision issued pursuant to Subsection G or H of this section, the taxation and revenue department shall state the reasons for the action taken and inform

an aggrieved business or contractor of the right to judicial review of the determination pursuant to the provisions of Section 39-3- 1.1 NMSA 1978.

J. The taxation and revenue department may assess a reasonable fee for the issuance of a certificate not to exceed the actual cost of administering the taxation and revenue department's duties pursuant to this section.

K. The state auditor may audit or review the issuance or validity of certificates.

L. For purposes of this section:

(1) "new business" means a person that did not exist as a business in any form and that has been in existence for less than three years;

(2) "new contractor" means a person that did not exist as a business in any form and that has been in existence for less than five years;

(3) "legacy contractor" means a construction business that has been licensed in this state for ten consecutive years; and

(4) "relocated business" means a business that moved eighty percent of its total domestic personnel from another state to New Mexico in the past five years."

## **Chapter 56 Section 4 Laws 2012**

**SECTION 4.** Section 13-1-22 NMSA 1978 (being Laws 1969, Chapter 184, Section 1, as amended by Section 3 of this act) is repealed and a new Section 13-1-22 NMSA 1978 is enacted to read:

"13-1-22. RESIDENT BUSINESS AND RESIDENT CONTRACTOR CERTIFICATION.--

A. To receive a resident business preference pursuant to Section 13-1-21 NMSA 1978 or a resident contractor preference pursuant to Section 13-4-2 NMSA 1978, a business or contractor shall submit with its bid or proposal a copy of a valid resident business certificate or valid resident contractor certificate issued by the taxation and revenue department.

B. An application for a resident business certificate shall include an affidavit from a certified public accountant setting forth that the business is licensed to do business in this state and that:



(1) the business has paid property taxes or rent on real property in the state and paid at least one other tax administered by the state in each of the three years immediately preceding the submission of the affidavit;

(2) if the business is a new business, the owner or majority of owners has paid property taxes or rent on real property in the state and has paid at least one other tax administered by the state in each of the three years immediately preceding the submission of the affidavit and has not applied for a resident business or resident contractor certificate pursuant to this section during that time period;

(3) if the business is a relocated business, at least eighty percent of the total personnel of the business in the year immediately preceding the submission of the affidavit were residents of the state and that, prior to the submission of the affidavit, the business either leased real property for ten years or purchased real property greater than one hundred thousand dollars (\$100,000) in value in the state; or

(4) if the business is a previously certified business or was eligible for certification, the business has changed its name, has reorganized into one or more different legal entities, was purchased by another legal entity but operates in the state as substantially the same commercial enterprise or has merged with a different legal entity but operates in the state as substantially the same commercial enterprise.

C. An application for a resident contractor certificate shall include an affidavit from a certified public accountant setting forth that the contractor is currently licensed as a contractor in this state and that:

(1) the contractor has:

(a) registered with the state at least one vehicle; and

(b) in each of the five years immediately preceding the submission of the affidavit: 1) paid property taxes or rent on real property in the state and paid at least one other tax administered by the state; and 2) paid unemployment insurance on at least three full-time employees who are residents of the state; provided that if a contractor is a legacy contractor, the requirement of at least three full-time employees who are residents of the state is waived;

(2) if the contractor is a new contractor, the owner or majority of owners has paid property taxes or rent on real property in the state and has paid at least one other tax administered by the state in each of the five years immediately preceding the submission of the affidavit and has not applied for a resident business or resident contractor certificate pursuant to this section during that time period;

(3) if the contractor is a relocated business, at least eighty percent of the total personnel of the business in the year immediately preceding the submission of the affidavit were residents of the state and that, prior to the submission of the

affidavit, the contractor either leased real property for ten years or purchased real property greater than one hundred thousand dollars (\$100,000) in value in the state; or

(4) if the contractor is a previously certified contractor or was eligible for certification, the contractor has changed its name, has reorganized into one or more different legal entities, was purchased by another legal entity but operates in the state as substantially the same enterprise or has merged with a different legal entity but operates in the state as substantially the same commercial enterprise.

D. The taxation and revenue department shall prescribe the form and content of the application and required affidavit. The taxation and revenue department shall examine the application and affidavit and, if necessary, may seek additional information to ensure that the business or contractor is eligible to receive the certificate pursuant to the provisions of this section. If the taxation and revenue department determines that an applicant is eligible, the department shall issue a certificate pursuant to the provisions of this section. If the taxation and revenue department determines that the applicant is not eligible, the department shall issue notification within thirty days. If no notification is provided by the department, the certificate is deemed approved. A certificate is valid for three years from the date of its issuance; provided that if there is a change of ownership of more than fifty percent, a resident business or resident contractor shall reapply for a certificate.

E. A business or contractor whose application for a certificate is denied has fifteen days from the date of the taxation and revenue department's decision to file an objection with the taxation and revenue department. The person filing the objection shall submit evidence to support the objection. The taxation and revenue department shall review the evidence and issue a decision within fifteen days of the filing of the objection.

F. If, following a hearing and an opportunity to be heard, the taxation and revenue department finds that a business or contractor provided false information to the taxation and revenue department in order to obtain a certificate or that a business or contractor used a certificate to obtain a resident business or resident contractor preference for a bid or proposal and the resident business or contractor did not perform the percentage of the contract specified in the bid or proposal, the business or contractor:

(1) is not eligible to receive a certificate or a preference pursuant to Section 13- 1-21 or 13-4-2 NMSA 1978 for a period of five years from the date on which the taxation and revenue department became aware of the submission of the false information or the failure to perform the contract as specified in the bid or proposal; and

(2) is subject to an administrative penalty of up to fifty thousand dollars (\$50,000) for each violation.

G. In a decision issued pursuant to Subsection E or F of this section, the taxation and revenue department shall state the reasons for the action taken and inform an aggrieved business or contractor of the right to judicial review of the determination pursuant to the provisions of Section 39-3- 1.1 NMSA 1978.

H. The taxation and revenue department may assess a reasonable fee for the issuance of a certificate not to exceed the actual cost of administering the taxation and revenue department's duties pursuant to this section.

I. The state auditor may audit or review the issuance or validity of certificates.

J. For purposes of this section:

(1) "new business" means a person that did not exist as a business in any form and that has been in existence for less than three years;

(2) "new contractor" means a person that did not exist as a business in any form and that has been in existence for less than five years;

(3) "legacy contractor" means a construction business that has been licensed in this state for ten consecutive years; and

(4) "relocated business" means a business that moved eighty percent of its total domestic personnel from another state to New Mexico in the past five years."

## **Chapter 56 Section 5 Laws 2012**

**SECTION 5.** Section 13-4-2 NMSA 1978 (being Laws 1984, Chapter 66, Section 2, as amended) is amended to read:

"13-4-2. APPLICATION OF PREFERENCE.--

A. For the purposes of this section:

(1) "formal bid process" means a competitive sealed bid process;

(2) "formal request for proposals process" means a competitive sealed proposal process, including a competitive sealed qualifications-based proposal process;

(3) "public body" means a department, commission, council, board, committee, institution, legislative body, agency, government corporation, educational institution or official of the executive, legislative or judicial branch of the government of the state or a political subdivision of the state and the agencies, instrumentalities and

institutions thereof, including two-year post-secondary educational institutions, school districts, local school boards and all municipalities, including home-rule municipalities;

(4) "public works contract" means a contract for construction, construction management, architectural, landscape architectural, engineering, surveying or interior design services;

(5) "resident contractor" means a person that has a valid resident contractor certificate issued by the taxation and revenue department pursuant to Section

13-1-22 NMSA 1978 but does not include a resident veteran contractor; and

(6) "resident veteran contractor" means a person that has a valid resident veteran contractor certificate issued by the taxation and revenue department pursuant to Section 13-1-22 NMSA 1978.

B. For the purpose of awarding a public works contract using a formal bid process, a public body shall deem a bid submitted by a:

(1) resident contractor to be five percent lower than the bid actually submitted;

(2) resident veteran contractor with annual revenues of one million dollars (\$1,000,000) or less to be ten percent lower than the bid actually submitted;

(3) resident veteran contractor with annual revenues of more than one million dollars (\$1,000,000) but less than five million dollars (\$5,000,000) to be eight percent less than the bid actually submitted subject to the limitation provided in Subsection F of this section; and

(4) resident veteran contractor with annual revenues of five million dollars (\$5,000,000) or more to be seven percent less than the bid actually submitted subject to the limitation provided in Subsection F of this section.

C. When a public body awards a contract using a formal request for proposals process, not including contracts awarded on a point-based system, the public body shall award an additional:

(1) five percent of the total weight of all the factors used in evaluating the proposals to a resident contractor;

(2) ten percent of the total weight of all the factors used in evaluating the proposals to a resident veteran contractor that has annual revenues of one million dollars (\$1,000,000) or less;

(3) eight percent of the total weight of all the factors used in evaluating the proposals to a resident veteran contractor that has annual revenues of more than one million dollars (\$1,000,000) but less than five million dollars (\$5,000,000) subject to the limitation provided in Subsection F of this section; and

(4) seven percent of the total weight of all the factors used in evaluating the proposals to a resident veteran contractor that has annual revenues of five million dollars (\$5,000,000) or more subject to the limitation provided in Subsection F of this section.

D. When a public body makes a purchase using a formal request for proposals process, and the contract is awarded based on a point-based system, the public body shall award an additional of the equivalent of:

(1) five percent of the total possible points to a resident contractor;

(2) ten percent of the total possible points to a resident veteran contractor that has annual revenues of one million dollars (\$1,000,000) or less;

(3) eight percent of the total weight of all the factors used in evaluating the proposals to a resident veteran contractor that has annual revenues of more than one million dollars (\$1,000,000) but less than five million dollars (\$5,000,000) subject to the limitation provided in Subsection F of this section; and

(4) seven percent of the total weight of all the factors used in evaluating the proposals to a resident veteran contractor that has annual revenues of five million dollars (\$5,000,000) or more subject to the limitation provided in Subsection F of this section.

E. When a joint bid or joint proposal is submitted by a combination of resident veteran, resident or nonresident contractors, the preference provided pursuant to Subsection B, C or D of this section shall be calculated in proportion to the percentage of the contract, based on the dollar amount of the goods or services provided under the contract, that will be performed by each contractor as specified in the joint bid or joint proposal.

F. The preference pursuant to Paragraphs (3) and (4) of Subsection B of this section, Paragraphs (3) and (4) of Subsection C of this section and Paragraphs (3) and (4) of Subsection D of this section shall be limited, in any calendar year, to an aggregate of ten million dollars (\$10,000,000) in public works contracts by public bodies from all resident veteran contractors receiving preferences pursuant to the provisions of those paragraphs.

G. A public body shall not award a contractor both a resident contractor preference and a resident veteran contractor preference.

H. The procedures provided in Sections 13-1-172 through 13-1-183 NMSA 1978 or in an applicable purchasing ordinance apply to a protest to a public body concerning the awarding of a contract in violation of this section."

## **Chapter 56 Section 6 Laws 2012**

**SECTION 6.** Section 13-4-2 NMSA 1978 (being Laws 1984, Chapter 66, Section 2, as amended by Section 5 of this act) is repealed and a new Section 13-4-2 NMSA 1978 is enacted to read:

"13-4-2. RESIDENT CONTRACTOR DEFINED--APPLICATION OF PREFERENCE.--

A. For the purposes of this section:

(1) "formal bid process" means a competitive sealed bid process;

(2) "formal request for proposals process" means a competitive sealed proposal process, including a competitive sealed qualifications-based proposal process;

(3) "public body" means a department, commission, council, board, committee, institution, legislative body, agency, government corporation, educational institution or official of the executive, legislative or judicial branch of the government of the state or a political subdivision of the state and the agencies, instrumentalities and institutions thereof, including two-year post-secondary educational institutions, school districts, local school boards and all municipalities, including home-rule municipalities;

(4) "public works contract" means a contract for construction, construction management, architectural, landscape architectural, engineering, surveying or interior design services; and

(5) "resident contractor" means a person that has a valid resident contractor certificate issued by the taxation and revenue department pursuant to Section 13-1-22 NMSA 1978.

B. For the purpose of awarding a public works contract using a formal bid process, a public body shall deem a bid submitted by a resident contractor to be five percent lower than the bid actually submitted.

C. When a public body awards a contract using a formal request for proposals process:

(1) five percent of the total weight of all the factors used in evaluating the proposals shall be awarded to a resident contractor based on the resident contractor possessing a valid resident contractor certificate; or

(2) if the contract is awarded based on a point-based system, a resident contractor shall be awarded the equivalent of five percent of the total possible points to be awarded based on the resident contractor possessing a valid resident contractor certificate.

D. When a joint bid or joint proposal is submitted by both resident and nonresident contractors, the resident contractor preference provided pursuant to Subsection B or C of this section shall be reduced in proportion to the percentage of the contract, based on the dollar amount of the goods or services provided under the contract, that will be performed by a nonresident contractor as specified in the joint bid or joint proposal.

E. The procedures provided in Sections 13-1-172 through 13-1-183 NMSA 1978 or in an applicable purchasing ordinance apply to a protest to a public body concerning the awarding of a contract in violation of this section."

## **Chapter 56 Section 7 Laws 2012**

### **SECTION 7. EFFECTIVE DATE.--**

A. The effective date of the provisions of Sections 1, 3 and 5 of this act is July 1, 2012.

B. The effective date of the provisions of Sections 2, 4 and 6 of this act is July 1, 2022.

---

House Bill 97, aa, w/cc

Approved March 7, 2012

## **LAWS 2012, CHAPTER 57**

### **AN ACT**

RELATING TO TAXATION; CREATING AN OPTIONAL DESIGNATION FOR A PERSONAL INCOME TAX CONTRIBUTION FOR THE LOTTERY TUITION FUND.

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

## **Chapter 57 Section 1 Laws 2012**

**SECTION 1.** A new section of the Income Tax Act is enacted to read:

"OPTIONAL DESIGNATION OF TAX REFUND CONTRIBUTION--LOTTERY TUITION FUND.--

A. Except as otherwise provided in Subsection C of this section, any individual whose state income tax liability after application of allowable credits and tax rebates in any year is lower than the amount of money held by the department to the credit of such individual for that tax year may designate any portion of the income tax refund due to the individual to be paid to the lottery tuition fund. In the case of a joint return, both individuals must make such a designation.

B. The department shall revise the state income tax form to allow the designation of such contributions in the following form:

"Lottery Tuition Fund - Check [ ] if you wish to contribute a part or all of your tax refund to the lottery tuition fund to provide tuition assistance for New Mexico resident undergraduates. Enter here \$\_\_\_\_\_ the amount of your contribution.".

C. The provisions of this section do not apply to income tax refunds subject to interception under the provisions of the Tax Refund Intercept Program Act, and any designation made under the provisions of this section to such refunds is void."

## **Chapter 57 Section 2 Laws 2012**

**SECTION 2. APPLICABILITY.--**The provisions of this act apply to taxable years beginning on or after January 1, 2013.

---

House Bill 231

Approved March 7, 2012

## **LAWS 2012, CHAPTER 58**

AN ACT

RELATING TO TAXATION; AUTHORIZING IMPOSITION OF THE FEDERAL WATER PROJECT GROSS RECEIPTS TAX.

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

## **Chapter 58 Section 1 Laws 2012**

**SECTION 1.** A new section of the Municipal Local Option Gross Receipts Taxes Act is enacted to read:



"FEDERAL WATER PROJECT GROSS RECEIPTS TAX--AUTHORIZATION--  
USE OF REVENUE--REFERENDUM.--

A. A majority of the members of the governing body of a municipality may enact an ordinance imposing an excise tax on any person engaging in business in the municipality for the privilege of engaging in business. The rate of the tax shall not exceed one-fourth percent of the gross receipts of the person engaging in business. An ordinance enacting the tax authorized by this section is subject to a positive referendum.

B. The tax imposed pursuant to this section may be referred to as the "federal water project gross receipts tax".

C. The governing body of a municipality, at the time of enacting an ordinance imposing the rate of the tax authorized in this section, shall dedicate the revenue for the repayment of loan obligations to the federal government for the construction, expansion, operation and maintenance of a water delivery system and for the expansion, operation and maintenance of that water delivery system after the loan obligation to the federal government is retired or repaid. The revenue from the federal water project gross receipts tax shall not be dedicated to repay revenue bonds or any other form of bonds.

D. An ordinance imposing the federal water project gross receipts tax shall not go into effect until an election is held and a majority of the voters of the municipality voting in the election votes in favor of imposing the tax. The governing body shall adopt a resolution calling for an election within seventy-five days of the date the ordinance is adopted on the question of imposing the tax. The question shall be submitted to the voters of the municipality as a separate question at a regular municipal election or at a special election called for that purpose by the governing body. A special municipal election shall be called, conducted and canvassed as provided in the Municipal Election Code. If a majority of the voters voting on the question approves the ordinance imposing the federal water project gross receipts tax, then the ordinance shall become effective on January 1 or July 1 in accordance with the provisions of the Municipal Local Option Gross Receipts Taxes Act. If the question of imposing the federal water project gross receipts tax fails, the governing body shall not again propose the imposition of the tax for a period of one year from the date of the election.

E. A municipality that imposed a federal water project gross receipts tax pursuant to this section shall not also impose a municipal capital outlay gross receipts tax.

F. As used in this section, "municipality" means an incorporated municipality that has a population pursuant to the most recent federal decennial census of greater than twenty thousand but less than twenty-five thousand and is located in a class B county."

**Chapter 58 Section 2 Laws 2012**

**SECTION 2. EFFECTIVE DATE.**--The effective date of the provisions of this act is July 1, 2012.

---

House Bill 277, aa

Approved March 7, 2012

## **LAWS 2012, CHAPTER 59**

AN ACT

RELATING TO THE MOTOR VEHICLE CODE; REQUIRING CONTINUING EDUCATION FOR RENEWAL OF A NONFRANCHISE DEALERSHIP LICENSE; RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2007.

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

### **Chapter 59 Section 1 Laws 2012**

**SECTION 1.** Section 66-4-2 NMSA 1978 (being Laws 1978, Chapter 35, Section 215, as amended by Laws 2007, Chapter 318, Section 1 and by Laws 2007, Chapter 319, Section 40) is amended to read:

"66-4-2. DEPARTMENT TO ISSUE LICENSE.--

A. Except for recreational vehicles, the department, upon receiving an initial nonfranchise dealership application accompanied by the required fee and when satisfied that the applicant is of good character, has completed eight hours of education training as approved by the department and complies with the laws of this state with reference to the registration of vehicles and certificates of title and the provisions of the Motor Vehicle Code, shall issue to the applicant a license that entitles the licensee to conduct the business of a dealer, auto recycler or title service company. The license may be renewed upon application, payment of the fee required by law and completion every two years of four hours of continuing education as approved by the department. A licensee shall not lease, loan, transfer or sell its license to another person, and no person shall use the license of another person for any purpose.

B. A dealer or auto recycler licensee, before moving any of the licensee's places of business or opening any additional place of business, shall apply to the department for and obtain a supplemental license for which no fee shall be charged. No supplemental license shall be issued to a dealer, other than a dealer in motorcycles only, for an additional place of business unless the business already has an established place of business.

C. A person to whom the department has issued a license to conduct the business of a dealer in motorcycles only is also deemed a recycler of motorcycles without additional license."

## **Chapter 59 Section 2 Laws 2012**

**SECTION 2. EFFECTIVE DATE.**--The effective date of the provisions of this act is July 1, 2012.

---

House Bill 40

Approved March 7, 2012

## **LAWS 2012, CHAPTER 60**

AN ACT

RELATING TO TAXATION; REQUIRING ESTIMATED PROPERTY TAX AMOUNTS AND OTHER RELATED INFORMATION TO BE INCLUDED ON A NOTICE OF VALUATION OF RESIDENTIAL PROPERTY.

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

## **Chapter 60 Section 1 Laws 2012**

**SECTION 1.** Section 7-38-20 NMSA 1978 (being Laws 1973, Chapter 258, Section 60, as amended) is amended to read:

"7-38-20. COUNTY ASSESSOR AND DEPARTMENT TO MAIL NOTICES OF VALUATION.--

A. By April 1 of each year, the county assessor shall mail a notice to each property owner informing the property owner of the net taxable value of the property owner's property that has been valued for property taxation purposes by the assessor and other related information as required by Subsection D of this section.

B. By May 1 of each year, the department shall mail a notice to each property owner informing the property owner of the net taxable value of the property owner's property that has been valued for property taxation purposes by the department and other related information as required by Subsection D of this section.

C. Failure to receive the notice required by this section does not invalidate the value set on the property, any property tax based on that value or any subsequent procedure or proceeding instituted for the collection of the tax.

D. The notice required by this section shall state:

- (1) the property owner's name and address;
- (2) the description or identification of the property valued;
- (3) the classification of the property valued;
- (4) the value set on the property for property taxation purposes;
- (5) the tax ratio;
- (6) the taxable value of the property for the previous and current tax years;
- (7) the tax rate from the previous tax year;
- (8) the amount of tax from the previous tax year;
- (9) with respect to residential property, instructions for calculating an estimated tax for the current tax year, which shall be prominently displayed on the front of the notice, and a disclaimer for such instructions similar to the following:  
  
"The calculation of property tax may be higher or lower than the property tax that will actually be imposed.";
- (10) the amount of any exemptions allowed and a statement of the net taxable value of the property after deducting the exemptions;
- (11) the allocations of net taxable values to the governmental units;
- (12) briefly, the eligibility requirements and application procedures and deadline for claiming eligibility for a limitation on increases in the valuation for property taxation purposes of a single-family dwelling owned and occupied by a person sixty-five years of age or older; and
- (13) briefly, the procedures for protesting the value determined for property taxation purposes, classification, allocation of values to governmental units or denial of a claim for an exemption or for the limitation on increases in valuation for property taxation purposes.

E. The county assessor may mail the valuation notice required pursuant to Subsection A of this section to taxpayers with the preceding tax year's property tax bills if the net taxable value of the property has not changed since the preceding taxable year. In this early mailing, the county assessor shall provide clear notice to the taxpayer that the valuation notice is for the succeeding tax year and that the deadlines for protest of the value or classification of the property apply to this mailing date."

## **Chapter 60 Section 2 Laws 2012**

**SECTION 2. EFFECTIVE DATE.**--The effective date of the provisions of this act is July 1, 2012.

---

HTRC/House Bill 102

Approved March 7, 2012

## **LAWS 2012, CHAPTER 61**

AN ACT

RELATING TO REVENUE; INCREASING STATE LEGISLATOR CONTRIBUTIONS TO THE STATE LEGISLATOR RETIREMENT PLAN; CHANGING THE PENSION CALCULATION; DECLARING AN EMERGENCY.

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

## **Chapter 61 Section 1 Laws 2012**

**SECTION 1.** Section 10-11-43.3 NMSA 1978 (being Laws 2003, Chapter 85, Section 9) is amended to read:

"10-11-43.3. STATE LEGISLATOR MEMBER COVERAGE PLAN 2--AMOUNT OF PENSION--FORM OF PAYMENT A.--Under state legislator member coverage plan 2, the annual amount of pension under form of payment A is equal in any calendar year to eleven percent of the per diem rate in effect, pursuant to Section 2-1-8 NMSA 1978, on the first day of the calendar year that the legislator or lieutenant governor retires multiplied by sixty and further multiplied by credited service as a legislator or lieutenant governor. A pension paid under state legislator member coverage plan 2 shall be adjusted pursuant to Section 10-11-118 NMSA 1978 for a legislator or lieutenant governor 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."

## **Chapter 61 Section 2 Laws 2012**

**SECTION 2.** Section 10-11-43.4 NMSA 1978 (being Laws 2003, Chapter 85, Section 10) is amended to read:

"10-11-43.4. STATE LEGISLATOR MEMBER COVERAGE PLAN 2--MEMBER CONTRIBUTION RATE.--A member under state legislator member coverage plan 2 shall contribute an amount equal to six hundred dollars (\$600) for each year of credited service less the amount of any prior contributions made by the member for that credited service."

## **Chapter 61 Section 3 Laws 2012**

**SECTION 3.** EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

---

House Bill 42, w/ec

Approved March 7, 2012

## **LAWS 2012, CHAPTER 62**

AN ACT

MAKING AN APPROPRIATION FOR THE SPEAKER BEN LUJAN LUNG CANCER RESEARCH PROJECT.

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

## **Chapter 62 Section 1 Laws 2012**

**SECTION 1.** APPROPRIATION.--One million dollars (\$1,000,000) is appropriated from the tobacco settlement program fund to the board of regents of the university of New Mexico for the health sciences center for expenditure in fiscal year 2013 to conduct lung biology research focused on smoking studies, lung cancer and chronic obstructive pulmonary disease drug development under the Speaker Ben Lujan Lung Cancer Research Project. Any unexpended or unencumbered balance remaining at the end of fiscal year 2013 shall revert to the tobacco settlement program fund.

---

House Bill 315, aa

Approved March 7, 2012

# **LAWS 2012, CHAPTER 63**

## **AN ACT**

RELATING TO EXPENDITURE OF PUBLIC MONEY; REAUTHORIZING OR REAPPROPRIATING BALANCES, EXPANDING OR CHANGING PURPOSES, EXTENDING EXPENDITURE PERIODS, CHANGING AGENCIES AND ESTABLISHING CONDITIONS FOR THE REVERSION 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 63 Section 1 Laws 2012**

#### **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 63 Section 2 Laws 2012**

**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 funds 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 63 Section 3 Laws 2012**

**SECTION 3. NORTH VALLEY RAILROAD CROSSINGS--CHANGE TO TRACK AND SIGNAL IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--** Eighteen thousand one hundred dollars (\$18,100) of the unexpended balance of the appropriation to the department of transportation in Subsection 2 of Section 24 of Chapter 92 of Laws 2008 for railroad crossings in the north valley of Bernalillo county shall not be expended for the original purpose but is changed for track and signal improvements to the railroad in the north valley. The time of expenditure is extended through fiscal year 2014.

## **Chapter 63 Section 4 Laws 2012**

**SECTION 4. ALBUQUERQUE BALLOON MUSEUM EXHIBITS--EXTEND TIME- SEVERANCE TAX BONDS.--**The time of expenditure for the local government division project in Subsection 6 of Section 21 of Chapter 92 of Laws 2008 for exhibits for the



Anderson-Abruzzo international balloon museum in Albuquerque in Bernalillo county is extended through fiscal year 2014.

### **Chapter 63 Section 5 Laws 2012**

**SECTION 5. AGUA FRIA WATER AND SEWER LINE EXTENSIONS--CHANGE TO DEAF CULTURAL CENTER IN ALBUQUERQUE--CHANGE AGENCY--EXTEND TIME-- SEVERANCE TAX BONDS.--**The unexpended balance of the appropriation to the department of transportation in Subsection 26 of Section 24 of Chapter 92 of Laws 2008 for water and sewer line extensions on Agua Fria street in Santa Fe in Santa Fe county shall not be expended for the original purpose but is appropriated to the commission for deaf and hard-of-hearing persons to purchase land for and plan, design, construct, purchase, improve, renovate, equip and furnish a deaf culture multipurpose center and to plan and design an apartment complex for the deaf and deaf-blind in Albuquerque in Bernalillo county. The time of expenditure is extended through fiscal year 2014.

### **Chapter 63 Section 6 Laws 2012**

**SECTION 6. ALBUQUERQUE PUBLIC ART WORK--EXTEND TIME--GENERAL FUND.--** The time of expenditure for the local government division project in Subsection 85 of Section 59 of Chapter 92 of Laws 2008 to plan, design, construct and install a landmark public art work in Albuquerque in Bernalillo county is extended through fiscal year 2014.

### **Chapter 63 Section 7 Laws 2012**

**SECTION 7. SOUTHEAST ALBUQUERQUE PUBLIC SCULPTURE OR MURAL--EXTEND TIME--GENERAL FUND.--**The time of expenditure for the local government division project in Subsection 86 of Section 59 of Chapter 92 of Laws 2008 to plan, design, construct and install a public sculpture or mural in southeast Albuquerque in Bernalillo county is extended through fiscal year 2014.

### **Chapter 63 Section 8 Laws 2012**

**SECTION 8. ALBUQUERQUE TAYLOR RANCH LIBRARY RENOVATION--EXTEND TIME--GENERAL FUND.--**The time of expenditure for the local government division project in Subsection 97 of Section 59 of Chapter 92 of Laws 2008 to plan, design and construct renovations to the heating, ventilation and air conditioning system and the children's restrooms, including improvements that comply with the provisions of the Americans with Disabilities Act of 1990, at Taylor Ranch library in Albuquerque in Bernalillo county is extended through fiscal year 2014.

### **Chapter 63 Section 9 Laws 2012**

**SECTION 9. AMY BIEHL CHARTER HIGH SCHOOL MONUMENT--CHANGE TO INFORMATION TECHNOLOGY PURCHASE--EXTEND TIME--GENERAL FUND.--** The unexpended balance of the appropriation to the public education department in Subsection 23 of Section 44 of Chapter 92 of Laws 2008 to plan, design and construct a patriotism monument at Amy Biehl charter 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 install information technology, including related equipment, furniture and infrastructure, at that school. The time of expenditure is extended through fiscal year 2014.

### **Chapter 63 Section 10 Laws 2012**

**SECTION 10. CHRISTINE DUNCAN COMMUNITY CHARTER SCHOOL PORTABLE-- EXTEND TIME--GENERAL FUND.--**The time of expenditure for the public education department project in Subsection 2 of Section 44 of Chapter 92 of Laws 2008 for a portable classroom for Christine Duncan Community charter school in the Albuquerque public school district in Bernalillo county is extended through fiscal year 2014.

### **Chapter 63 Section 11 Laws 2012**

**SECTION 11. EXPLORA SCIENCE CENTER AND CHILDREN'S MUSEUM IMPROVEMENTS AND ADDITION--EXTEND TIME--SEVERANCE TAX BONDS.--**The time of expenditure for the local government division project originally authorized in Subsection 21 of Section 16 of Chapter 347 of Laws 2005 and reauthorized in Laws 2006, Chapter 107, Section 18 and further reauthorized in Laws 2010 (2nd S.S.), Chapter 4, Section 15 for exhibits, furniture, fixtures, equipment, facilities, portable buildings and an addition at the Explora science center and children's museum in Albuquerque in Bernalillo county is extended through fiscal year 2014.

### **Chapter 63 Section 12 Laws 2012**

**SECTION 12. EXPLORA SCIENCE CENTER AND CHILDREN'S MUSEUM IMPROVEMENTS AND ADDITION--EXTEND TIME--GENERAL FUND.--**The time of expenditure for the local government division project originally authorized in Subsection 30 of Section 45 of Chapter 347 of Laws 2005 and reauthorized in Laws 2006, Chapter 107, Section 18 and further reauthorized in Laws 2010 (2nd S.S.), Chapter 4, Section 16 for exhibits, furniture, fixtures, equipment, facilities, portable buildings and an addition at the Explora science center and children's museum in Albuquerque in Bernalillo county is extended through fiscal year 2014.

### **Chapter 63 Section 13 Laws 2012**

**SECTION 13. HIGHLAND HIGH SCHOOL VOCATIONAL INFRASTRUCTURE--EXTEND TIME--GENERAL FUND.--**The time of expenditure for the public education department project originally authorized in Subsection 125 of Section 44 of Chapter 92

of Laws 2008 for a classroom or portable building for vocational education instruction, including educational materials, for Highland high school in the Albuquerque public school district in Bernalillo county is extended through fiscal year 2014.

## **Chapter 63 Section 14 Laws 2012**

**SECTION 14.** NEW MEXICO STATE FAIR AFRICAN AMERICAN PERFORMING ARTS CENTER AND EXHIBIT HALL--CHANGE TO ALICE FAYE HOPPE'S PAVILION STAGE--EXTEND TIME--SEVERANCE TAX BONDS.--Seventy-eight thousand seven hundred eighty-nine dollars (\$78,789) of the unexpended balance of the appropriation to the state fair commission in Subsection 1 of Section 16 of Chapter 92 of Laws 2008 for an addition to the African American performing arts center and exhibit hall at the New Mexico state fairgrounds in Albuquerque in Bernalillo county shall not be expended for the original purpose but is changed to design and construct a stage at the Alice Faye Hoppes pavilion at the New Mexico state fairgrounds. The time of expenditure is extended through fiscal year 2014.

## **Chapter 63 Section 15 Laws 2012**

**SECTION 15.** NEW MEXICO STATE FAIR AFRICAN AMERICAN PERFORMING ARTS CENTER AND EXHIBIT HALL--CHANGE TO ALICE FAYE HOPPE'S PAVILION FIRE SUPPRESSION SYSTEM--EXTEND TIME--SEVERANCE TAX BONDS.--Seventy-eight thousand seven hundred eighty-nine dollars (\$78,789) of the unexpended balance of the appropriation to the state fair commission in Subsection 1 of Section 16 of Chapter 92 of Laws 2008 for an addition to the African American performing arts center and exhibit hall at the New Mexico state fairgrounds in Albuquerque in Bernalillo county shall not be expended for the original purpose but is changed for a fire suppression system at the Alice Faye Hoppes pavilion at the New Mexico state fairgrounds. The time of expenditure is extended through fiscal year 2014.

## **Chapter 63 Section 16 Laws 2012**

**SECTION 16.** NEW MEXICO STATE FAIR AFRICAN AMERICAN PERFORMING ARTS CENTER AND EXHIBIT HALL--CHANGE TO EXHIBITS, DISPLAYS AND EQUIPMENT-- EXTEND TIME--SEVERANCE TAX BONDS.--Seventy-eight thousand seven hundred eighty-nine dollars (\$78,789) of the unexpended balance of the appropriation to the state fair commission in Subsection 1 of Section 16 of Chapter 92 of Laws 2008 for an addition to the African American performing arts center and exhibit hall at the New Mexico state fairgrounds in Albuquerque in Bernalillo county shall not be expended for the original purpose but is changed for exhibits, displays and equipment at the African American performing arts center. The time of expenditure is extended through fiscal year 2014.

## **Chapter 63 Section 17 Laws 2012**

**SECTION 17. TIWA BUILDING HEALTH AND SAFETY SYSTEMS--EXTEND TIME-- SEVERANCE TAX BONDS.**--The time of expenditure for the capital program fund project in Subsection 1 of Section 5 of Chapter 92 of Laws 2008 to plan, design, construct and equip health and safety systems at the Tiwa building in Albuquerque in Bernalillo county is extended through fiscal year 2014.

### **Chapter 63 Section 18 Laws 2012**

**SECTION 18. TOMASITA ELEMENTARY SCHOOL COMPUTER LAB RENOVATE-- CHANGE TO INFORMATION TECHNOLOGY IMPROVE--EXTEND TIME--GENERAL FUND.**--The unexpended balance of the appropriation to the public education department originally authorized in Subsection 282 of Section 44 of Chapter 92 of Laws 2008 to plan, design and construct renovations to the computer lab at Tomasita elementary school in the Albuquerque public school district in Bernalillo county shall not be expended for the original purpose but is changed to plan, design, upgrade, purchase and install telephone systems, security cameras and information technology, including related equipment, furniture and infrastructure, at that elementary school. The time of expenditure is extended through fiscal year 2014.

### **Chapter 63 Section 19 Laws 2012**

**SECTION 19. TORREON FRESCO PROJECT AT NATIONAL HISPANIC CULTURAL CENTER--EXPAND PURPOSE--EXTEND TIME--SEVERANCE TAX BONDS.**--The unexpended balance of the appropriation to the cultural affairs department in Subsection 4 of Section 7 of Chapter 92 of Laws 2008 to construct the Torreon fresco project at the national Hispanic cultural center in Albuquerque in Bernalillo county and any money from this appropriation subsequently repaid by the national Hispanic cultural center foundation may be expended for [~~the Torreon fresco project, including~~] the Torreon building. The time of expenditure is extended through fiscal year 2014. *LINE-ITEM VETOED*

### **Chapter 63 Section 20 Laws 2012**

**SECTION 20. MAGNETIC RESONANCE IMAGING SCANNER FOR TRI-SERVICES LABORATORY FACILITY--EXPAND PURPOSE--EXTEND TIME--SEVERANCE TAX BONDS.**-- The unexpended balance of the appropriation originally made to the department of finance and administration in Subsection 5 of Section 22 of Chapter 125 of Laws 2009 and reauthorized to the board of regents of the university of New Mexico in Laws 2010 (2nd S.S.), Chapter 4, Section 21 to acquire a magnetic resonance imaging scanner for the tri-services laboratory facility for use by the office of the medical investigator in Albuquerque in Bernalillo county may include equipping and installing. The time of expenditure is extended through fiscal year 2014.

### **Chapter 63 Section 21 Laws 2012**

**SECTION 21. YOUTH DIAGNOSTIC AND DEVELOPMENT CENTER WATER LINE REPAIRS--EXTEND TIME--SEVERANCE TAX BONDS.--**The time of expenditure for the capital program fund project in Subsection 2 of Section 5 of Chapter 92 of Laws 2008 for water line repairs and replacement at the youth diagnostic and development center in Albuquerque in Bernalillo county is extended through fiscal year 2014.

### **Chapter 63 Section 22 Laws 2012**

**SECTION 22. ELDORADO HIGH SCHOOL LECTURE HALL IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--**The time of expenditure for the public education department project in Subsection 3 of Section 11 of Chapter 92 of Laws 2008 for repairs and improvements to the lecture hall at the media center at Eldorado high school in the Albuquerque public school district in Bernalillo county is extended through fiscal year 2014.

### **Chapter 63 Section 23 Laws 2012**

**SECTION 23. HAYES MIDDLE SCHOOL STUDENT DROP-OFF AREA--CHANGE TO INFORMATION TECHNOLOGY AND COMMUNICATION AND SECURITY EQUIPMENT-- EXTEND TIME--SEVERANCE TAX BONDS.--**The unexpended balance of the appropriation to the public education department in Subsection 4 of Section 11 of Chapter 92 of Laws 2008 to construct a student drop-off area at Hayes middle school in the Albuquerque public school district in Bernalillo county shall not be expended for the original purpose but is changed to purchase and install communication systems, telephones, security cameras and information technology, including related equipment, furniture and infrastructure, at Hayes middle school in that school district. The time of expenditure is extended through fiscal year 2014.

### **Chapter 63 Section 24 Laws 2012**

**SECTION 24. NATIVE AMERICAN COMMUNITY ACADEMY CHARTER SCHOOL-- EXPAND PURPOSE TO INCLUDE RENOVATIONS--EXTEND TIME--SEVERANCE TAX BONDS.-** -The public education department project in Subsection 7 of Section 11 of Chapter 92 of Laws 2008 to plan, design, construct and equip a facility for the Native American community academy charter school in the Albuquerque public school district in Bernalillo county may include renovations. The time of expenditure is extended through fiscal year 2014.

### **Chapter 63 Section 25 Laws 2012**

**SECTION 25. TO'HAJIILEE WATER DISTRIBUTION SYSTEM--EXTEND TIME--SEVERANCE TAX BONDS.--**The time of expenditure for the department of environment project in Subsection 2 of Section 15 of Chapter 92 of Laws 2008 to plan, design and construct a water distribution system in the To'hajiilee chapter of the Navajo Nation in Bernalillo county is extended through fiscal year 2014.

## **Chapter 63 Section 26 Laws 2012**

**SECTION 26.** ROSWELL DORMITORY FACILITIES FOR AT-RISK YOUTH--CHANGE AGENCY--SEVERANCE TAX BONDS.--The capital program fund project authorized in Subsection 5 of Section 5 of Chapter 5 of Laws 2011 (S.S.) for two million dollars (\$2,000,000) for dormitory facilities for an at-risk youth program in Roswell in Chaves county is appropriated to the local government division for that purpose.

## **Chapter 63 Section 27 Laws 2012**

**SECTION 27.** SPRINGER WATER SIPHON SYSTEM--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the department of environment project in Subsection 12 of Section 15 of Chapter 92 of Laws 2008 to plan, design and construct water system improvements, including a water siphon system, in Springer in Colfax county is extended through fiscal year 2014.

## **Chapter 63 Section 28 Laws 2012**

**SECTION 28.** LAS CRUCES SEWER LINE IN THE WILLOW GLEN AREA--CHANGE TO DONA ANA COUNTY CAMINO REAL REVITALIZATION IMPROVEMENTS--CHANGE AGENCY--EXTEND TIME--GENERAL FUND.--Thirty-five thousand seventy-nine dollars (\$35,079) of the unexpended balance of the appropriation to the department of environment in Subsection 41 of Section 48 of Chapter 92 of Laws 2008 for construction of a sewer line in the Willow Glen area in Las Cruces in Dona Ana county shall not be expended for the original purpose but is appropriated to the local government division to plan, design and construct improvements and to purchase land and equipment for the El Camino Real revitalization project in Dona Ana county. The time of expenditure is extended through fiscal year 2014.

## **Chapter 63 Section 29 Laws 2012**

**SECTION 29.** DONA ANA MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION WATER MAIN ON DONA ANA SCHOOL ROAD--CHANGE TO EL CAMINO REAL REVITALIZATION IMPROVEMENTS--CHANGE AGENCY--EXTEND TIME--GENERAL FUND.-- The unexpended balance of the appropriation to the department of environment in Subsection 26 of Section 48 of Chapter 92 of Laws 2008 for water main construction on Dona Ana School road for the Dona Ana mutual domestic water consumers association in Dona Ana county shall not be expended for the original purpose but is appropriated to the local government division to plan, design and construct revitalization improvements and to purchase land and equipment for the El Camino Real revitalization project in Dona Ana county. The time of expenditure is extended through fiscal year 2014.

## **Chapter 63 Section 30 Laws 2012**

**SECTION 30. LAS CRUCES VETERANS' AND MILITARY TECHNOLOGY MUSEUM-- CHANGE TO NEW MEXICO FARM AND RANCH HERITAGE MUSEUM AND TAYLOR REYNOLDS BARELA MESILLA STATE MONUMENT--EXTEND TIME-- SEVERANCE TAX BONDS.--**One hundred thousand dollars (\$100,000) of the appropriation to the cultural affairs department in Subsection 5 of Section 7 of Chapter 92 of Laws 2008 for a veterans' and military technology museum in Las Cruces in Dona Ana county shall not be expended for the original purpose but is changed for renovations and repairs at the New Mexico farm and ranch heritage museum in Las Cruces and at Taylor Reynolds Barela Mesilla state monument in Mesilla in Dona Ana county. The time of expenditure is extended through fiscal year 2014.

### **Chapter 63 Section 31 Laws 2012**

**SECTION 31. LAS CRUCES VETERANS' AND MILITARY TECHNOLOGY MUSEUM-- CHANGE TO NEW MEXICO FARM AND RANCH HERITAGE MUSEUM AND TAYLOR REYNOLDS BARELA MESILLA STATE MONUMENT--EXTEND TIME-- SEVERANCE TAX BONDS.--**Twenty-five thousand dollars (\$25,000) of the appropriation to the cultural affairs department in Subsection 5 of Section 7 of Chapter 92 of Laws 2008 for a veterans' and military technology museum in Las Cruces in Dona Ana county shall not be expended for the original purpose but is changed for renovations and repairs at the New Mexico farm and ranch heritage museum in Las Cruces and at Taylor Reynolds Barela Mesilla state monument in Mesilla in Dona Ana county. The time of expenditure is extended through fiscal year 2014.

### **Chapter 63 Section 32 Laws 2012**

**SECTION 32. LORDSBURG PORT OF ENTRY SITE IMPROVEMENTS-- EXPAND TO INCLUDE SANTA TERESA INSPECTION STATION AND LAS CRUCES STATE POLICE DISTRICT HEADQUARTERS--SEVERANCE TAX BONDS.--**The capital program fund project in Subsection 7 of Section 7 of Chapter 125 of Laws 2009 to equip, furnish and landscape the site, including a spur road, at the Lordsburg port of entry in Hidalgo county may include planning, designing, constructing, furnishing and equipping renovations at the Santa Teresa inspection station and the Las Cruces state police district headquarters in Dona Ana county.

### **Chapter 63 Section 33 Laws 2012**

**SECTION 33. SAN MIGUEL ELEMENTARY SCHOOL RENOVATION--CHANGE TO GADSDEN INDEPENDENT SCHOOL DISTRICT RENOVATIONS--GENERAL FUND.--**The unexpended balance of the appropriation originally appropriated to the local government division in Subsection 186 of Section 59 of Chapter 92 of Laws 2008 and reauthorized in Laws 2009, Chapter 128, Section 238 and reauthorized for a second time to the public education department in Laws 2011, Chapter 183, Section 38 to renovate the San Miguel elementary school in Dona Ana county shall not be expended for the original or reauthorized purposes but is changed to renovate facilities districtwide in the Gadsden independent school district in Dona Ana county.

## **Chapter 63 Section 34 Laws 2012**

**SECTION 34. HATCH WELL, WATER RIGHTS AND INFRASTRUCTURE-- EXTEND TIME--GENERAL FUND.**--The time of expenditure for the department of environment project in Subsection 37 of Section 48 of Chapter 92 of Laws 2008 for a well, water rights and related infrastructure and equipment in Hatch in Dona Ana county is extended through fiscal year 2014.

## **Chapter 63 Section 35 Laws 2012**

**SECTION 35. J. PAUL TAYLOR CENTER CONSTRUCTION AND IMPROVEMENTS-- EXTEND TIME--SEVERANCE TAX BONDS.**--The time of expenditure for the capital program fund project originally authorized in Subsection 4 of Section 5 of Chapter 92 of Laws 2008 and reauthorized in Laws 2011, Chapter 183, Section 45 for construction, furniture and equipment at the J. Paul Taylor center in Las Cruces in Dona Ana county is extended through fiscal year 2014.

## **Chapter 63 Section 36 Laws 2012**

**SECTION 36. LAS CRUCES VETERANS' AND MILITARY TECHNOLOGY MUSEUM-- CHANGE TO ARMIJO HOUSE RENOVATIONS--CHANGE AGENCY-- EXTEND TIME-- SEVERANCE TAX BONDS.**--Fifty-five thousand dollars (\$55,000) of the unexpended balance of the appropriation to the cultural affairs department in Subsection 5 of Section 7 of Chapter 92 of Laws 2008 for a veterans' and military technology museum in Las Cruces in Dona Ana county shall not be expended for the original purpose but is appropriated to the local government division to renovate and rehabilitate, including stabilizing and reinforcing interior and exterior walls and purchasing and installing a heating, ventilation and air conditioning system, the Armijo house in downtown Las Cruces. The time of expenditure is extended through fiscal year 2014.

## **Chapter 63 Section 37 Laws 2012**

**SECTION 37. LAS CRUCES BURN LAKE-ESSLINGER PARK IMPROVEMENTS-- EXTEND TIME--GENERAL FUND.**--The time of expenditure for the local government division project in Subsection 217 of Section 59 of Chapter 92 of Laws 2008 for improvements at Burn Lake-Esslinger park in Las Cruces in Dona Ana county is extended through fiscal year 2014.

## **Chapter 63 Section 38 Laws 2012**

**SECTION 38. LAS CRUCES HOMELESS VETERANS HOUSING COMPLEX-- EXTEND TIME--SEVERANCE TAX BONDS.**--The time of expenditure for the local government division project in Subsection 37 of Section 21 of Chapter 92 of Laws 2008



to design, construct, renovate and expand a housing complex for homeless veterans in Las Cruces in Dona Ana county is extended through fiscal year 2014.

### **Chapter 63 Section 39 Laws 2012**

**SECTION 39. LAS CRUCES MESILLA PARK LIGHTING--EXTEND TIME--GENERAL FUND.**--The time of expenditure for the local government division project in Subsection 225 of Section 59 of Chapter 92 of Laws 2008 for lighting in Mesilla park in Las Cruces in Dona Ana county is extended through fiscal year 2014.

### **Chapter 63 Section 40 Laws 2012**

**SECTION 40. MONTANA VISTA WASTEWATER SYSTEM--CHANGE TO LAS CRUCES REGIONAL RECREATION AND AQUATICS CENTER--CHANGE AGENCY--EXTEND TIME-- GENERAL FUND.**--The unexpended balance of the appropriation to the department of environment in Subsection 32 of Section 48 of Chapter 92 of Laws 2008 for the Montana Vista wastewater system in Dona Ana county shall not be expended for the original purpose but is appropriated to the local government division to plan, design, construct, equip and furnish the regional recreation and aquatics center and pool in Las Cruces in Dona Ana county. The time of expenditure is extended through fiscal year 2014.

### **Chapter 63 Section 41 Laws 2012**

**SECTION 41. TALAVERA MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION WATER SYSTEM--CHANGE TO LAS CRUCES REGIONAL RECREATION AND AQUATICS CENTER--CHANGE AGENCY--EXTEND TIME--GENERAL FUND.**--The unexpended balance of the appropriation to the department of environment in Subsection 34 of Section 48 of Chapter 92 of Laws 2008 for the Talavera mutual domestic water consumers association water system in Dona Ana county shall not be expended for the original purpose but is appropriated to the local government division to plan, design, construct, equip and furnish the regional recreation and aquatics center and pool in Las Cruces in Dona Ana county. The time of expenditure is extended through fiscal year 2014.

### **Chapter 63 Section 42 Laws 2012**

**SECTION 42. NEW MEXICO STATE POLICE DISTRICT OFFICE IN LAS CRUCES-- EXTEND TIME--SEVERANCE TAX BONDS.**--The time of expenditure for the capital program fund project in Subsection 6 of Section 5 of Chapter 92 of Laws 2008 for the New Mexico state police district office in Las Cruces in Dona Ana county is extended through fiscal year 2014.

### **Chapter 63 Section 43 Laws 2012**

**SECTION 43. MESILLA CALLE DE JARDIN IMPROVEMENTS--CHANGE TO CALLE PARIAN IMPROVEMENTS--EXTEND TIME--GENERAL FUND.**--The unexpended balance of the appropriation to the department of transportation in Subsection 71 of Section 61 of Chapter 92 of Laws 2008 for improvements to calle de Jardin in Mesilla in Dona Ana county shall not be expended for the original purpose but is changed to plan, design and construct road and utility improvements to calle Parian in Mesilla. The time of expenditure is extended through fiscal year 2014.

### **Chapter 63 Section 44 Laws 2012**

**SECTION 44. LAS CRUCES SHELTER AND TRANSITIONAL HOUSING--EXTEND TIME- -SEVERANCE TAX BONDS.**--The time of expenditure for the local government division project in Subsection 39 of Section 21 of Chapter 92 of Laws 2008 to plan, construct, equip and furnish renovations and additions, including heating, ventilation and air conditioning, in the city-owned La Casa shelter and transitional housing facilities in Las Cruces in Dona Ana county is extended through fiscal year 2014.

### **Chapter 63 Section 45 Laws 2012**

**SECTION 45. LAS CRUCES WILLOW GLEN SEWER LINE--CHANGE TO MESILLA PUBLIC WORKS BUILDING--CHANGE AGENCY--EXTEND TIME--GENERAL FUND.**--Thirty-five thousand seventy-nine dollars (\$35,079) of the unexpended balance of the appropriation to the department of environment in Subsection 41 of Section 48 of Chapter 92 of Laws 2008 for sewer lines in the Willow Glen area in Las Cruces in Dona Ana county shall not be expended for the original purpose but is appropriated to the local government division to plan, design, renovate and construct improvements to the Mesilla public works building in Dona Ana county. The time of expenditure is extended through fiscal year 2014.

### **Chapter 63 Section 46 Laws 2012**

**SECTION 46. SAN MIGUEL ELEMENTARY SCHOOL RENOVATION--CHANGE TO MESILLA PUBLIC WORKS BUILDING RENOVATION AND CONSTRUCTION--CHANGE AGENCY--EXTEND TIME--GENERAL FUND.**--Forty-eight thousand seven hundred ninety dollars (\$48,790) of the unexpended balance of the appropriation to the local government division originally authorized in Subsection 352 of Section 68 of Chapter 42 of Laws 2007 and reauthorized in Laws 2009, Chapter 128, Section 244 and further reauthorized to the public education department in Laws 2011, Chapter 183, Section 41 to renovate the San Miguel elementary school in Dona Ana county shall not be expended for the original or reauthorized purposes but is appropriated to the local government division to plan, design, renovate and construct improvements to the public works building in Mesilla in Dona Ana county. The time of expenditure is extended through fiscal year 2014.

### **Chapter 63 Section 47 Laws 2012**

**SECTION 47. LAS CRUCES VETERANS' AND MILITARY TECHNOLOGY MUSEUM-- CHANGE TO TAYLOR REYNOLDS BARELA MESILLA STATE MONUMENT--EXTEND TIME-- SEVERANCE TAX BONDS.**--Twenty thousand dollars (\$20,000) of the appropriation to the cultural affairs department in Subsection 5 of Section 7 of Chapter 92 of Laws 2008 for a veterans' and military technology museum in Las Cruces in Dona Ana county shall not be expended for the original purpose but is changed for renovations and repairs at Taylor Reynolds Barela Mesilla state monument in Mesilla in Dona Ana county. The time of expenditure is extended through fiscal year 2014.

### **Chapter 63 Section 48 Laws 2012**

**SECTION 48. LAS CRUCES VETERANS' AND MILITARY TECHNOLOGY MUSEUM-- CHANGE TO TAYLOR REYNOLDS BARELA MESILLA STATE MONUMENT--EXTEND TIME-- SEVERANCE TAX BONDS.**--Ten thousand dollars (\$10,000) of the appropriation to the cultural affairs department in Subsection 5 of Section 7 of Chapter 92 of Laws 2008 for a veterans' and military technology museum in Las Cruces in Dona Ana county shall not be expended for the original purpose but is changed for renovations and repairs at Taylor Reynolds Barela Mesilla state monument in Mesilla in Dona Ana county. The time of expenditure is extended through fiscal year 2014.

### **Chapter 63 Section 49 Laws 2012**

**SECTION 49. SAN MIGUEL WATER SYSTEM IMPROVEMENTS--EXTEND TIME-- GENERAL FUND.**--The time of expenditure for the department of environment project in Subsection 43 of Section 48 of Chapter 92 of Laws 2008 for water system improvements in San Miguel in Dona Ana county is extended through fiscal year 2014.

### **Chapter 63 Section 5 Laws 2012**

**SECTION 50. SANTA TERESA EMERGENCY RESPONSE STATION--EXTEND TIME-- SEVERANCE TAX BONDS.**--The time of expenditure for the local government division project in Subsection 40 of Section 21 of Chapter 92 of Laws 2008 for an emergency response station serving the Santa Teresa port of entry in Dona Ana county is extended through fiscal year 2014.

### **Chapter 63 Section 51 Laws 2012**

**SECTION 51. SANTA TERESA SAFETY INSPECTION STATION--EXTEND TIME-- SEVERANCE TAX BONDS.**--The time of expenditure for the capital program fund project originally authorized in Paragraph (6) of Subsection B of Section 25 of Chapter 429 of Laws 2003 and reauthorized in Laws 2008, Chapter 83, Section 398 and reauthorized for a second time in Laws 2010 (S.S.), Chapter 4, Section 25 for a safety inspection station in Santa Teresa in Dona Ana county is extended through fiscal year 2014.

## **Chapter 63 Section 52 Laws 2012**

**SECTION 52. SANTA TERESA SAFETY INSPECTION STATION--EXTEND TIME-- SEVERANCE TAX BONDS.**--The time of expenditure for the capital program fund project originally authorized in Paragraph (3) of Subsection B of Section 25 of Chapter 429 of Laws 2003 and reauthorized in Laws 2008, Chapter 83, Section 208 and reauthorized for a second time in Laws 2010 (S.S.), Chapter 4, Section 28 for a safety inspection station in Santa Teresa in Dona Ana county is extended through fiscal year 2014.

## **Chapter 63 Section 53 Laws 2012**

**SECTION 53. SANTA TERESA SAFETY INSPECTION STATION--EXTEND TIME-- SEVERANCE TAX BONDS.**--The time of expenditure for the capital program fund project originally authorized in Paragraph (10) of Subsection B of Section 25 of Chapter 429 of Laws 2003 and reauthorized in Laws 2005, Chapter 347, Section 181 and reauthorized for a second time in Laws 2008, Chapter 83, Section 397 and reauthorized for a third time in Laws 2010 (S.S.), Chapter 4, Section 30 for a safety inspection station in Santa Teresa in Dona Ana county is extended through fiscal year 2014.

## **Chapter 63 Section 54 Laws 2012**

**SECTION 54. SAN MIGUEL ELEMENTARY SCHOOL RENOVATION-- CHANGE TO LAS CRUCES HIGH SCHOOL PUBLIC ADDRESS SYSTEM--EXTEND TIME--GENERAL FUND.**--Fifty thousand dollars (\$50,000) of the unexpended balance of the appropriation to the local government division originally authorized in Subsection 352 of Section 68 of Chapter 42 of Laws 2007 and reauthorized in Laws 2009, Chapter 128, Section 244 and further reauthorized to the public education department in Laws 2011, Chapter 183, Section 41 to renovate the San Miguel elementary school in Dona Ana county shall not be expended for the original or reauthorized purposes but is changed to purchase and install a public address system for Las Cruces high school in the Las Cruces public school district in Dona Ana county. The time of expenditure is extended through fiscal year 2014.

## **Chapter 63 Section 55 Laws 2012**

**SECTION 55. ROSEDALE MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION IMPROVEMENTS--EXTEND TIME--GENERAL FUND.**--The time of expenditure for the department of environment project in Subsection 54 of Section 48 of Chapter 92 of Laws 2008 for water system improvements for the Rosedale mutual domestic water consumers association in Grant county is extended through fiscal year 2014.

## **Chapter 63 Section 56 Laws 2012**

**SECTION 56. HURLEY WATER SYSTEM IMPROVEMENTS--EXTEND TIME--GENERAL FUND.--**The time of expenditure for the department of environment project in Subsection 56 of Section 48 of Chapter 92 of Laws 2008 for water system improvements in Hurley in Grant county is extended through fiscal year 2014.

### **Chapter 63 Section 57 Laws 2012**

**SECTION 57. GALLUP ALLISON CORRIDOR BYPASS ROUTE IMPROVEMENTS-- EXTEND TIME--SEVERANCE TAX BONDS.--**The time of expenditure for the department of transportation project in Subsection 14 of Section 24 of Chapter 92 of Laws 2008 for improvements to the Allison corridor bypass route in Gallup in McKinley county is extended through fiscal year 2014.

### **Chapter 63 Section 58 Laws 2012**

**SECTION 58. TWIN LAKES CHAPTER GOVERNMENT OFFICE COMPLEX CONSTRUCT--EXTEND TIME--GENERAL FUND.--**The time of expenditure for the Indian affairs department project in Subsection 43 of Section 55 of Chapter 92 of Laws 2008 to construct a government office complex in the Twin Lakes chapter of the Navajo Nation in McKinley county is extended through fiscal year 2014.

### **Chapter 63 Section 59 Laws 2012**

**SECTION 59. MORA-WAGON MOUND SENIOR CENTER CONSTRUCT--EXTEND TIME--GENERAL OBLIGATION BONDS.--**The time of expenditure for the aging and long-term services department project in Paragraph (67) of Subsection A of Section 10 of Chapter 80 of Laws 2008 for the Mora-Wagon Mound senior center in Mora county is extended through fiscal year 2014.

### **Chapter 63 Section 60 Laws 2012**

**SECTION 60. CORRECTIONAL FACILITIES KITCHEN RENOVATIONS STATEWIDE-- EXTEND TIME--SEVERANCE TAX BONDS.--**The time of expenditure for the capital program fund project in Subsection 9 of Section 5 of Chapter 92 of Laws 2008 for kitchen renovations at correctional facilities in Los Lunas in Valencia county, Las Cruces in Dona Ana county and Roswell in Chaves county is extended through fiscal year 2014.

### **Chapter 63 Section 61 Laws 2012**

**SECTION 61. LAS CRUCES VETERANS' AND MILITARY TECHNOLOGY MUSEUM-- CHANGE TO NEW MEXICO FARM AND RANCH HERITAGE MUSEUM AND NEW MEXICO MUSEUM OF SPACE HISTORY--EXTEND TIME--SEVERANCE TAX BONDS.--**Fifteen thousand dollars (\$15,000) of the unexpended balance of the appropriation to the cultural affairs department in Subsection 5 of Section 7 of Chapter

92 of Laws 2008 for a veterans' and military technology museum in Las Cruces in Dona Ana county shall not be expended for the original purpose but is changed for renovation and repairs at the New Mexico farm and ranch heritage museum in Las Cruces and the New Mexico museum of space history in Alamogordo in Otero county. The time of expenditure is extended through fiscal year 2014.

## **Chapter 63 Section 62 Laws 2012**

**SECTION 62. SPACEPORT TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS-- EXTEND TIME--SHORT-TERM SEVERANCE TAX BONDS.--**The time of expenditure for the spaceport authority appropriation in Subsection C of Section 76 of Chapter 92 of Laws 2008 for rights of way, drainage and paving improvements and transportation infrastructure improvements in Sierra county and Dona Ana county related to the spaceport is extended through fiscal year 2014.

## **Chapter 63 Section 63 Laws 2012**

**SECTION 63. PUEBLO OF ISLETA VETERANS' CENTER--EXTEND TIME--GENERAL FUND.--**The time of expenditure for the Indian affairs department project in Subsection 50 of Section 55 of Chapter 92 of Laws 2008 for a veterans' center on the Pueblo of Isleta in Bernalillo, Tarrant and Valencia counties is extended through fiscal year 2014.

## **Chapter 63 Section 64 Laws 2012**

**SECTION 64. TWIN FORKS MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION WATER SYSTEM IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--**The time of expenditure for fifty thousand dollars (\$50,000) of the appropriation to the department of environment in Subsection 43 of Section 15 of Chapter 92 of Laws 2008 to plan, design, equip and construct water system improvements for the Twin Forks mutual domestic water consumers association in Otero county is extended through fiscal year 2014.

## **Chapter 63 Section 65 Laws 2012**

**SECTION 65. LAS CRUCES VETERANS' AND MILITARY TECHNOLOGY MUSEUM-- CHANGE TO NEW MEXICO MUSEUM OF SPACE HISTORY--EXTEND TIME--SEVERANCE TAX BONDS.--**Ten thousand dollars (\$10,000) of the unexpended balance of the appropriation to the cultural affairs department in Subsection 5 of Section 7 of Chapter 92 of Laws 2008 for a veterans' and military technology museum in Las Cruces in Dona Ana county shall not be expended for the original purpose but is changed for renovation and repairs at the New Mexico museum of space history in Alamogordo in Otero county. The time of expenditure is extended through fiscal year 2014.

## **Chapter 63 Section 66 Laws 2012**

**SECTION 66.** LAS CRUCES VETERANS' AND MILITARY TECHNOLOGY MUSEUM-- CHANGE TO NEW MEXICO MUSEUM OF SPACE HISTORY--EXTEND TIME--SEVERANCE TAX BONDS.--Twenty-five thousand dollars (\$25,000) of the unexpended balance of the appropriation to the cultural affairs department in Subsection 5 of Section 7 of Chapter 92 of Laws 2008 for a veterans' and military technology museum in Las Cruces in Dona Ana county shall not be expended for the original purpose but is changed for renovation and repairs at the New Mexico museum of space history in Alamogordo in Otero county. The time of expenditure is extended through fiscal year 2014.

## **Chapter 63 Section 67 Laws 2012**

**SECTION 67.** TULAROSA SENIOR CENTER VANS--CHANGE TO VEHICLES FOR TRANSPORTATION OF HOT MEALS--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the aging and long-term services department in Subsection 16 of Section 4 of Chapter 125 of Laws 2009 to purchase and equip handicapped-accessible vans for the Tularosa senior center in Otero county shall not be expended for the original purpose but is changed to purchase and equip vehicles for the transportation of hot meals for that senior center. The time of expenditure is extended through fiscal year 2014.

## **Chapter 63 Section 68 Laws 2012**

**SECTION 68.** ESPANOLA MILITARY ACADEMY INFORMATION TECHNOLOGY-- CHANGE TO RIO ARRIBA COUNTY POLICE VEHICLES PURCHASE--CHANGE AGENCY-- EXTEND TIME--GENERAL FUND.--Twenty thousand dollars (\$20,000) of the unexpended balance of the appropriation to the public education department in Subsection 397 of Section 44 of Chapter 92 of Laws 2008 to purchase and install information technology for the Espanola military academy in the Espanola public school district in Rio Arriba county shall not be expended for the original purpose but is appropriated to the local government division to purchase and equip police vehicles for the sheriff's office in Rio Arriba county. The time of expenditure is extended through fiscal year 2014.

## **Chapter 63 Section 69 Laws 2012**

**SECTION 69.** ALCALDE WATER SYSTEM--EXTEND TIME--SEVERANCE TAX BONDS.- -The time of expenditure for the department of environment project in Subsection 49 of Section 15 of Chapter 92 of Laws 2008 to plan, design and construct a community water system, including water transmission and distribution lines, in Alcalde in Rio Arriba county is extended through fiscal year 2014.

## **Chapter 63 Section 70 Laws 2012**

**SECTION 70.** SHIPROCK HOME FOR WOMEN AND CHILDREN--CHANGE AGENCY-- EXPAND PURPOSE--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the Indian affairs department authorized in Subparagraph (c) of Paragraph (7) of Subsection A of Section 18 of Chapter 105 of Laws 2010 for the home for women and children in Shiprock in San Juan county is appropriated to the local government division to acquire land, plan, design, construct, equip and furnish the home for women and children on the west side of San Juan county.

### **Chapter 63 Section 71 Laws 2012**

**SECTION 71.** SHIPROCK HOME FOR WOMEN AND CHILDREN--CHANGE AGENCY-- EXPAND PURPOSE--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the Indian affairs department authorized in Subsection 99 of Section 3 of Chapter 7 of Laws 2009 (S.S.) for the home for women and children in Shiprock in San Juan county is appropriated to the local government division to acquire land, plan, design, construct, equip and furnish the home for women and children on the west side of San Juan county. The time of expenditure is extended through fiscal year 2014.

### **Chapter 63 Section 72 Laws 2012**

**SECTION 72.** SHIPROCK HOME FOR WOMEN AND CHILDREN--CHANGE AGENCY-- EXPAND PURPOSE--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the Indian affairs department originally authorized in Subsection 20 of Section 115 of Chapter 126 of Laws 2004 and reauthorized in Laws 2009, Chapter 128, Section 393 and further reauthorized in Laws 2011, Chapter 183, Section 86 for the home for women and children in Shiprock in San Juan county is appropriated to the local government division to acquire land, plan, design, construct, equip and furnish the home for women and children on the west side of San Juan county. The time of expenditure is extended through fiscal year 2014.

### **Chapter 63 Section 73 Laws 2012**

**SECTION 73.** SHIPROCK HOME FOR WOMEN AND CHILDREN--CHANGE AGENCY-- EXPAND PURPOSE--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the Indian affairs department originally authorized in Subsection 40 of Section 15 of Chapter 126 of Laws 2004 and reauthorized in Laws 2009, Chapter 128, Section 394 and further reauthorized in Laws 2011, Chapter 183, Section 87 for the home for women and children in Shiprock in San Juan county is appropriated to the local government division to acquire land, plan, design, construct, equip and furnish the home for women and children on the west side of San Juan county. The time of expenditure is extended through fiscal year 2014.

### **Chapter 63 Section 74 Laws 2012**



**SECTION 74. SHIPROCK HOME FOR WOMEN AND CHILDREN--CHANGE AGENCY-- EXPAND PURPOSE--EXTEND TIME--SEVERANCE TAX BONDS.--**The unexpended balance of the appropriation to the Indian affairs department originally authorized in Subsection 43 of Section 20 of Chapter 110 of Laws 2002 and reauthorized in Laws 2006, Chapter 107, Section 101 and further reauthorized in Laws 2009, Chapter 128, Section 395 and further reauthorized in Laws 2011, Chapter 183, Section 88 for the home for women and children in Shiprock in San Juan county is appropriated to the local government division to acquire land, plan, design, construct, equip and furnish the home for women and children on the west side of San Juan county. The time of expenditure is extended through fiscal year 2014.

### **Chapter 63 Section 75 Laws 2012**

**SECTION 75. UPPER FRUITLAND CHAPTER SENIOR CENTER CONSTRUCTION-- EXTEND TIME--GENERAL FUND.--**The time of expenditure for the aging and long-term services department project in Subsection 35 of Section 33 of Chapter 92 of Laws 2008 for a senior center in the Upper Fruitland chapter of the Navajo Nation in San Juan county is extended through fiscal year 2014.

### **Chapter 63 Section 76 Laws 2012**

**SECTION 76. ROWE MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION WATER SYSTEM IMPROVEMENTS--EXTEND TIME--GENERAL FUND.--**The time of expenditure for the department of environment project in Subsection 101 of Section 48 of Chapter 92 of Laws 2008 to plan, design, construct and install water system improvements for the Rowe mutual domestic water consumers association in San Miguel county is extended through fiscal year 2014.

### **Chapter 63 Section 77 Laws 2012**

**SECTION 77. NEW MEXICO STATE POLICE DISTRICT OFFICE IN LAS VEGAS-- EXTEND TIME--SEVERANCE TAX BONDS.--**The time of expenditure for the capital program fund project in Subsection 10 of Section 5 of Chapter 92 of Laws 2008 for the New Mexico state police district office in Las Vegas in San Miguel county is extended through fiscal year 2014.

### **Chapter 63 Section 78 Laws 2012**

**SECTION 78. SANDOVAL COUNTY WATER DESALINATION SYSTEM-- CHANGE TO ALGODONES MUTUAL DOMESTIC WATER CONSUMERS AND MUTUAL SEWAGE WORKS ASSOCIATION ARSENIC REDUCTION IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--**The unexpended balance of the appropriation to the department of environment in Subsection 69 of Section 3 of Chapter 7 of Laws 2009 (S.S.) for a deep-aquifer water desalination system in Sandoval county shall not be expended for the original purpose but is changed to plan and design water system improvements to reduce arsenic levels for the Algodones

mutual domestic water consumers and mutual sewage works association in Sandoval county. The time of expenditure is extended through fiscal year 2014.

### **Chapter 63 Section 79 Laws 2012**

**SECTION 79. BERNALILLO SOCCER COMPLEX--EXTEND TIME--SEVERANCE TAX BONDS.**--The time of expenditure for the local government division project in Subsection 74 of Section 21 of Chapter 92 of Laws 2008 for the soccer complex in Bernalillo in Sandoval county is extended through fiscal year 2014.

### **Chapter 63 Section 80 Laws 2012**

**SECTION 80. BERNALILLO WATER AND SEWER SYSTEM IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.**--The time of expenditure for the department of environment project in Subsection 55 of Section 15 of Chapter 92 of Laws 2008 to plan, design and construct improvements to the water and sewer system in Bernalillo in Sandoval county is extended through fiscal year 2014.

### **Chapter 63 Section 81 Laws 2012**

**SECTION 81. CUBA WATER TREATMENT AND WELL IMPROVEMENTS--EXTEND TIME--GENERAL FUND.**--The time of expenditure for the department of environment project in Subsection 108 of Section 48 of Chapter 92 of Laws 2008 for water treatment and well improvements in Cuba in Sandoval county is extended through fiscal year 2014.

### **Chapter 63 Section 82 Laws 2012**

**SECTION 82. TULAROSA WATER TREATMENT FACILITY--CHANGE TO HYDROGEOLOGIC STUDY OF THE SACRAMENTO MOUNTAINS--CHANGE AGENCY-- EXTEND TIME--SEVERANCE TAX BONDS.**--The unexpended balance of the appropriation to the department of environment in Subsection 45 of Section 15 of Chapter 92 of Laws 2008 for improvements to the water treatment facility in Tularosa in Otero county shall not be expended for the original purpose but is appropriated to the board of regents of New Mexico state university for a hydrogeologic study of the Sacramento mountains for the Otero soil and water conservation district in Otero, Lincoln and Chaves counties. The time of expenditure is extended through fiscal year 2014.

### **Chapter 63 Section 83 Laws 2012**

**SECTION 83. RIO RANCHO HAVEN HOUSE SHELTER CONSTRUCTION--EXTEND TIME--SEVERANCE TAX BONDS.**--The time of expenditure for the local government division project in Subsection 75 of Section 21 of Chapter 92 of Laws 2008

for the Haven House domestic violence shelter in Rio Rancho in Sandoval county is extended through fiscal year 2014.

### **Chapter 63 Section 84 Laws 2012**

**SECTION 84.** TEXICO WATER AND WASTEWATER IMPROVEMENTS--CHANGE TO RIO RANCHO REGIONAL PARK FACILITY--CHANGE AGENCY--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the department of environment in Subsection 14 of Section 15 of Chapter 92 of Laws 2008 for water and wastewater system improvements in Texico in Curry county shall not be expended for the original purpose but is appropriated to the local government division to plan, design, construct and equip the all-inclusive regional park facility in Rio Rancho in Sandoval county. The time of expenditure is extended through fiscal year 2014.

### **Chapter 63 Section 85 Laws 2012**

**SECTION 85.** ALBUQUERQUE MULTIPURPOSE YOUTH FACILITY--CHANGE TO RIO RANCHO REGIONAL PARK FACILITY--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the local government division originally authorized in Subsection 48 of Section 21 of Chapter 92 of Laws 2008 and reauthorized in Laws 2009, Chapter 128, Section 62 for a multipurpose youth development facility in Albuquerque in Bernalillo county shall not be expended for the original or reauthorized purpose but is changed to plan, design, construct and equip the all-inclusive regional park facility in Rio Rancho in Sandoval county. The time of expenditure is extended through fiscal year 2014.

### **Chapter 63 Section 86 Laws 2012**

**SECTION 86.** TWIN FORKS MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION WATER SYSTEM IMPROVEMENTS--CHANGE TO RIO RANCHO REGIONAL PARK FACILITY-- CHANGE AGENCY--EXTEND TIME--SEVERANCE TAX BONDS.--One hundred thousand dollars (\$100,000) of the unexpended balance of the appropriation to the department of environment in Subsection 43 of Section 15 of Chapter 92 of Laws 2008 for water system improvements for the Twin Forks mutual domestic water consumers association in Otero county shall not be expended for the original purpose but is appropriated to the local government division to plan, design, construct and equip the all- inclusive regional park facility in Rio Rancho in Sandoval county. The time of expenditure is extended through fiscal year 2014.

### **Chapter 63 Section 87 Laws 2012**

**SECTION 87.** AFRICAN AMERICAN PERFORMING ARTS CENTER AND EXHIBIT HALL--CHANGE TO RIO RANCHO REGIONAL PARK FACILITY--CHANGE AGENCY--EXTEND TIME--SEVERANCE TAX BONDS.--One hundred eighty-seven thousand five hundred ninety-four dollars (\$187,594) of the unexpended balance of the

appropriation to the state fair commission in Subsection 1 of Section 16 of Chapter 92 of Laws 2008 for an addition to the African American performing arts center and exhibit hall at the New Mexico state fairgrounds shall not be expended for the original purpose but is appropriated to the local government division to plan, design, construct and equip the all-inclusive regional park facility in Rio Rancho in Sandoval county. The time of expenditure is extended through fiscal year 2014.

## **Chapter 63 Section 88 Laws 2012**

**SECTION 88.** WEST CENTRAL METROPOLITAN REDEVELOPMENT AREA--CHANGE TO RIO RANCHO REGIONAL PARK FACILITY--EXTEND TIME--SEVERANCE TAX BONDS.-- Ninety-four thousand four hundred ninety-seven dollars (\$94,497) of the unexpended balance of the appropriation to the local government division in Subsection 14 of Section 21 of Chapter 92 of Laws 2008 for the west Central metropolitan redevelopment area in Albuquerque in Bernalillo county shall not be expended for the original purpose but is changed to plan, design, construct and equip the all-inclusive regional park facility in Rio Rancho in Sandoval county. The time of expenditure is extended through fiscal year 2014.

## **Chapter 63 Section 89 Laws 2012**

**SECTION 89.** TRUTH OR CONSEQUENCES HOSPITAL--CHANGE TO RIO RANCHO REGIONAL PARK FACILITY--EXTEND TIME--SEVERANCE TAX BONDS.-- One hundred ninety- seven thousand nine hundred ninety-nine dollars (\$197,999) of the unexpended balance of the appropriation to the local government division in Subsection 85 of Section 21 of Chapter 92 of Laws 2008 for a hospital in Truth or Consequences in Sierra county shall not be expended for the original purpose but is changed to plan, design, construct and equip the all-inclusive regional park facility in Rio Rancho in Sandoval county. The time of expenditure is extended through fiscal year 2014.

## **Chapter 63 Section 9 Laws 2012**

**SECTION 90.** NORTH VALLEY RAILROAD CROSSINGS--CHANGE TO RIO RANCHO REGIONAL PARK FACILITY--CHANGE AGENCY--EXTEND TIME--SEVERANCE TAX BONDS.-- Two hundred twenty-seven thousand one hundred ninety-six dollars (\$227,196) of the unexpended balance of the appropriation to the department of transportation in Subsection 2 of Section 24 of Chapter 92 of Laws 2008 for railroad crossings in the north valley of Bernalillo county shall not be expended for the original purpose but is appropriated to the local government division to plan, design, construct and equip the all-inclusive regional park facility in Rio Rancho in Sandoval county. The time of expenditure is extended through fiscal year 2014.

## **Chapter 63 Section 91 Laws 2012**

**SECTION 91.** NORTHWEST CORRIDOR LOOP ROAD WEST OF RIO RANCHO-- CHANGE TO RIO RANCHO REGIONAL PARK FACILITY--CHANGE

AGENCY--EXTEND TIME-- SEVERANCE TAX BONDS.--Two hundred fifty thousand dollars (\$250,000) of the unexpended balance of the appropriation to the department of transportation in Subsection 22 of Section 24 of Chapter 92 of Laws 2008 for the northwest corridor loop road west of Rio Rancho in Sandoval county shall not be expended for the original purpose but is appropriated to the local government division to plan, design, construct and equip the all-inclusive regional park facility in Rio Rancho. The time of expenditure is extended through fiscal year 2014.

### **Chapter 63 Section 92 Laws 2012**

**SECTION 92.** LOS RANCHOS SIDEWALKS AND BICYCLE LANES--CHANGE TO RIO RANCHO REGIONAL PARK FACILITY--CHANGE AGENCY--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the department of transportation in Subsection 5 of Section 24 of Chapter 92 of Laws 2008 for sidewalks and bicycle lanes in Los Ranchos de Albuquerque in Bernalillo county shall not be expended for the original purpose but is appropriated to the local government division to plan, design, construct and equip the all-inclusive regional park facility in Rio Rancho in Sandoval county. The time of expenditure is extended through fiscal year 2014.

### **Chapter 63 Section 93 Laws 2012**

**SECTION 93.** PUEBLO OF SANTA ANA FIRE AND EMERGENCY MEDICAL FACILITY-- EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the Indian affairs department project in Subsection 19 of Section 19 of Chapter 92 of Laws 2008 for a fire and emergency medical facility at the Pueblo of Santa Ana in Sandoval county is extended through fiscal year 2014.

### **Chapter 63 Section 94 Laws 2012**

**SECTION 94.** PUEBLO OF SANTO DOMINGO VANS--CHANGE TO VEHICLES FOR TRANSPORTATION OF HOT MEALS--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the aging and long-term services department in Subsection 36 of Section 4 of Chapter 125 of Laws 2009 to purchase and equip handicapped-accessible vans for the Pueblo of Santo Domingo senior center in Sandoval county shall not be expended for the original purpose but is changed to purchase and equip vehicles for the transportation of hot meals at that senior center. The time of expenditure is extended through fiscal year 2014.

### **Chapter 63 Section 95 Laws 2012**

**SECTION 95.** TORREON-STAR LAKE CHAPTER POLICE SUBSTATION--CHANGE TO TORREON-STAR LAKE BATHROOM ADDITIONS--SEVERANCE TAX BONDS.--The unexpended balance of the appropriation to the Indian affairs department in Subsection 104 of Section 3 of Chapter 7 of Laws 2009 (S.S.) to plan, design and construct a police substation in the Torreon-Star Lake chapter of the Navajo Nation in

Sandoval county shall not be expended for the original purpose but is changed to plan, design and construct bathroom additions in that chapter.

### **Chapter 63 Section 96 Laws 2012**

**SECTION 96.** MANUEL LUJAN BUILDING AND MOTOR VEHICLE DIVISION FIELD OFFICE UPGRADES IN SANTA FE--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the capital program fund project originally authorized in Subsection 12 of Section 5 of Chapter 92 of Laws 2008 and reauthorized in Laws 2009, Chapter 128, Section 482 for constructing, furnishing and equipping the motor vehicle division field office in Santa Fe and for interior upgrades at the Manuel Lujan building in Santa Fe in Santa Fe county is extended through fiscal year 2014.

### **Chapter 63 Section 97 Laws 2012**

**SECTION 97.** SANTA FE PUBLIC SCHOOL DISTRICT REGIONAL CAREER TECHNICAL CENTER DESIGN--CHANGE TO SCHOOL PARKING LOTS REPAIR AND RESURFACE--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the public education department in Subsection 425 of Section 44 of Chapter 92 of Laws 2008 for a regional career technical center for the Santa Fe public school district in Santa Fe county shall not be expended for the original purpose but is changed to design, construct, repair and resurface school parking lots in that school district. The time of expenditure is extended through fiscal year 2014.

### **Chapter 63 Section 98 Laws 2012**

**SECTION 98.** SOUTHWEST REGIONAL SPACEPORT--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the spaceport authority appropriation originally authorized in Laws 2006, Chapter 111, Section 68 and amended in Laws 2007, Chapter 42, Section 100 for the southwest regional spaceport in Sierra county is extended through fiscal year 2014.

### **Chapter 63 Section 99 Laws 2012**

**SECTION 99.** NEW MEXICO STATE VETERANS' HOME ALZHEIMER'S UNIT--EXPAND PURPOSE--EXTEND TIME--SEVERANCE TAX BONDS.--The capital program fund project in Subsection 14 of Section 5 of Chapter 92 of Laws 2008 for construction of the Alzheimer's unit and skilled nursing facility at the New Mexico state veterans' home in Truth or Consequences in Sierra county may include planning, designing, equipping, furnishing and landscaping, and the time of expenditure is extended through fiscal year 2014.

### **Chapter 63 Section 100 Laws 2012**

**SECTION 100.** NEW MEXICO STATE VETERANS' HOME ALZHEIMER'S SKILLED NURSING UNIT--EXPAND PURPOSE--SEVERANCE TAX BONDS.--The capital program fund project in Subsection 9 of Section 5 of Chapter 5 of Laws 2011 (S.S.) for construction of the Alzheimer's skilled nursing unit at the New Mexico state veterans' home in Truth or Consequences in Sierra county may include furnishing and equipping.

### **Chapter 63 Section 101 Laws 2012**

**SECTION 101.** NEW MEXICO STATE VETERANS' HOME SKILLED NURSING ALZHEIMER'S UNIT--EXPAND PURPOSE--SEVERANCE TAX BONDS.--The capital program fund project in Subsection 9 of Section 7 of Chapter 125 of Laws 2009 to plan and design a skilled nursing Alzheimer's unit at the New Mexico state veterans' home in Truth or Consequences in Sierra county may include planning, designing, constructing, furnishing, equipping and landscaping.

### **Chapter 63 Section 102 Laws 2012**

**SECTION 102.** CAPITOL NORTH AND CAPITOL RENOVATIONS AND LEGISLATIVE AND EXECUTIVE AGENCY SPACE PLANNING AND DESIGN--EXTEND TIME--CAPITOL BUILDINGS REPAIR FUND AND LEGISLATIVE CASH BALANCES.--

A. The time of expenditure for the unexpended balance of the appropriations to the legislative council service originally appropriated in Subsections A, B and C of Section 1 of Chapter 192 of Laws 2007 and reappropriated in Laws 2008, Chapter 83, Section 381 to include renovations for legislative space and long-range facility space plans is extended through fiscal year 2014.

B. The time of expenditure for the unexpended balance of the one million dollars (\$1,000,000) taken from the appropriation to the legislative council service in Subsection A of this section in Laws 2009, Chapter 114, Section 7 for the capitol buildings planning commission master planning process for statewide state facilities is extended through fiscal year 2014.

### **Chapter 63 Section 103 Laws 2012**

**SECTION 103.** SANTA FE MOTOR VEHICLE DIVISION FIELD OFFICE--EXPAND PURPOSE--SEVERANCE TAX BONDS.--The capital program fund project in Subsection 7 of Section 3 of Chapter 7 of Laws 2009 (S.S.) to plan, design and construct a motor vehicle division field office in Santa Fe in Santa Fe county may include renovating, improving, furnishing and equipping motor vehicle division field offices statewide.

### **Chapter 63 Section 104 Laws 2012**

**SECTION 104.** LAS CRUCES VALLEY DRIVE MASTER PLAN--CHANGE TO STATEWIDE WINE TRAIL STUDY AND SIGNAGE--EXTEND TIME--GENERAL FUND.--The unexpended balance of the appropriation to the department of transportation in Subsection 66 of Section 61 of Chapter 92 of Laws 2008 for a master plan for Valley drive in Las Cruces in Dona Ana county shall not be expended for the original purpose but is changed to plan, design, construct and install signage, including a feasibility study, for a wine trail statewide. The time of expenditure is extended through fiscal year 2014.

### **Chapter 63 Section 105 Laws 2012**

**SECTION 105.** TAOS COUNTY VETERANS' CEMETERY IMPROVEMENTS--EXTEND TIME--SEVERANCE TAX BONDS.--The time of expenditure for the appropriation originally authorized to the department of environment in Subsection 61 of Section 15 of Chapter 92 of Laws 2008 and reauthorized to the local government division in Laws 2009, Chapter 128, Section 518 for the Taos veterans' cemetery in Taos county is extended through fiscal year 2014.

### **Chapter 63 Section 106 Laws 2012**

**SECTION 106.** CLAUNCH-PINTO SOIL AND WATER CONSERVATION DISTRICT MULTIPURPOSE BUILDING--EXTEND TIME--SEVERANCE TAX BONDS.-  
-The time of expenditure for the board of regents of New Mexico state university project in Subsection 5 of Section 28 of Chapter 92 of Laws 2008 for a multipurpose building for the Claunch-Pinto soil and water conservation district in Mountainair in Torrance county is extended through fiscal year 2014.

### **Chapter 63 Section 107 Laws 2012**

**SECTION 107.** VALENCIA COUNTY CASA COLORADA COMMUNITY CENTER-- EXTEND TIME--GENERAL FUND.--The time of expenditure for the local government division project in Subsection 507 of Section 59 of Chapter 92 of Laws 2008 for kitchen equipment, furniture and improvements at the Casa Colorada community center in Valencia county is extended through fiscal year 2014.

### **Chapter 63 Section 108 Laws 2012**

**SECTION 108.** BELEN AND VALENCIA COUNTY RAILROAD QUIET ZONES CONSTRUCTION--EXTEND TIME--GENERAL FUND.--The time of expenditure for the department of transportation project in Subsection 152 of Section 61 of Chapter 92 of Laws 2008 for construction of railroad quiet zones in Belen and in Valencia county is extended through fiscal year 2014.

### **Chapter 63 Section 109 Laws 2012**



**SECTION 109. BOSQUE FARMS LIBRARY IMPROVEMENTS--EXTEND TIME-  
- SEVERANCE TAX BONDS.--**The time of expenditure for the local government division project in Subsection 93 of Section 21 of Chapter 92 of Laws 2008 for improvements to the library in Bosque Farms in Valencia county is extended through fiscal year 2014.

## **Chapter 63 Section 110 Laws 2012**

**SECTION 110. EMERGENCY.--**It is necessary for the public peace, health and safety that this act take effect immediately.

---

HTRC/House Bill 190, w/ec

Approved March 7, 2012

# **LAWS 2012, CHAPTER 64**

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; MAKING APPROPRIATIONS; REAUTHORIZING BALANCES AND CHANGING PURPOSES; DECLARING AN EMERGENCY.

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

## **Chapter 64 Section 1 Laws 2012**

**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, including projects that have been reauthorized, by the end of fiscal year 2014, 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 2016; 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 64 Section 2 Laws 2012**

### **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 2016; 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 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 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 64 Section 3 Laws 2012**

~~[SECTION 3. ADMINISTRATIVE OFFICE OF THE COURTS PROJECT--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, one million dollars (\$1,000,000) is appropriated to the administrative office of the courts for security cameras, furniture, fixtures and other information technology infrastructure for the first judicial district courthouse in Santa Fe in Santa Fe county.] LINE-ITEM VETOED~~

## **Chapter 64 Section 4 Laws 2012**

**SECTION 4. 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 dollars (\$100,000) to purchase and install or upgrade cabinets at Los Volcanes senior center in Albuquerque in Bernalillo county;~~

2. one hundred ninety-two thousand dollars (\$192,000) to plan, design and construct a long-term care, assisted living and senior center at the Pueblo of Isleta in Bernalillo county;

~~3. one hundred fifty thousand dollars (\$150,000) to plan, design and prepare a site for a senior center in the Church Rock chapter of the Navajo Nation in McKinley county;] LINE-ITEM VETOED~~

4. one million six hundred fifty thousand dollars (\$1,650,000) for ongoing construction and project completion to address health and safety issues and increased costs at the following centers in the following amounts:

(a) one hundred fifty thousand dollars (\$150,000) for East Mesa senior center in Dona Ana county;

(b) two hundred thousand dollars (\$200,000) for Chichiltah chapter senior center in the Navajo Nation in McKinley county;

(c) three hundred thousand dollars (\$300,000) for Iyanbito chapter senior center in the Navajo Nation in McKinley county;

(d) five hundred thousand dollars (\$500,000) for Torreon-Star Lake chapter senior center in the Navajo Nation in Sandoval county; and

(e) five hundred thousand dollars (\$500,000) for Whitehorse Lake chapter senior center in the Navajo Nation in McKinley county;

~~[5. ten thousand dollars (\$10,000) to plan, design, construct and equip improvements to the San Miguel senior center on the San Miguel del Vado land grant in San Miguel county;] *LINE-ITEM VETOED*~~

6. three hundred fifty thousand dollars (\$350,000) to design and construct improvements to the parking lot, sidewalks, landscaping and lighting, including removal of asphalt, at the Meadowlark senior center in Rio Rancho in Sandoval county; and

~~[7. one hundred thousand dollars (\$100,000) to plan, design, construct, purchase, improve and equip the Ken and Patty Adams senior center in Eldorado in Santa Fe county]. *LINE-ITEM VETOED*~~

## **Chapter 64 Section 5 Laws 2012**

**SECTION 5. CAPITAL PROGRAM FUND PROJECTS--SEVERANCE TAX BONDS.**-- Pursuant to the provisions of Section 1 of this act, upon certification by the capital program fund 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. three million four hundred thousand dollars (\$3,400,000) to upgrade the heating, ventilation and air conditioning systems and infrastructure in housing units and support buildings at the central New Mexico correctional facility in Valencia county and the western New Mexico correctional facility in Cibola county;

2. five hundred thousand dollars (\$500,000) for infrastructure improvements and code compliance upgrades at the youth diagnostic and development center campus in Albuquerque in Bernalillo county and the John Paul Taylor center in Las Cruces in Dona Ana county;

3. seven hundred thousand dollars (\$700,000) to plan, design, renovate, expand, furnish and equip the New Mexico state police district office in Espanola in Rio Arriba county;

4. four million seven hundred thousand dollars (\$4,700,000) to construct, furnish and equip additional patient housing units at the New Meadows long-term care

facility at the New Mexico behavioral health institute in Las Vegas in San Miguel county and for other patient health and safety improvements at department of health facilities statewide;

5. three million dollars (\$3,000,000) to renovate, furnish and equip the dormitories, including upgrading plumbing, electrical and mechanical systems and other infrastructure, at the New Mexico law enforcement academy in Santa Fe county;

6. six million dollars (\$6,000,000) for infrastructure improvements, renovations, furnishing and equipping the Manuel Lujan building in Santa Fe in Santa Fe county;

7. five hundred thousand dollars (\$500,000) to renovate, repair and equip correctional facilities statewide;

8. five hundred thousand dollars (\$500,000) for infrastructure improvements for health and safety upgrades at department of health facilities statewide;

9. five hundred thousand dollars (\$500,000) for repairs, renovations, deferred maintenance, restoration, infrastructure improvements and construction at state buildings statewide; and

10. five million dollars (\$5,000,000) to plan, design, construct, renovate and furnish the human services department drug and substance abuse treatment facility in Los Lunas in Valencia county.

## **Chapter 64 Section 6 Laws 2012**

**SECTION 6. 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. two hundred fifty thousand dollars (\$250,000) to construct a memorial on the grounds of the national Hispanic cultural center in Albuquerque in Bernalillo county; and

2. five hundred thousand dollars (\$500,000) for repairs, upgrades and renovations to address health and safety deficiencies at state museums and monuments statewide.

## **Chapter 64 Section 7 Laws 2012**

**SECTION 7. COMMISSION FOR DEAF AND HARD-OF-HEARING PERSONS PROJECT-- SEVERANCE TAX BONDS.**--Pursuant to the provisions of Section 1 of this act, upon certification by the commission for deaf and hard-of-hearing persons that the need exists for the issuance of the bonds, two hundred thousand dollars (\$200,000) is appropriated to the commission for deaf and hard-of-hearing persons to purchase land for and plan, design, construct, purchase, improve, renovate, equip and furnish a deaf culture multipurpose center and to plan and design an apartment complex for the deaf and deaf-blind in Albuquerque in Bernalillo county.

## **Chapter 64 Section 8 Laws 2012**

**SECTION 8. 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. one hundred thousand dollars (\$100,000) to purchase and install art and drama equipment and information technology, including related equipment, furniture and infrastructure, in La Academia de Esperanza charter school in the Albuquerque public school district in Bernalillo county;

~~2. twenty thousand dollars (\$20,000) to purchase and install physical education equipment, including related furniture, for all elementary schools in house district 25 in the Albuquerque public school district in Bernalillo county;~~

3. fifty thousand dollars (\$50,000) to purchase and install carpet for classrooms in the Montessori elementary charter school in Bernalillo county;

~~4. eighty six thousand dollars (\$86,000) to plan, design and construct improvements to a city-owned facility, including technological infrastructure, restrooms, a gymnasium, a commons area and classrooms, for the Southwest Aeronautics, Mathematics and Science Academy charter school in Bernalillo county;] *LINE-ITEM VETOED*~~

5. seventy-seven thousand dollars (\$77,000) to plan, design, purchase and install a smart lab, including related equipment, furniture and infrastructure, at the Southwest Aeronautics, Mathematics and Science Academy charter school in Bernalillo county;

~~[6. thirty seven thousand dollars (\$37,000) to purchase and install information technology, communication systems and telephone systems, including related equipment, furniture and infrastructure, for all schools in house district 25 in the Albuquerque public school district in Bernalillo county;] *LINE-ITEM VETOED*~~

7. two hundred thousand dollars (\$200,000) to plan, design and construct a permanent facility for the Cien Aguas international school in southeast Albuquerque in Bernalillo county;

8. sixty thousand dollars (\$60,000) to purchase and install a sound system in the main gymnasium at La Cueva high school in the Albuquerque public school district in Albuquerque in Bernalillo county;

9. one hundred eighty thousand dollars (\$180,000) to plan, design, purchase and install a smart lab, including related equipment, furniture and infrastructure, at Southwest intermediate learning center in Bernalillo county;

10. forty thousand dollars (\$40,000) to plan, design, purchase and install a smart lab, including related equipment, furniture and infrastructure, at the Southwest primary learning center in Albuquerque in Bernalillo county;

11. one hundred thousand dollars (\$100,000) to plan, design, purchase and install a smart lab, including related equipment, furniture and infrastructure, at the Southwest secondary learning center in Albuquerque in Bernalillo county;

12. one hundred thousand dollars (\$100,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Albuquerque high school in the Albuquerque public school district in Bernalillo county;

13. fifty-five thousand dollars (\$55,000) to purchase and install information technology, communication systems and telephone systems, including related equipment, furniture and infrastructure, at the career enrichment center in the Albuquerque public school district in Bernalillo county;

~~[14. fifty thousand dollars (\$50,000) for site improvements, including landscaping, shade structures, drainage and furniture, for the gardening project at Edward Gonzales elementary school and West Mesa and Atrisco heritage academy high schools in the Albuquerque public school district in Bernalillo county;] LINE-ITEM VETOED~~

15. three hundred seventy-seven thousand dollars (\$377,000) to purchase and install information technology, communication systems and telephone systems, including related furniture, equipment and infrastructure, at Alvarado, Cochiti, Edmund G. Ross, Griegos, Hodgins, La Luz, Los Ranchos, Douglas MacArthur and Mission Avenue elementary schools, at Garfield and Taft middle schools and at Valley high school in the Albuquerque public school district in Bernalillo county;

16. fifty thousand dollars (\$50,000) to purchase and install communication and telephone systems and information technology, including related equipment, furniture and infrastructure, at Hayes, Van Buren and Wilson middle schools in the Albuquerque public school district in Bernalillo county;

~~[17. one hundred thousand dollars (\$100,000) to purchase and install physical education equipment, including related equipment and furniture, at Hawthorne, Tomasita and McCollum elementary schools and at Kennedy and Grant middle schools in the Albuquerque public school district in Bernalillo county;~~



18. one hundred thousand dollars (\$100,000) to purchase and install physical education equipment, including related equipment and furniture, at Alamosa, Carlos Rey, Edward Gonzales, Helen Cordero and Mary Ann Binford elementary schools in the Albuquerque public school district in Bernalillo county;

19. thirty-seven thousand dollars (\$37,000) to purchase and install physical education equipment, including related furniture, at Alamosa, Carlos Rey, Edward Gonzales and Mary Ann Binford elementary schools and at Helen Cordero primary school in the Albuquerque public school district in Bernalillo county;

~~20. one hundred thousand dollars (\$100,000) to purchase and install physical education equipment and furniture at Bandelier, Emerson, Kirtland, La Mesa, Mark Twain, Whittier and Zia elementary schools in the Albuquerque public school district in Bernalillo county;] *LINE-ITEM VETOED*~~

21. thirty-five thousand dollars (\$35,000) to purchase and install information technology, communication systems and telephone systems, including related equipment, furniture and infrastructure, at Arroyo del Oso elementary school in the Albuquerque public school district in Bernalillo county;

~~[22. twenty thousand dollars (\$20,000) to purchase and install physical education equipment, including related equipment and furniture, at Arroyo del Oso elementary school in the Albuquerque public school district in Bernalillo county;] *LINE-ITEM VETOED*~~

23. fifty-five thousand dollars (\$55,000) to purchase and install information technology, communication systems and telephone systems, including related equipment, furniture and infrastructure, at Bel Air elementary school in the Albuquerque public school district in Bernalillo county;

~~[24. twenty thousand dollars (\$20,000) to purchase and install physical education equipment, including related equipment and furniture, at Bel Air elementary school in the Albuquerque public school district in Bernalillo county;~~

~~25. twenty thousand dollars (\$20,000) to purchase and install physical education equipment for Chaparral elementary school in the Albuquerque public school district in Bernalillo county;] *LINE-ITEM VETOED*~~

26. sixty thousand dollars (\$60,000) to purchase and install information technology, communication systems and telephone systems, including related equipment, furniture and infrastructure, at Cleveland middle school in the Albuquerque public school district in Bernalillo county;

~~[27. forty thousand dollars (\$40,000) to purchase and install physical education equipment, including related equipment and furniture, at Cleveland middle school in the Albuquerque public school district in Bernalillo county;] *LINE-ITEM VETOED*~~

28. fifty-five thousand dollars (\$55,000) to purchase and install information technology, communication systems and telephone systems, including related

equipment, furniture and infrastructure, at Comanche elementary school in the Albuquerque public school district in Bernalillo county;

~~[29. twenty thousand dollars (\$20,000) to purchase and install physical education equipment, including related equipment and furniture, at Comanche elementary school in the Albuquerque public school district in Bernalillo county;] *LINE-ITEM VETOED*~~

30. two hundred thousand dollars (\$200,000) to plan, design, construct, equip and furnish improvements, a classroom addition and gymnasium renovations at Del Norte high school in the Albuquerque public school district in Bernalillo county;

31. one hundred thousand dollars (\$100,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at the Digital Arts and Technology Academy charter school in the Albuquerque public school district in Bernalillo county;

32. fifty-five thousand dollars (\$55,000) to purchase and install information technology, communication systems and telephone systems, including related equipment, furniture and infrastructure, at Governor Bent elementary school in the Albuquerque public school district in Bernalillo county;

~~[33. twenty thousand dollars (\$20,000) to purchase and install physical education equipment, including related equipment and furniture, at Governor Bent elementary school in the Albuquerque public school district in Bernalillo county;] *LINE-ITEM VETOED*~~

34. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure, and office equipment for the family resource center at Grant middle school in the Albuquerque public school district in Bernalillo county;

35. forty-five thousand dollars (\$45,000) to purchase and install information technology, communication systems and telephone systems, including related equipment, furniture and infrastructure, at Grant middle school in the Albuquerque public school district in Bernalillo county;

36. one hundred ten thousand dollars (\$110,000) to purchase and install information technology, including related equipment, furniture and infrastructure, and office equipment for the family resource center at Harrison middle school in the Albuquerque public school district in Bernalillo county;

37. forty-five thousand dollars (\$45,000) to purchase and install information technology, communication systems and telephones, including related equipment, furniture and infrastructure, at Hawthorne elementary school in the Albuquerque public school district in Bernalillo county;

38. one hundred thousand dollars (\$100,000) to purchase and install information technology, including related equipment, furniture and infrastructure, at Highland high school in the Albuquerque public school district in Bernalillo county;

39. ten thousand dollars (\$10,000) to purchase and install information technology, communication systems and telephone systems, including related equipment, furniture and infrastructure, at Highland high school in the Albuquerque public school district in Bernalillo county;

~~40. twenty thousand dollars (\$20,000) to purchase and install physical education equipment, including related equipment and furniture, at Hodgkin elementary school in the Albuquerque public school district in Bernalillo county;~~

41. thirty thousand dollars (\$30,000) to purchase and install physical education equipment for Jimmy E. Carter middle school in the Albuquerque public school district in Bernalillo county;

~~42. eight hundred thousand dollars (\$800,000) to design and construct a multipurpose community field at La Cueva high school in the Albuquerque public school district in Bernalillo county;]~~  
*LINE-ITEM VETOED*

43. three hundred seventy-five thousand dollars (\$375,000) to plan, design and construct the heating, ventilation and air conditioning system at La Promesa early learning center charter school in the Albuquerque public school district in Bernalillo county;

~~44. twenty thousand dollars (\$20,000) to purchase and install physical education equipment for Lavaland elementary school in the Albuquerque public school district in Bernalillo county;~~

45. thirty thousand dollars (\$30,000) to purchase and install physical education equipment for Lyndon B. Johnson middle school in the Albuquerque public school district in Bernalillo county;

~~46. twenty thousand dollars (\$20,000) to plan, design and construct shade structures and an athletic field at Manzano Mesa elementary school in the Albuquerque public school district in Bernalillo county;]~~  
*LINE-ITEM VETOED*

47. thirty-five thousand dollars (\$35,000) to purchase and install information technology, communication systems and telephones, including related equipment, furniture and infrastructure, at McCollum elementary school in the Albuquerque public school district in Bernalillo county;

48. forty-five thousand dollars (\$45,000) to purchase and install information technology, communication systems and telephone systems, including related equipment, furniture and infrastructure, at McKinley middle school in the Albuquerque public school district in Bernalillo county;

49. twenty-five thousand dollars (\$25,000) to purchase and install a sound system and projector, including related equipment and furniture, at McKinley middle school in the Albuquerque public school district in Bernalillo county;

~~[50. twenty thousand dollars (\$20,000) to purchase and install physical education equipment for Painted Sky elementary school in the Albuquerque public school district in Bernalillo county;] LINE-ITEM VETOED~~

51. forty thousand dollars (\$40,000) to purchase and install equipment, including lighting and sound equipment, seating and fixtures, for the performing arts building at Rio Grande high school in the Albuquerque public school district in Bernalillo county;

52. two hundred thousand dollars (\$200,000) to plan, design, construct, equip and furnish improvements, a classroom addition and gymnasium renovations at Sandia high school in the Albuquerque public school district in Bernalillo county;

53. ten thousand dollars (\$10,000) to purchase and install office equipment and information technology, including related equipment, furniture and infrastructure, in the family resource center at Truman middle school in the Albuquerque public school district in Bernalillo county;

54. thirty-five thousand dollars (\$35,000) to purchase and install information technology, including related equipment, furniture and infrastructure, and office equipment for the family resource center at West Mesa high school in the Albuquerque public school district in Bernalillo county;

55. four hundred eighty-four thousand dollars (\$484,000) to plan, design, construct, renovate, equip and furnish improvements to facilities and grounds, including lighting, technology, bathrooms, bleachers, shade structures, fencing and gates, at West Mesa high school in the Albuquerque public school district in Bernalillo county;

~~[56. thirty thousand dollars (\$30,000) to plan, design, construct, purchase and install renovations, including related equipment and furniture, to the athletic locker rooms at West Mesa high school in the Albuquerque public school district in Bernalillo county;~~

~~\_\_\_\_\_ 57. fifty thousand dollars (\$50,000) to purchase and install physical education equipment, including related furniture, at West Mesa high school in the Albuquerque public school district in Bernalillo county;] LINE-ITEM VETOED~~

58. seventy thousand dollars (\$70,000) to purchase and install information technology, communication systems and telephone systems, including related equipment, furniture and infrastructure, at Zuni elementary school in the Albuquerque public school district in Bernalillo county;

~~[59. fifteen thousand dollars (\$15,000) to plan, design, construct, purchase and install playground equipment at the Mora-Colfax head start program of the Mora independent school district in Raton in Cofax county;~~

~~\_\_\_\_\_ 60. five thousand dollars (\$5,000) to plan, design and construct a sign for the Lincoln-Jackson family center in the Clovis municipal school district in Curry county;] LINE-ITEM VETOED~~

61. five thousand dollars (\$5,000) to purchase and install vocational equipment for the Melrose public school district in Curry county;

62. ten thousand dollars (\$10,000) to purchase and install vocational equipment for the Fort Sumner municipal school district in De Baca county;

~~[63. two hundred fifty-four thousand dollars (\$254,000) to plan, design and construct air conditioning upgrades for district facilities in the Gadsden independent school district in Dona Ana county;] LINE-ITEM VETOED~~

64. sixty-five thousand dollars (\$65,000) to purchase and install office equipment and information technology, including related equipment, furniture and infrastructure, for the family resource center at Gadsden middle school in the Gadsden independent school district in Dona Ana county;

~~[65. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish the Mesquite environmental park and multipurpose center in the Mesquite elementary school playground in the Gadsden independent school district in Dona Ana county;] LINE-ITEM VETOED~~

66. twenty-five thousand dollars (\$25,000) to plan, design, purchase and install a security camera system at Alta Vista middle school in the Carlsbad municipal school district in Eddy county;

67. fifty thousand dollars (\$50,000) to plan, design, purchase, install and equip interactive white boards with projectors in the Carlsbad municipal school district in Eddy county;

68. twenty thousand dollars (\$20,000) to plan, design and construct an electrical upgrade in the Edison elementary school building in the Carlsbad municipal school district in Eddy county;

~~[69. twenty-five thousand dollars (\$25,000) to plan, design, purchase and install shade structures and equipment in the playground at Joe Stanley Smith elementary school in the Carlsbad municipal school district in Eddy county;] LINE-ITEM VETOED~~

70. twenty-five thousand dollars (\$25,000) to design, purchase and install a sound system in P.R. Leyva middle school in the Carlsbad municipal school district in Eddy county;

~~[71. fifty-five thousand dollars (\$55,000) to plan, design, purchase and install shade structures and equipment in the playground at Puckett elementary school in the Carlsbad municipal school district in Eddy county;~~

72. sixty thousand dollars (\$60,000) to purchase and install playground equipment in the schools in the Loving municipal school district in Eddy county;

73. ten thousand dollars (\$10,000) to plan, design and equip the athletic program for the Santa Rosa consolidated school district in Guadalupe county;

74. ten thousand dollars (\$10,000) to plan, design, construct and install renovations to the gymnasium in the Vaughn municipal school district in Guadalupe county;

~~\_\_\_\_\_ 75. one hundred fifty thousand dollars (\$150,000) to plan, design and construct a school-based health clinic in the Hondo Valley public school district in Lincoln county;] *LINE-ITEM VETOED*~~

~~76. one hundred ninety-two thousand five hundred dollars (\$192,500) [to plan, design and construct capital improvements and] to purchase and install furniture and information technology, including related equipment and infrastructure, in the Mora independent school district in Mora county; *LINE-ITEM VETOED*~~

~~[77. one hundred twenty-five thousand dollars (\$125,000) to plan, design, construct, renovate and equip a garage for the Wagon Mound public school district in Mora county;~~

~~\_\_\_\_\_ 78. twenty-five thousand dollars (\$25,000) to plan, design and construct improvements and a field house, locker rooms and restroom facilities at the athletics complex at Carlos F. Vigil middle school in the Espanola public school district in Rio Arriba county;] *LINE-ITEM VETOED*~~

79. five thousand dollars (\$5,000) to purchase and install information technology and career technology, including related equipment, furniture and infrastructure, in the Floyd municipal school district in Roosevelt county;

~~[80. twenty-five thousand dollars (\$25,000) to purchase and install upgraded security and emergency notification systems in eight schools districtwide and to plan, design and construct cafeteria, gymnasium and stadium improvements in the Las Vegas city public school district in San Miguel county;] *LINE-ITEM VETOED*~~

81. seventy-five thousand dollars (\$75,000) to plan and design renovations for a building in the west Las Vegas public school district in San Miguel county;

82. thirty-five thousand dollars (\$35,000) to replace windows and doors and to construct ramp and walkway improvements to comply with the Americans with Disabilities Act of 1990 in the west Las Vegas public school district in San Miguel county;

~~[83. two hundred five thousand dollars (\$205,000) to plan, design, construct and equip the weight room in the west Las Vegas public school district in San Miguel county;~~

~~\_\_\_\_\_ 84. twenty five thousand dollars (\$25,000) for the Santa Fe public school district to purchase and equip athletic facilities for low-income children in the city of Santa Fe, in that school district and in Santa Fe county;] LINE-ITEM VETOED~~

85. fifty thousand dollars (\$50,000) to plan, design and construct improvements to the city- and school district-owned head start facilities in Santa Fe and the Pojoaque Valley public school district in Santa Fe county;

~~[86. thirty five thousand dollars (\$35,000) to design, construct, repair and resurface parking lots in the Santa Fe public school district in Santa Fe county;~~

~~\_\_\_\_\_ 87. seventy eight thousand dollars (\$78,000) to upgrade, replace and install a phone system districtwide for the Santa Fe public school district in Santa Fe county;] LINE-ITEM VETOED~~

88. three hundred twenty-two thousand dollars (\$322,000) to plan, design, purchase and install robot systems to equip students for science, technology, engineering and math competitions at public schools statewide;

~~[89. two hundred fifty thousand dollars (\$250,000) to plan, design and construct a pool facility for school and community use in the Belen consolidated school district in Valencia county;] and LINE-ITEM VETOED~~

90. two hundred thousand dollars (\$200,000) to plan, design, construct and equip sewer system improvements at Ann Parish elementary school in the Los Lunas public school district in Valencia county.

## **Chapter 64 Section 9 Laws 2012**

**SECTION 9. ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT PROJECT--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, three hundred thousand dollars (\$300,000) is appropriated to the energy, minerals and natural resources department to purchase and equip law enforcement vehicles and for drought and fire mitigation statewide.

## **Chapter 64 Section 10 Laws 2012**

**SECTION 10. 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. fifty thousand dollars (\$50,000) to plan, design, construct and rehabilitate the Hitson draw dam in Fort Sumner in De Baca county;~~

~~2. one hundred thousand dollars (\$100,000) to plan, design and construct a drainage channel and conduit system for Mesilla Valley farms in Las Cruces in Dona Ana county;] LINE-ITEM VETOED~~

3. one hundred thousand dollars (\$100,000) to plan, design, construct and install electrical services to the pump station and intake diversion structure at Ute reservoir for the eastern New Mexico water utility authority in Quay, Curry and Roosevelt counties;

4. two hundred thousand dollars (\$200,000) to complete construction of Cabestro dam in Taos county[; and

~~5. thirty thousand dollars (\$30,000) to plan and purchase water rights for Questa in Taos county]. LINE-ITEM VETOED~~

## **Chapter 64 Section 11 Laws 2012**

**SECTION 11. 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. one hundred thousand dollars (\$100,000) to plan, design, construct and equip water system improvements, including a water storage tank, well and supply lines, for the Cedar Crest mutual domestic water consumers and sewage works association in Bernalillo county;

2. one hundred thirty thousand dollars (\$130,000) to design and construct improvements for the south valley water project, including extension to Malpais road and streets in Los Padillas community of the south valley of Bernalillo county;

~~[3. thirty thousand dollars (\$30,000) to plan and design wastewater system improvements for the Carnuel mutual domestic water and wastewater consumers association in Bernalillo county;] LINE-ITEM VETOED~~

4. four hundred thousand dollars (\$400,000) to plan, design and construct the water system in Tijeras in Bernalillo county;

5. three hundred seventy thousand dollars (\$370,000) to plan, design, construct, equip, improve and install a potable water storage tank for Hagerman in Chaves county;



6. fifty thousand dollars (\$50,000) to renovate water well number 2, including replacement of wiring, water pipe and well pump, for the Bluewater Acres domestic water users association in Cibola county;

7. fifty thousand dollars (\$50,000) to plan, design and construct, including purchase and installation of related mechanical equipment, a water system in the San Rafael water and sanitation district in San Rafael in Cibola county;

8. one hundred thousand dollars (\$100,000) to construct and equip a solid waste transfer station and recycling facility in Raton in Colfax county;

9. two hundred seventy-eight thousand dollars (\$278,000) to construct the effluent reuse pipeline in Clovis in Curry county;

10. fifty thousand dollars (\$50,000) to plan, design and construct water system improvements in Melrose in Curry county;

11. fifty thousand dollars (\$50,000) to construct a county transfer station in De Baca county;

~~12. three hundred forty five thousand dollars (\$345,000) to plan and design the surface water treatment facility and operations building, including pilot testing and a supervisory control and data acquisition system, for the lower Rio Grande public water works authority in Dona Ana county;~~

~~13. one hundred thousand dollars (\$100,000) to plan, design and construct a municipal sewer system in the Lantana Estates subdivision in Las Cruces in Dona Ana county;] LINE-ITEM VETOED~~

14. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and equip water system improvements, including installing water lines and connection to the new well, to the Otis mutual domestic water consumers and sewage works association system in Eddy county;

~~15. two hundred thousand dollars (\$200,000) to design and construct water system improvements, including replacing piping, fire hydrants and valves, for the Malaga mutual domestic water consumers and sewage works association in Eddy county;] LINE-ITEM VETOED~~

16. one hundred thousand dollars (\$100,000) to plan, design, construct and equip a lift station and forced sewer main line for the Fort Bayard medical center in Santa Clara in Grant county;

~~17. one hundred twenty seven thousand dollars (\$127,000) to plan, design, construct and equip water system improvements in Lordsburg in Hidalgo county;] LINE-ITEM VETOED~~

18. two hundred fifty thousand dollars (\$250,000) to plan, design, construct, equip, purchase and install improvements to the wastewater treatment plant in Jal in Lea county;

19. four hundred thousand dollars (\$400,000) to plan, design and construct wells in Lovington in Lea county;

20. eighty-five thousand dollars (\$85,000) to plan, design, construct and equip solid waste collection centers for the Greentree solid waste authority in Lincoln county;

21. eighty-five thousand dollars (\$85,000) to purchase and install solid waste compactors, dumpsters and carts for the Greentree solid waste authority in Lincoln county;

22. two hundred five thousand dollars (\$205,000) to plan, design and construct sewer system improvements and an extension to the senior center in Capitan in Lincoln county;

23. one hundred fifty thousand dollars (\$150,000) to plan, design and construct wastewater system and treatment plant improvements, including replacing liners in lagoons, in Capitan in Lincoln county;

24. one hundred twenty-two thousand dollars (\$122,000) to design and construct sewer system facilities in Ruidoso in Lincoln county;

25. three hundred fifty thousand dollars (\$350,000) to plan, design, construct and equip bar screen, aerators and other improvements for the wastewater treatment plant in Deming in Luna county;

~~[26. fifty thousand dollars (\$50,000) to construct cells at the Red Rocks landfill of the northwest New Mexico regional solid waste authority in Thoreau in McKinley county;] LINE-ITEM VETOED~~

27. one hundred ten thousand dollars (\$110,000) to plan and design a ground water pipeline for the eastern New Mexico water utility authority in Curry and Roosevelt counties;

28. thirty-seven thousand five hundred dollars (\$37,500) to plan, design, construct and equip improvements to the Santa Cruz water association regional water system in Santa Fe and Rio Arriba counties;

29. fifty thousand dollars (\$50,000) to plan, design and construct a wastewater treatment system for the Cebolleta land grant in Cibola county;

~~[30. fifty-six thousand two hundred fifty dollars (\$56,250) to plan and design water and wastewater system improvements for La Luz mutual domestic water consumers and mutual sewage works association in Otero county;] LINE-ITEM VETOED~~

31. four hundred thousand seven hundred fifty dollars (\$400,750) to plan, design, construct and install a reclaimed water distribution and storage addition to the water reuse system in Alamogordo in Otero county;

32. seven hundred seventy-two thousand dollars (\$772,000) to construct the potable wastewater reuse project and facility in Cloudcroft in Otero county;

33. one hundred fifty thousand dollars (\$150,000) to purchase and equip trash collection trucks for the solid waste department in Tucumcari in Quay county;

34. seventy-five thousand dollars (\$75,000) to plan, design, drill, construct and equip a supplemental well for the Chamita mutual domestic water consumers and sewage works association in Rio Arriba county;

35. twenty-five thousand dollars (\$25,000) to plan, design and construct water system improvements, including purchase and installation of flush hydrants, for the Canjilon mutual domestic water consumers and mutual sewage works association in Canjilon in Rio Arriba county;

36. fifty thousand dollars (\$50,000) to plan, design and construct improvements to the Valley Estates mutual water and sewer association water system in Espanola in Rio Arriba county;

~~[37. thirty one thousand eight hundred dollars (\$31,800) to pay off a rural infrastructure program loan to the Youngsville mutual domestic water consumers and mutual sewage works association in Youngsville in Rio Arriba county;] *LINE-ITEM VETOED*~~

38. one hundred ten thousand dollars (\$110,000) to plan, design and construct water system improvements, including water lines, valves and fire hydrants, in Portales in Roosevelt county;

~~[39. one hundred seventy five thousand dollars (\$175,000) to plan, design, construct, purchase and install a water reuse system in Bloomfield in San Juan county;] *LINE-ITEM VETOED*~~

40. fifty thousand dollars (\$50,000) to plan, design and construct sewer lines on Rincon road in Pecos in San Miguel county;

41. two hundred thousand dollars (\$200,000) to plan, design and construct a wastewater treatment plant in Cuba in Sandoval county;

~~[42. seventy three thousand three hundred dollars (\$73,300) to plan, design and construct water system improvements to tie in Canoncito's distribution system to Santa Fe county's water system for the Canoncito at Apache Canyon mutual domestic water consumers and mutual sewage works association in Santa Fe county;] *LINE-ITEM VETOED*~~

43. fifty thousand dollars (\$50,000) to plan, design and construct improvements, including connections, for the greater Glorieta community regional mutual domestic water consumers and sewage works association in Santa Fe county;

44. fifty thousand dollars (\$50,000) to plan, design, construct, purchase and improve the water storage tank and well for La Bajada community ditch and mutual domestic water association in Santa Fe county;

45. seventy-five thousand dollars (\$75,000) for acquiring water rights, including needed applications and transfers, and for improvements to the water distribution system and wells for Agua Fria in Santa Fe county;

46. fifty thousand dollars (\$50,000) to plan, design and construct water system improvements, including water lines, for La Cienega mutual domestic water consumers and mutual sewage works association in Santa Fe county;

47. four hundred thousand dollars (\$400,000) to construct and equip the solid waste collection center in Truth or Consequences in Sierra county;

48. ten thousand dollars (\$10,000) to plan, design and construct upgrades to the power supply at the well site in Magdalena in Socorro county;

49. fifty thousand dollars (\$50,000) to design and construct phase 2C wastewater system improvements for El Valle de los Ranchos water and sanitation district in Taos county;

50. twelve thousand seven hundred sixty-six dollars (\$12,766) to purchase and install sewer aerator pumps and a control panel and to upgrade the treatment system at the wastewater treatment facility in Estancia in Torrance county;

51. one hundred sixty-five thousand dollars (\$165,000) to purchase a trash truck for Clayton in Union county;

~~[52. fifteen thousand dollars (\$15,000) to plan, design and construct water system improvements, including a well, for fire suppression in the Manzano mountains in Bartola canyon in Valencia county;] LINE-ITEM VETOED~~

53. fifty thousand dollars (\$50,000) to purchase and install equipment at the wastewater treatment plant, including installing upper units and related infrastructure, in Los Lunas in Valencia county; and

54. two hundred fifty thousand dollars (\$250,000) to plan, design and construct the Bosque Farms-Peralta wastewater system, a regional effort that uses sewer lines installed by Peralta and is serviced by the Bosque Farms wastewater treatment plant, in Valencia county.

## **Chapter 64 Section 12 Laws 2012**

**SECTION 12. 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. one hundred thousand dollars (\$100,000) to design, construct and equip a stage at the Alice Faye Hoppes pavilion at the New Mexico state fairgrounds in Albuquerque in Bernalillo county; and] *LINE-ITEM VETOED*~~

2. three hundred seventy-seven thousand dollars (\$377,000) for infrastructure improvements, including sewer and other health and safety upgrades, at the New Mexico state fairgrounds in Albuquerque in Bernalillo county.

## **Chapter 64 Section 13 Laws 2012**

**SECTION 13. 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. thirty-five thousand dollars (\$35,000) to purchase and equip a van with a wheelchair lift for the community health representative program at the Pueblo of Acoma in Cibola county;

2. twenty-two thousand dollars (\$22,000) to purchase equipment for extracting accident victims from automobiles for the Pueblo of Acoma in Cibola county;

~~[3. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, equip and furnish a multipurpose health, family and social services building, including demolition of existing buildings, at the Pueblo of Laguna in Cibola county;~~

~~4. fifty thousand dollars (\$50,000) to construct the livestock training center in the Ramah chapter of the Navajo Nation in Cibola county;] *LINE-ITEM VETOED*~~

5. one hundred thousand dollars (\$100,000) to plan, design and construct a parking lot at the Baahaali facility in the Baahaali chapter of the Navajo Nation in McKinley county;

~~[6. one hundred thousand dollars (\$100,000) to plan, design and construct a driveway and parking lot for the eastern Navajo economic development office in the Church Rock chapter of the Navajo Nation in McKinley county;~~

7. forty-nine thousand six hundred dollars (\$49,600) for library equipment and supplemental library resource acquisitions, including print, nonprint and electronic resources, at Dine college in Crownpoint in McKinley county;

8. fifty thousand dollars (\$50,000) to plan, design, construct and equip facilities, furnishings and exhibits and to purchase and install information technology,

including related equipment, furniture and infrastructure, for the Gallup inter-tribal Indian ceremonial in Gallup in McKinley county;

9. ten thousand dollars (\$10,000) to plan, design and construct a job training facility in the Iyanbito chapter of the Navajo Nation in McKinley county;

10. fifteen thousand dollars (\$15,000) to demolish the preschool building in the Manuelito chapter of the Navajo Nation in McKinley county;

11. fifty thousand dollars (\$50,000) to construct a parking lot in the Tse'ii'ahi chapter of the Navajo Nation in McKinley county, contingent on the Navajo Nation providing funds to complete the project;

12. two hundred thousand dollars (\$200,000) to plan, design and construct a multipurpose building for veterans in the Tohatchi chapter of the Navajo Nation in McKinley county;

13. two hundred seventy thousand dollars (\$270,000) to plan, design and construct a power line in the Whisky Lake area of the Tohatchi chapter of the Navajo Nation in McKinley county;

14. twenty-seven thousand dollars (\$27,000) to prepare a site for a veterans' center Quonset hut in the Tsa-Ya-Toh chapter of the Navajo Nation in McKinley county;

15. thirty thousand dollars (\$30,000) to design improvements to the fairgrounds in the Pueblo of Zuni in McKinley county;

~~16. sixty thousand dollars (\$60,000) to purchase and install playground equipment for the head start program in the Pueblo of Zuni in McKinley county;] LINE-ITEM VETOED~~

17. fifty thousand dollars (\$50,000) to construct bathroom additions in the Ramah chapter of the Navajo Nation in Cibola and McKinley counties;

~~[18. fifty thousand dollars (\$50,000) to plan, design, construct and prepare the site for the veterans hall in the Rock Springs chapter of the Navajo Nation in McKinley county;] LINE-ITEM VETOED~~

19. three hundred sixty thousand dollars (\$360,000) to construct a standing pipe storage tank for the Mescalero Apache Tribe in Otero county;

~~[20. thirty-five thousand dollars (\$35,000) to purchase and install exercise equipment for the recreational facility at the Pueblo of Santa Clara in Rio Arriba county;~~

21. seventy-five thousand dollars (\$75,000) to purchase and install propane bottles for the veterans in the Cove chapter of the Navajo Nation in San Juan county;

22. eighty-five thousand dollars (\$85,000) for demolition of the condemned senior center in the Gadii'ahi-To'koi chapter of the Navajo Nation in San Juan county;

23. one hundred thousand dollars (\$100,000) to design and construct solar photovoltaic systems for the Sheepsprings chapter of the Navajo Nation in San Juan county;

~~24. seventy-seven thousand dollars (\$77,000) to plan, design, construct, equip and furnish a veterans multi-complex building for the T'iistoh Sikaad chapter of the Navajo Nation in San Juan county;] LINE-ITEM VETOED~~

25. one hundred fifty thousand dollars (\$150,000) to pave parking lots for the senior center, head start center and chapter house of the Tse'Daa'Kaan chapter of the Navajo Nation in San Juan county;

~~[26. seventy-five thousand dollars (\$75,000) to purchase and install information technology, including related equipment, furniture and infrastructure, for departments at five Sandoval Indian pueblos incorporated in Sandoval county;] LINE-ITEM VETOED~~

27. one hundred eighty thousand dollars (\$180,000) to plan, design, construct, furnish and equip a police substation, including a temporary holding facility, in the Pueblo of Santa Ana in Sandoval county;

28. one hundred fifteen thousand dollars (\$115,000) to purchase a fire truck pumper for the Pueblo of Santo Domingo in Sandoval county;

29. seventy-two thousand dollars (\$72,000) to plan, design and construct water line extensions and bathroom additions in the Torreon south areas and the Torreon-Star Lake chapter in the eastern Navajo agency of the Navajo Nation in Sandoval county;

~~[30. fifty thousand dollars (\$50,000) to plan, design and construct the cultural center at Santa Fe Indian school in Santa Fe in Santa Fe county;] LINE-ITEM VETOED~~

31. thirty-four thousand dollars (\$34,000) to construct improvements, including a dam and gates, to the acequia de la Otra Banda in the Pueblo of Pojoaque in Santa Fe county;

~~[32. fifty thousand dollars (\$50,000) to repair, construct, equip and landscape the traditional ceremonial facility in the Pueblo of Pojoaque in Santa Fe county;] LINE-ITEM VETOED~~

33. one hundred fifteen thousand dollars (\$115,000) to design, construct and equip the Poeh cultural center studios and offices, including purchase and installation of information technology and related equipment, furniture and infrastructure, in the Pueblo of Pojoaque in Santa Fe county;

~~[34. one hundred fifty thousand dollars (\$150,000) to equip, furnish and construct improvements to the wellness center, including the teen center sports~~

~~facilities, security system, parking lot, swimming pool, spa and roof, in the Pueblo of Pojoaque in Santa Fe county;~~

~~\_\_\_\_\_ 35. one hundred twenty five thousand dollars (\$125,000) to purchase farm equipment for a youth farm initiative at the Pueblo of San Ildefonso in Santa Fe county;] LINE-ITEM VETOED~~

36. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure, for the leadership program at Santa Fe Indian school in Santa Fe in Santa Fe county; and

37. fifty thousand dollars (\$50,000) to plan, design, repair and construct improvements to the sewage lagoons for the Alamo chapter of the Navajo Nation in Socorro county.

## **Chapter 64 Section 14 Laws 2012**

**SECTION 14. DEPARTMENT OF INFORMATION TECHNOLOGY PROJECT--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, one hundred forty-five thousand dollars (\$145,000) is appropriated to the department of information technology to construct REDI net fiberoptic connections to state facilities and purchase and install telecommunications equipment within facilities located in Los Alamos and Rio Arriba counties to route traffic to and from the state's network hub in the Simms building in Santa Fe in Santa Fe county.

## **Chapter 64 Section 15 Laws 2012**

**SECTION 15. 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. fifty thousand dollars (\$50,000) to plan, design and construct improvements to the irrigation system for the Cebolletita acequia association in Cibola county;

2. sixty thousand dollars (\$60,000) to plan, design and install piping and concrete ditch lining on the east Puerto de Luna community ditch in Guadalupe county;

3. thirty thousand dollars (\$30,000) to repair and construct the main acequia for the west Puerto de Luna acequia association in Guadalupe county;



~~[4. twenty-five thousand dollars (\$25,000) to plan, design and construct improvements, including head gates and water distribution, for the storm ditch association in Hondo in Lincoln county;~~

~~\_\_\_\_\_ 5. fifty thousand dollars (\$50,000) to plan, design and construct improvements, including relocating the acequia, to la acequia de Llano de Santa Cruz in Santa Fe and Rio Arriba counties;] LINE-ITEM VETOED~~

6. thirty thousand dollars (\$30,000) to make improvements, including cementing, to the acequia de Santa Cruz in Rio Arriba and Santa Fe counties;

~~[7. ten thousand dollars (\$10,000) to plan, design and construct improvements to the acequia Chamita in Rio Arriba county;] LINE-ITEM VETOED~~

8. nine thousand dollars (\$9,000) to plan, design, construct and install a diversion system from the Rio Bravo into the community ditches of Porvenir, Parkview, La Puente and Ensenada in the Tierra Amarilla area of Rio Arriba county;

9. ten thousand dollars (\$10,000) to plan, design and construct the rehabilitation of the acequia de la Plaza in Dixon in Rio Arriba county;

10. one hundred thousand dollars (\$100,000) to purchase water rights and water storage rights at Abiquiu dam for the Rio de Chama acequia association in the Medanales area in Rio Arriba county;

11. fifteen thousand dollars (\$15,000) to plan, design and construct acequia improvements, including lining, for the acequia de la Poscion in Truchas in Rio Arriba county;

12. sixty thousand dollars (\$60,000) to make improvements, including repairing the main inlet and installing culverts, for the east Pecos ditch association in San Miguel county;

13. thirty-three thousand dollars (\$33,000) to plan, design and construct a water conveyance structure for el Cerrito ditch association in San Miguel county;

~~[14. four thousand dollars (\$4,000) to make repairs to the dam for the northside acequia madre de Villanueva in San Miguel county;~~

~~\_\_\_\_\_ 15. ten thousand dollars (\$10,000) to improve and equip the acequia de los Gonzales in Lovato in San Miguel county;] LINE-ITEM VETOED~~

16. twenty thousand dollars (\$20,000) to plan, design and construct improvements and pay off an existing interstate stream commission acequia loan to the northside acequia madre de Villanueva in San Miguel county;

~~[17. one hundred forty-five thousand dollars (\$145,000) to design and construct improvements to the San Ysidro community ditch in Sandoval county;~~

18. eighty-five thousand dollars (\$85,000) to design and construct a regional water management system for the acequia del Barranco de Jacona in Santa Fe county;

~~\_\_\_\_\_ 19. forty thousand dollars (\$40,000) to plan, design and construct improvements to the acequia de la Capilla, including piping for irrigation, in La Cienega in Santa Fe county;] *LINE-ITEM VETOED*~~

20. one hundred thousand dollars (\$100,000) to plan, design and construct improvements, including installing piping, to the acequia de la Cienega in Santa Fe county;

~~[21. forty thousand dollars (\$40,000) to plan, design and construct improvements to the Jose Gabriel Ortiz acequia in Nambe in Santa Fe county;] *LINE-ITEM VETOED*~~

22. fifty-six thousand dollars (\$56,000) to design and construct compuertas for the acequia del Monte del Rio Chiquito in Talpa in Taos county;

~~[23. thirty-five thousand dollars (\$35,000) for improvements, reconstruction and extension of the acequia de La Venita de Teodoro Romero in Taos county;~~

~~\_\_\_\_\_ 24. twenty thousand dollars (\$20,000) to plan, design and construct repairs and improvements to the acequia Madre del Rio Grande and the acequia madre del Finado Francisco Martinez in Talpa in Taos county;] and *LINE-ITEM VETOED*~~

25. fifty thousand dollars (\$50,000) to plan, design and construct improvements to the Talpa irrigation reservoir inlet acequia for the acequia madre and acequia del Monte del Rio Chiquito in Taos county.

## **Chapter 64 Section 16 Laws 2012**

**SECTION 16. 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. two thousand dollars (\$2,000) for equipment and improvements to the site, bleachers, field and parking lot for the Atrisco valley little league in Los Ranchos de Atrisco in Bernalillo county;

~~[2. one hundred thirty thousand dollars (\$130,000) for infrastructure improvements, including roads, lighting and sewage, in the Mountain View-Kinney Brick area of Bernalillo county;~~

~~\_\_\_\_\_ 3. two hundred twenty five thousand dollars (\$225,000) to plan, design, construct, equip and furnish an aquatic facility in the south valley of Bernalillo county;] LINE-ITEM VETOED~~

4. two hundred thousand dollars (\$200,000) to purchase and install a refrigerated air system, including ducts, turnkeys and thermostats, at the Westside community center in the Los Ranchos de Atrisco area of Bernalillo county;

5. one hundred thousand dollars (\$100,000) to plan, design, construct and equip the respite addition for the South Valley multipurpose center in Bernalillo county;

6. two hundred thirty-four thousand dollars (\$234,000) to construct the junior baseball field for Alameda little league in Albuquerque in Bernalillo county;

~~[7. three hundred forty thousand dollars (\$340,000) to purchase land for and construct a park with recreation facilities, including site development, along the Arenal drain from west Central avenue to Bridge street in Albuquerque in Bernalillo county;] LINE-ITEM VETOED~~

8. three hundred ninety-seven thousand dollars (\$397,000) to plan, design and construct a full-service library for the southwest mesa of Albuquerque in Bernalillo county;

9. one hundred fifty thousand dollars (\$150,000) to plan, design and construct the alligator alcove at the Albuquerque BioPark in Bernalillo county;

10. five hundred thousand dollars (\$500,000) to plan, design, construct and equip a "spray ground", a playground with water-related entertainment, at Cesar Chavez community center in Albuquerque in Bernalillo county;

11. one million three hundred thousand dollars (\$1,300,000) for planning, designing, constructing and equipping an addition and for exhibits, furniture, equipment and portable buildings at the Explora science center and children's museum in Albuquerque in Bernalillo county;

~~[12. twenty five thousand dollars (\$25,000) for improvements, equipment, furnishings and landscaping at the Hillerman library rose garden in Albuquerque in Bernalillo county;~~

13. fifty thousand dollars (\$50,000) to plan, design and construct signage, designations, markers and art work in the area of the intersection of Louisiana boulevard and Central avenue in the international district of Albuquerque in Bernalillo county;

14. ten thousand dollars (\$10,000) to plan, design, construct, renovate, furnish and equip improvements to the Manzano Mesa multigenerational center in Albuquerque in Bernalillo county;

~~\_\_\_\_\_ 15. one hundred fifty thousand dollars (\$150,000) to plan, design and install landscaping for the Camino Real project in Martineztown in Albuquerque in Bernalillo county;] LINE-ITEM VETOED~~

16. ninety thousand dollars (\$90,000) to plan, design and construct safety improvements at the Roadrunner little league baseball park in Albuquerque in Bernalillo county;

17. one hundred fifty thousand dollars (\$150,000) to plan, design and construct improvements to Robinson park in Albuquerque in Bernalillo county;

~~[18. one hundred seventy five thousand dollars (\$175,000) to plan, purchase, furnish and equip a Route 66 visitor's center on west Central avenue in Bernalillo county;~~

19. one hundred fifty thousand dollars (\$150,000) to plan, design and construct improvements to the Santa Barbara and Martineztown neighborhood parks in Albuquerque in Bernalillo county;

~~\_\_\_\_\_ 20. fifty thousand dollars (\$50,000) to plan, design and construct a linear park on Tramway boulevard in Albuquerque in Bernalillo county;] LINE-ITEM VETOED~~

21. three hundred thousand dollars (\$300,000) to construct, renovate and equip improvements, including turf, benches, sidewalks, storage facilities and lighting, to Tower park and Westgate fields in Albuquerque in Bernalillo county;

22. one hundred forty thousand dollars (\$140,000) to plan, design and construct an addition and improvements, including site, bathroom, heating, ventilation, air conditioning, paving, security and code compliance upgrades, to the county-owned adult day services site in the south valley of Albuquerque in Bernalillo county;

23. five hundred twenty-five thousand dollars (\$525,000) to design, construct and renovate an existing county-owned correctional facility in Albuquerque in Bernalillo county;

~~[24. one hundred seventy five thousand dollars (\$175,000) to plan, purchase and install a county multimedia health training center in Albuquerque in Bernalillo county;] LINE-ITEM VETOED~~

25. one hundred five thousand dollars (\$105,000) to plan, design, construct, repair and equip the Mile High little league facilities, including security fencing and shade structures, in Albuquerque in Bernalillo county;

26. four hundred fifty thousand dollars (\$450,000) to plan, design, construct, equip and furnish little league fields for the Paradise Hills little league in Albuquerque in Bernalillo county;

~~[27. one hundred thousand dollars (\$100,000) for improvements to parks, streets, alleys and medians in senate district 17 and the south San Pedro and Trumbull neighborhoods, including lighting and landscaping, in Albuquerque in Bernalillo county;] LINE-ITEM VETOED~~

28. forty thousand dollars (\$40,000) to plan, design, construct and furnish improvements to the South Valley library, including exterior improvements, in Albuquerque in Bernalillo county;

29. two hundred thousand dollars (\$200,000) to plan, design, construct, equip and furnish the county health clinic in Reserve in Catron county;

30. one hundred thousand dollars (\$100,000) to design and construct the facility and to purchase and equip a fire truck for the Midway volunteer fire department in Chaves county;

31. one hundred forty thousand dollars (\$140,000) to design, construct, furnish and equip restrooms for the public park at Lake Van in Dexter in Chaves county;

~~[32. eighty thousand dollars (\$80,000) to plan, design, purchase, construct, equip, furnish and improve the Soy Mariachi building and to purchase musical instruments in Roswell in Chaves county;~~

33. two hundred forty thousand dollars (\$240,000) to construct and furnish a nature center in Roswell in Chaves county;

~~\_\_\_\_\_ 34. one hundred thousand dollars (\$100,000) to construct, renovate, expand and equip parks, including purchase and installation of playground equipment, in Roswell in Chaves county;] LINE-ITEM VETOED~~

35. four hundred eighty-seven thousand dollars (\$487,000) to plan, design, construct and equip improvements, including lighting, to the Wool Bowl softball complex in Roswell in Chaves county;

36. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish an expansion of the commercial kitchen at the working mother's day nursery in Roswell in Chaves county;

37. one hundred thirty-four thousand dollars (\$134,000) to purchase and equip law enforcement vehicles for Cibola county;

~~[38. twenty thousand dollars (\$20,000) to plan, design, construct, acquire, furnish and equip the administrative technology center for the Pine Hill school of the Ramah Navajo school board located in Cibola county;~~

39. one hundred twenty-five thousand dollars (\$125,000) to plan, design and construct a multipurpose community center for the Cebolleta land grant in Cibola county;

40. thirty-eight thousand dollars (\$38,000) to equip and furnish a medical office building for Cibola county hospital in Grants in Cibola county;

~~41. sixty-five thousand dollars (\$65,000) to plan, design, purchase and construct electrical connections and transfer switches to hook up the power generator to the administration building of the Ramah Navajo school board in Cibola county;] LINE-ITEM VETOED~~

42. fifty thousand dollars (\$50,000) to remove asbestos, including demolition and debris removal, from abandoned buildings in Enchanted Eagle park in Eagle Nest in Colfax county;

43. thirty thousand dollars (\$30,000) to plan, design and construct improvements to the dining area of the Colfax general long-term care facility in the south central Colfax county special hospital district in Colfax county;

44. one hundred seventy-seven thousand dollars (\$177,000) to purchase land around Cannon air force base in Curry county;

45. one hundred thousand dollars (\$100,000) to purchase a fire truck for Grady in Curry county;

~~[46. fifty thousand dollars (\$50,000) to plan, design, purchase and install playground equipment in village parks in Fort Sumner in De Baca county;~~

~~47. four hundred nineteen thousand two hundred forty-nine dollars (\$419,249) to purchase land for and to plan, design, construct and equip revitalization improvements to el camino Real in Dona Ana county;] LINE-ITEM VETOED~~

48. eight hundred forty-five thousand dollars (\$845,000) to purchase property for and to plan, design, construct, equip and install the Mesilla Valley regional dispatch authority emergency 911 center in Dona Ana county;

49. three hundred thousand dollars (\$300,000) to plan, design and construct [improvements to] the community center [in La Union] in [the] Anthony [water and sanitation district] in Dona Ana county; *LINE-ITEM VETOED*

~~[50. three hundred fifty thousand dollars (\$350,000) to plan, design and construct a multipurpose municipal building in Anthony in Dona Ana county;] LINE-ITEM VETOED~~

51. one million two hundred fourteen thousand dollars (\$1,214,000) to plan, design and construct a public safety campus for the fire and police departments on the east mesa in Las Cruces in Dona Ana county;

52. fifty thousand dollars (\$50,000) to replace the roof on the city-owned Jardin de los Ninos facility in Las Cruces in Dona Ana county;

~~[53. one hundred thousand dollars (\$100,000) to plan, design, construct, purchase and install a south gateway sign in the Mesquite historic district in Las Cruces in Dona Ana county;~~

~~\_\_\_\_\_ 54. seventy five thousand dollars (\$75,000) to plan, design, purchase and install playground equipment in parks in Mesilla in Dona Ana county;] LINE-ITEM VETOED~~

55. two hundred fifty thousand dollars (\$250,000) to plan, design and construct renovations and improvements to the plaza in Mesilla in Dona Ana county;

~~[56. sixty two thousand dollars (\$62,000) to plan, design, construct, renovate and equip the community resource center in Mesquite in Dona Ana county;~~

~~\_\_\_\_\_ 57. eighty one thousand dollars (\$81,000) to plan, design and landscape areas on McNutt road and Sunland Park river trail as an exercise and walking area in Sunland Park in Dona Ana county;] LINE-ITEM VETOED~~

58. one hundred thousand dollars (\$100,000) to plan, design, construct and equip a shooting range in north Eddy county;

59. four hundred forty thousand dollars (\$440,000) to purchase and equip a pumper for the fire department in Artesia in Eddy county;

~~[60. one hundred forty five thousand dollars (\$145,000) to plan, design, purchase, construct and equip an equipment storage building in Hope in Eddy county;] LINE-ITEM VETOED~~

61. one hundred seventy thousand dollars (\$170,000) to plan, design, construct, renovate, furnish and equip expansion of and additions to the fire department building in Hope in Eddy county;

62. one hundred thousand seven hundred dollars (\$100,700) to plan, design, construct and equip improvements, including the purchase and installation of a lighting system, to the little league park in Loving in Eddy county;

63. two hundred thousand dollars (\$200,000) to plan, design, construct and equip a municipal cemetery in Bayard in Grant county;

64. one hundred eighty thousand dollars (\$180,000) to design, construct and furnish a public safety building in Santa Clara in Grant county;

65. three hundred twenty-five thousand dollars (\$325,000) to plan, design and renovate the Ilfeld building in Santa Rosa in Guadalupe county;

66. one hundred thousand dollars (\$100,000) to plan, design and construct improvements, including bathroom facilities, gates and pay stations, at Park lake in Santa Rosa in Guadalupe county;

67. two hundred fifty thousand dollars (\$250,000) to plan, design, construct and equip the county dispatch control system in Hidalgo county;

68. two hundred thousand dollars (\$200,000) to plan, design and construct a fire substation in Eunice in Lea county;

69. four hundred two thousand dollars (\$402,000) to design and construct infrastructure improvements, including water and sewer systems and an electrical distribution system, at the county fairgrounds in Lovington in Lea county;

70. three hundred twenty-seven thousand dollars (\$327,000) to plan, design, construct, replace and install flooring in the Nor-Lea special hospital district facility in Lovington in Lea county;

71. one hundred eighty thousand dollars (\$180,000) to purchase an asphalt zipper for Carrizozo in Lincoln county;

72. three hundred ninety-seven thousand dollars (\$397,000) to plan, design, purchase, install, equip and furnish a building for the Fort Stanton volunteer fire department in Lincoln county;

~~[73. fifty thousand dollars (\$50,000) to repair and improve the Luna county courthouse basement, including exterior improvements, in Deming in Luna county;] LINE-ITEM VETOED~~

74. one hundred thousand dollars (\$100,000) for facilities improvements, including fencing, lighting, a sally port expansion and shower improvements, at the county detention center in Deming in Luna county;

75. fifty thousand dollars (\$50,000) to replace the roof, windows and flooring and to make repairs to the domestic violence shelter in Deming in Luna county;

76. two hundred seven thousand dollars (\$207,000) to renovate the county sheriff's office and regional law enforcement center in Deming in Luna county;

~~[77. thirty six thousand five hundred dollars (\$36,500) to purchase heavy equipment for the county road department in McKinley county;] LINE-ITEM VETOED~~

78. forty thousand dollars (\$40,000) to plan, design and construct improvements to the Gallup community pantry in McKinley county;

79. thirty-eight thousand five hundred dollars (\$38,500) to plan, design and construct improvements and additions to fire station number 1 in Gallup in McKinley county;



~~[80. fifty thousand dollars (\$50,000) to construct and equip a trail head facility and dog park, including site preparation, at the soccer field in Gallup in McKinley county;~~

~~\_\_\_\_\_ 81. two hundred thousand dollars (\$200,000) to purchase land for and to plan, design, construct and furnish a veterans center in Gallup in McKinley county;] LINE-ITEM VETOED~~

82. one hundred eighty-five thousand dollars (\$185,000) to plan, design and construct a veterans' cemetery in Gallup in McKinley county;

~~[83. fifteen thousand dollars (\$15,000) to renovate the kitchen in the community center in Thoreau in McKinley county;~~

~~\_\_\_\_\_ 84. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, equip and furnish an addition to the Ocate/Ojo Feliz community center in Ocate in Mora county;] LINE-ITEM VETOED~~

85. fifty thousand dollars (\$50,000) to plan, design and construct improvements to the public works facility in Wagon Mound in Mora county;

~~[86. one million five hundred thousand dollars (\$1,500,000) to plan, design, construct and furnish the county complex in Mora in Mora county;] LINE-ITEM VETOED~~

87. three hundred forty-seven thousand dollars (\$347,000) to plan, design, purchase and install code-compliant grandstands, including soil stabilization, concrete work, utility relocation and demolition of existing seating, in the county fairgrounds rodeo arena in Otero county;

88. three hundred thousand dollars (\$300,000) to purchase and equip police vehicles and purchase and install information technology, including related equipment, furniture and infrastructure, for the police department in Tularosa in Otero county;

89. one hundred eighty-five thousand dollars (\$185,000) for renovations to the county courthouse, including windows and security bars, in Tucumcari in Quay county;

~~[90. one hundred eighty thousand dollars (\$180,000) to purchase and equip police vehicles for the sheriff's department in Rio Arriba county;] LINE-ITEM VETOED~~

91. three hundred thousand dollars (\$300,000) to plan, design and construct a library and digital media center in Espanola in Rio Arriba county;

92. one hundred eighty-nine thousand one hundred dollars (\$189,100) to design, remodel and upgrade buildings at the Velarde facility of the Hoy recovery program in Rio Arriba county;

~~[93. seventy five thousand dollars (\$75,000) to purchase land for and to plan, design and construct a fire station and community center in Velarde in Rio Arriba county;] LINE-ITEM VETOED~~

94. one hundred thousand dollars (\$100,000) to construct and expand a multipurpose senior and community center facility in Elida in Roosevelt county;

95. one hundred eighty-six thousand dollars (\$186,000) to plan, design, construct, equip and furnish an addition to the medical office building at Roosevelt general hospital in the Roosevelt county special hospital district in Portales in Roosevelt county;

~~[96. one hundred fifteen thousand dollars (\$115,000) to construct, equip and install wireless internet access along Main street and central corridors throughout Aztec in San Juan county;] LINE-ITEM VETOED~~

97. two million seven hundred forty-one thousand dollars (\$2,741,000) to plan, design and construct the regional animal shelter in Farmington in San Juan county;

98. two hundred two thousand dollars (\$202,000) to construct improvements to and equip the Kirtland Riverview recreational center and grounds in San Juan county;

99. one hundred twenty-five thousand dollars (\$125,000) to purchase and equip an excavator for the Dineh water users association in Shiprock in San Juan county;

~~[100. five thousand dollars (\$5,000) to purchase and install fencing for roads in Leyba in San Miguel county;] LINE-ITEM VETOED~~

101. five thousand dollars (\$5,000) to purchase equipment and information technology, including related equipment, furniture and infrastructure, for the special olympics in Las Vegas in San Miguel county;

~~[102. ten thousand dollars (\$10,000) to design, construct and renovate the Valencia parking lot in Las Vegas in San Miguel county;] LINE-ITEM VETOED~~

103. seventy-five thousand dollars (\$75,000) to plan, design and construct improvements and infrastructure, including improvements to comply with the Americans with Disabilities Act of 1990, at the Coronado little league park in Bernalillo in Sandoval county;

~~[104. one hundred seventy-five thousand dollars (\$175,000) to plan, design and renovate the county owned Sena building in Bernalillo in Sandoval county;]~~

105. one hundred fifty thousand dollars (\$150,000) to plan, design and construct infrastructure projects in Corrales in Sandoval county;

106. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to parks and recreational facilities in Corrales in Sandoval county;

107. one hundred forty thousand dollars (\$140,000) to plan, design and construct a new riverside park, including a walking trail that meets the requirements of the Americans with Disabilities Act of 1990, a boardwalk and sculpture garden site, and to plan, design, equip, landscape and construct improvements to the facilities, grounds and parking area of the civic center and Father Fitzgerald parks in Jemez Springs in Sandoval county;

108. three hundred seventy-five thousand dollars (\$375,000) to design, construct and equip a regional park facility in Rio Rancho in Sandoval county;

~~109. six hundred forty thousand dollars (\$640,000) to plan, design and acquire land for a county regional E-911 center in Rio Rancho in Sandoval county;] LINE-ITEM VETOED~~

110. one hundred ten thousand dollars (\$110,000) to plan, design, construct, equip, purchase and install improvements to county corrections facilities in Santa Fe county;

111. fifty thousand dollars (\$50,000) for improvements and renovations to county- owned facilities for the disabled in Santa Fe county;

112. twenty thousand dollars (\$20,000) to purchase furnishings for use by the disabled in Santa Fe county;

113. seventy-five thousand dollars (\$75,000) to plan, design, construct, purchase and equip improvements to Romero park near county road 62 in Santa Fe county;

~~[114. fifty-eight thousand seven hundred dollars (\$58,700) to purchase and equip vehicles for use by an organization that promotes personal discovery and social change through the use of creative learning experiences in wilderness, community and cultural environments in Santa Fe county;] LINE-ITEM VETOED~~

115. three hundred thirty-two thousand dollars (\$332,000) to plan, design, construct and equip improvements, including electrical and accessibility improvements, to the Oscar Huber memorial ball park and grandstands in Madrid in Santa Fe county;

~~[116. one hundred eighteen thousand dollars (\$118,000) to purchase property for and to plan, design and construct the parking and entrance areas at the community and senior center in Nambe in Santa Fe county;~~

117. three hundred seventy thousand dollars (\$370,000) for building and infrastructure improvements, furniture and equipment, including purchasing and installing information technology, at the first judicial district court complex in Santa Fe in Santa Fe county;

~~118. two hundred one thousand dollars (\$201,000) to construct, purchase, improve, renovate and equip, including beautification, landscaping, utility and irrigation installation, grading, water meters and outdoor structures, the botanical garden at museum hill in Santa Fe in Santa Fe county;] LINE-ITEM VETOED~~

119. seven thousand dollars (\$7,000) to construct a fire alarm system in the city-owned boys' and girls' club facilities in Santa Fe in Santa Fe county;

120. three thousand five hundred dollars (\$3,500) to construct a gravel parking lot at the city-owned boys' and girls' club facility in Santa Fe in Santa Fe county;

121. thirty-two thousand seven hundred thirty-four dollars (\$32,734) to renovate the pool at the city-owned boys' and girls' club facility in Santa Fe in Santa Fe county;

122. two thousand five hundred dollars (\$2,500) to purchase and install a security alarm system and cameras at the city-owned boys' and girls' club facility in Santa Fe in Santa Fe county;

~~[123. one hundred twenty thousand dollars (\$120,000) to furnish the county-owned La Familia medical center facilities in Santa Fe in Santa Fe county;~~

124. one hundred thirty thousand dollars (\$130,000) to plan, design, construct, furnish and equip improvements to the women's health services family and counseling center in Santa Fe in Santa Fe county;

~~125. two hundred four thousand dollars (\$204,000) to plan, design, construct and equip improvements, including a commercial grade kitchen and seating and lighting, for the Santa Fe farmers market pavilion in Santa Fe in Santa Fe county;] LINE-ITEM VETOED~~

126. one hundred eleven thousand dollars (\$111,000) to construct, renovate, furnish and equip a city-owned multipurpose center for homeless people, including a commercial kitchen and outdoor patio space, in Santa Fe in Santa Fe county;

~~[127. seventy thousand dollars (\$70,000) to plan, design, renovate and construct interior and exterior improvements to El Museo cultural facility in Santa Fe in Santa Fe county;] LINE-ITEM VETOED~~

128. four hundred forty thousand dollars (\$440,000) to plan, design, renovate and expand the main police station in Santa Fe in Santa Fe county;

129. eighty-one thousand dollars (\$81,000) to plan, design, construct, equip and furnish an indoor multiuse arena and regional disaster relief facility at the rodeo de Santa Fe grounds in Santa Fe in Santa Fe county;

130. one hundred thousand dollars (\$100,000) to construct a community center in Sabinal in Socorro county;

131. two hundred ninety-two thousand dollars (\$292,000) to plan, design, construct and equip rodeo and recreation facilities, including soccer fields and an arena cover, in Socorro in Socorro county;

132. ninety thousand dollars (\$90,000) to purchase, plan, design and construct the Cerro community center, including demolition of the old gymnasium, in Taos county;

133. fifty thousand dollars (\$50,000) to plan, design, construct, purchase and install an air conditioning system at the Llano Quemado emergency response and community center in Taos county;

~~[134. thirty-five thousand dollars (\$35,000) to plan, design, construct and equip improvements to the parking area and grounds, including fencing, at the Talpa community center in Taos county;] LINE-ITEM VETOED~~

135. one hundred thousand dollars (\$100,000) to purchase patrol units and patrol unit equipment for the sheriff's department in Taos county;

~~[136. fifty thousand dollars (\$50,000) to purchase and install information technology, including related equipment, furniture and infrastructure, and to design and construct office facilities for El Prado water and sanitation district in Taos county;] LINE-ITEM VETOED~~

137. fifty thousand dollars (\$50,000) to plan, design, construct, furnish and improve the Chamisal fire station in Penasco in Taos county;

138. twenty-four thousand dollars (\$24,000) to purchase, construct and install a furnace for the Penasco community center in Taos county;

~~[139. thirty thousand dollars (\$30,000) to plan, design, construct and improve the municipal building in Questa in Taos county;] LINE-ITEM VETOED~~

140. ninety thousand dollars (\$90,000) to plan and design watershed and river restoration in Questa in Taos county;

141. fifty thousand dollars (\$50,000) to purchase, construct, install and equip an early childhood development center building in Red River in Taos county;

~~[142. fifty thousand dollars (\$50,000) to plan and design a town hall, including a feasibility study that compares renovating the existing town hall with building a new one, in Red River in Taos county;] LINE-ITEM VETOED~~

143. eighty-five thousand dollars (\$85,000) to construct an addition to the county 4-H indoor arena multipurpose facility at the county agricultural center in Taos in Taos county;

144. fifty thousand dollars (\$50,000) to plan, design and construct public restrooms at Kit Carson park in Taos in Taos county;

~~[145. sixty-five thousand dollars (\$65,000) to purchase lift equipment for Taos in Taos county;~~

~~\_\_\_\_\_ 146. twenty-four thousand dollars (\$24,000) for improvements, including stucco and repairs, to the community center and town hall office facility in Estancia in Torrance county;] *LINE-ITEM VETOED*~~

147. twelve thousand dollars (\$12,000) to replace the roof on the motor vehicle division and municipal court facility in Estancia in Torrance county;

~~[148. four hundred ninety thousand dollars (\$490,000) to plan, design, construct and equip a multipurpose center for youth from the tri-county area of Torrance, Bernalillo and Santa Fe counties in Estancia in Torrance county;] *LINE-ITEM VETOED*~~

149. two hundred two thousand five hundred dollars (\$202,500) to purchase and equip packaged patrol vehicles for the county sheriff's department in Valencia county;

150. one hundred thirty thousand dollars (\$130,000) to construct an addition to the library in Bosque Farms in Valencia county; and

151. one hundred fifty thousand dollars (\$150,000) to design and construct an expansion of the animal control facility in Los Lunas in Valencia county.

## **Chapter 64 Section 17 Laws 2012**

~~[**SECTION 17. DEPARTMENT OF FINANCE AND ADMINISTRATION--NEW MEXICO MORTGAGE FINANCE AUTHORITY PROJECT--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, twenty thousand dollars (\$20,000) is appropriated to the department of finance and administration for the New Mexico mortgage finance authority to provide master planning for an affordable housing development in Gallup in McKinley county pursuant to the provisions of the Affordable Housing Act.] *LINE-ITEM VETOED*~~

## **Chapter 64 Section 18 Laws 2012**

**SECTION 18. 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. one hundred forty-two thousand dollars (\$142,000) to plan, design and construct improvements to Byron road from Lucia street to Citation street in the south valley of Bernalillo county;

2. two hundred twenty-five thousand dollars (\$225,000) to plan, design and construct road improvements, including drainage, curbing and asphalt overlay, to

Cypress road SW in the Los Ranchos de Atrisco area south of Central avenue SW in Bernalillo county;

~~[3. one hundred twenty thousand dollars (\$120,000) to plan, design and construct improvements to Vito Romero road from Isleta boulevard to Severro road in Bernalillo county;] LINE-ITEM VETOED~~

4. one hundred thousand dollars (\$100,000) to plan, design and construct road improvements, including traffic calming and pedestrian and bicycle safety improvements, on Eighth street between Coal avenue and Bridge street in Albuquerque in Bernalillo county;

~~[5. fifty thousand dollars (\$50,000) to design and construct sidewalks on streets in house district 13 in Albuquerque in Bernalillo county;~~

~~6. one hundred seventy thousand dollars (\$170,000) to plan, design, construct, purchase and install traffic signals at La Paz boulevard and Paradise boulevard in Albuquerque in Bernalillo county;] LINE-ITEM VETOED~~

7. two million two hundred sixty-eight thousand dollars (\$2,268,000) for the department of transportation to use for a design and build delivery system for the planning, environmental clearance, design, acquisition of rights of way, new construction and reconstruction of the interchange at the intersection of Paseo del Norte boulevard and interstate 25 in Albuquerque in Bernalillo county, notwithstanding the provisions of Subsection A of Section 13-1-119.1 NMSA 1978 and contingent on an equal or greater match from sources other than the state;

~~[8. two hundred two thousand dollars (\$202,000) to plan, design, construct, purchase and install concrete barriers on Tramway boulevard in the Tramway Highpoint area in Albuquerque in Bernalillo county;~~

9. two hundred thousand dollars (\$200,000) to plan, design and construct roadway improvements, including improvements to the pedestrian environment, on west Central avenue from Eighth street to Old Coors road in Albuquerque in Bernalillo county;

10. one hundred fifty thousand dollars (\$150,000) to plan, design and construct mid-block crossings and improvements on Zuni road at Pennsylvania street, Central avenue at Utah street and Central avenue at San Pablo street in Albuquerque in Bernalillo county;

~~11. four hundred thousand dollars (\$400,000) to plan and design improvements to Fourth street in Los Ranchos de Albuquerque in Bernalillo county;] LINE-ITEM VETOED~~

12. two hundred thousand dollars (\$200,000) to plan, design and construct street improvements in Roswell in Chaves county;

~~[13. three hundred thousand dollars (\$300,000) to plan, design and construct phase one improvements to Second street in Grants in Cibola county;~~

14. two hundred eighty thousand dollars (\$280,000) to plan, design and construct improvements to Uranium avenue in Milan in Cibola county;

~~\_\_\_\_\_ 15. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to rural roads in Curry county;] *LINE-ITEM VETOED*~~

16. three hundred fifty thousand dollars (\$350,000) to plan, design and construct road improvements for the Tres Amigas project in Curry county;

~~[17. three hundred two thousand dollars (\$302,000) to purchase property for and to plan, design and construct road and drainage improvements for the Corona road project in East Mesa in Dona Ana county;] *LINE-ITEM VETOED*~~

18. seventy thousand seven hundred fifty-one dollars (\$70,751) to plan, design, survey and construct improvements, including widening, to Kit Carson road south of Rincon in Dona Ana county;

~~[19. one hundred thousand dollars (\$100,000) to plan, design and construct drainage improvements to Tel High road in Fort Selden in Dona Ana county;~~

~~\_\_\_\_\_ 20. fifty thousand dollars (\$50,000) to plan, design and construct improvements to Fourth street drainage between New Mexico highway 404 and the Texas state line in Anthony in Dona Ana county;] *LINE-ITEM VETOED*~~

21. two hundred fifty thousand dollars (\$250,000) to plan, design and construct improvements to Luna Azul road, including surveying and drainage, in Chaparral in Dona Ana county;

22. one hundred thirty thousand dollars (\$130,000) to plan, design and construct improvements, including overlay, to Canal road in Hatch in Dona Ana county;

23. one hundred forty-seven thousand dollars (\$147,000) to plan, design and construct the Placitas arroyo bridge crossing in Hatch in Dona Ana county;

24. twenty-seven thousand dollars (\$27,000) to plan, design and construct road and utility improvements in Mesilla in Dona Ana county;

25. one hundred two thousand dollars (\$102,000) to plan, design and construct improvements, including drainage improvements, to Airport road in Santa Teresa in Dona Ana county;

26. eighty thousand dollars (\$80,000) to plan, design and acquire rights of way for drainage improvements in Tortugas in Dona Ana county;



27. five hundred thirty-six thousand three hundred dollars (\$536,300) to purchase rights of way and to plan, design and construct a truck bypass route, including a bridge, on South Loop road in Carlsbad in Eddy county;

28. fifty thousand dollars (\$50,000) to plan, design and construct street improvements, including drainage improvements and sidewalks, in Mosquero in Harding county;

29. sixty thousand dollars (\$60,000) to plan, design and construct road and drainage improvements to Second street in Roy in Harding county;

30. two hundred thousand dollars (\$200,000) to plan road improvements, including rights of way acquisition, surveying, clearances, studies and assessments, to county road 19 in McKinley county;

~~31. twenty five thousand dollars (\$25,000) to plan, design and construct road improvements in Williams Acres in McKinley county;~~

32. one hundred fifty thousand dollars (\$150,000) to design Allison road corridor improvements, including bridge replacement, environmental clearances, right-of-way planning and acquisition and preliminary corridor design, in Gallup in McKinley county;

~~33. twenty five thousand dollars (\$25,000) to design and construct Sky City road in the Manuelito chapter of the Navajo Nation in McKinley county;] LINE-ITEM VETOED~~

34. fifty thousand dollars (\$50,000) to plan road improvements, including right-of-way acquisition, surveying, clearances, studies and assessments, to Deer Springs road in the Mexican Springs chapter of the Navajo Nation in McKinley county;

35. fifty thousand dollars (\$50,000) to plan road improvements, including right-of-way acquisition, surveys, clearances, studies and assessments, to Johnson road, also known as county road 55, in the Twin Lakes chapter of the Navajo Nation in McKinley county;

~~36. one hundred thousand dollars (\$100,000) to plan and design flood plain detention, retention and diversion structures in the Rio Penasco, Curtis Canyon dam and Graveyard dam areas of Otero county;~~

~~37. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to streets in Chama in Rio Arriba county;] LINE-ITEM VETOED~~

38. one hundred fifty thousand dollars (\$150,000) to plan, design and construct improvements to county roads in Roosevelt county;

~~[39. thirty thousand dollars (\$30,000) to plan, design, construct and improve a rural road network in the Two Grey Hills chapter of the Navajo Nation in San Juan county;~~

~~\_\_\_\_\_ 40. one hundred forty thousand dollars (\$140,000) to plan, design and construct improvements to county roads in San Miguel county;] LINE-ITEM VETOED~~

41. two hundred forty thousand dollars (\$240,000) to plan, design and construct improvements to Torreon road in Sandoval county;

42. one hundred ninety-five thousand dollars (\$195,000) to plan and design an extension of Rail Runner avenue to provide access to Bernalillo high school from United States highway 550 in Bernalillo in Sandoval county;

43. three hundred eighty-three thousand dollars (\$383,000) to design and construct an extension of the Harvey Jones channel at Corrales road for the southern Sandoval county arroyo flood control authority in Corrales in Sandoval county;

44. one hundred thousand dollars (\$100,000) to plan, design and construct improvements, including resurfacing, to county roads in the La Tierra subdivision in Santa Fe county;

45. forty thousand dollars (\$40,000) to plan, design and construct improvements, including replacing water and sewer lines and acquiring rights of way, to county road 90 in Santa Fe county;

46. four hundred seventy-seven thousand dollars (\$477,000) to plan, design and construct road improvements, including surfacing, in Edgewood in Santa Fe county;

~~[47. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, purchase, improve, renovate and equip improvements to dirt roads rated in poor condition in Eldorado in Santa Fe county;~~

~~\_\_\_\_\_ 48. fifty thousand dollars (\$50,000) to purchase and install a base course and chip seal for bus routes throughout the Alamo chapter of the Navajo Nation in Socorro county;] LINE-ITEM VETOED~~

49. fifty thousand dollars (\$50,000) to plan, design and construct improvements to county road C-110 in Taos county;

~~[50. two hundred thousand dollars (\$200,000) to plan, design and construct improvements to Armijo road in Valencia county;] LINE-ITEM VETOED~~

51. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to Fire Station road in Valencia county[;

52. one hundred nineteen thousand five hundred dollars (\$119,500) to plan, design and construct improvements to Gabaldon road in Valencia county;

53. one hundred fifty-five thousand dollars (\$155,000) to construct an overlay on Meadowlake road in Valencia county;

54. fifty thousand dollars (\$50,000) to plan and design railroad overpasses and underpasses in Valencia county; and

~~55. ninety-eight thousand dollars (\$98,000) to plan, design and construct road improvements to Don Jacobo road in Peralta in Valencia county]. *LINE-ITEM VETOED*~~

## **Chapter 64 Section 19 Laws 2012**

**SECTION 19. 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. four hundred eighty-seven thousand dollars (\$487,000) to purchase and install equipment for the energy technology center at New Mexico junior college in Hobbs in Lea county;

~~[2. three hundred thousand dollars (\$300,000) to purchase and equip passenger buses for Luna community college in San Miguel county;] *LINE-ITEM VETOED*~~

3. fifty-eight thousand dollars (\$58,000) to purchase and install information technology, including related furniture, equipment and infrastructure, and to plan, design and construct laboratories for the sign language interpreting program at Santa Fe community college in Santa Fe county[;]

4. thirty-five thousand dollars (\$35,000) to plan, design, construct, renovate and equip the trades and technology center at Santa Fe community college in Santa Fe county; and

~~5. thirty-five thousand dollars (\$35,000) to purchase information technology for the mathematics, engineering, science achievement program statewide]. *LINE-ITEM VETOED*~~

## **Chapter 64 Section 20 Laws 2012**

**SECTION 20. EASTERN NEW MEXICO UNIVERSITY PROJECT-- 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, one hundred thousand dollars (\$100,000) is appropriated to the board of regents of eastern New Mexico university to plan, design

and construct road improvements, including paving, to south avenue N at eastern New Mexico university in Portales in Roosevelt county.

## **Chapter 64 Section 21 Laws 2012**

**SECTION 21. NEW MEXICO HIGHLANDS UNIVERSITY PROJECT-- 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, sixty thousand dollars (\$60,000) is appropriated to the board of regents of New Mexico highlands university to equip the athletic facilities at New Mexico highlands university in Las Vegas in San Miguel county.

## **Chapter 64 Section 22 Laws 2012**

**SECTION 22. NEW MEXICO INSTITUTE OF MINING AND TECHNOLOGY PROJECT-- SEVERANCE TAX BONDS.**--Pursuant to the provisions of Section 1 of this act, upon certification by the board of regents of New Mexico institute of mining and technology that the need exists for the issuance of the bonds, two hundred thousand dollars (\$200,000) is appropriated to the board of regents of New Mexico institute of mining and technology to construct, equip and improve the Magdalena ridge observatory and education and research unit for the New Mexico institute of mining and technology in Socorro county.

## **Chapter 64 Section 23 Laws 2012**

**SECTION 23. 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. one hundred ten thousand dollars (\$110,000) to plan, design, construct, renovate, equip and furnish improvements to athletic facilities, including demolition of existing structures, at New Mexico state university in Las Cruces in Dona Ana county;

2. fifty thousand dollars (\$50,000) to plan, design, construct, renovate, equip and furnish nursing facilities at New Mexico state university in Las Cruces in Dona Ana county;

~~3. ten thousand dollars (\$10,000) to plan, design, construct, renovate, equip and furnish rodeo facilities at New Mexico state university in Las Cruces in Dona Ana county;~~ *LINE-ITEM VETOED*

4. seventy-five thousand dollars (\$75,000) to plan, design, construct, renovate, equip and furnish a speech and hearing clinic and to purchase and install information technology at New Mexico state university in Las Cruces in Dona Ana county;

~~[5. two hundred thousand dollars (\$200,000) to plan, design, renovate, equip, furnish and construct a winery distillation science research laboratory at New Mexico state university in Las Cruces in Dona Ana county;] *LINE-ITEM VETOED*~~

6. five million dollars (\$5,000,000) to design, conduct necessary demolition, renovate, construct, expand, furnish and equip the Hershel Zohn theater and Branson library at New Mexico state university in Las Cruces in Dona Ana county;

7. five hundred thousand dollars (\$500,000) for infrastructure, renovation and upgrades at the Grants branch campus of New Mexico state university in Cibola county;

~~[8. seventy five thousand dollars (\$75,000) to purchase a trailer, a tractor, greenhouses and equipment for the McKinley soil and water conservation district in McKinley county;] *LINE-ITEM VETOED*~~

9. one hundred thirty thousand dollars (\$130,000) for a hydrogeologic study of the Sacramento mountains for the Otero soil and water conservation district in Otero, Lincoln and Chaves counties;

10. one hundred seventy-seven thousand dollars (\$177,000) for improvements to the Maldonado dam for the upper Gila valley arroyos watershed district in the Grant soil and water conservation district in Grant county[; and

~~\_\_\_\_\_ 11. fifteen thousand dollars (\$15,000) to plan, design and construct a water harvesting unit for the fire department in the east Torrance soil and water conservation district in Torrance county]. *LINE-ITEM VETOED*~~

## **Chapter 64 Section 24 Laws 2012**

~~[**SECTION 24. NORTHERN NEW MEXICO STATE SCHOOL PROJECT--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, two hundred sixty-two thousand dollars (\$262,000) is appropriated to the board of regents of northern New Mexico state school to purchase and install equipment and upgrades, including infrastructure, for the information technology laboratories and system at northern New Mexico state school in Espanola in Rio Arriba county.] *LINE-ITEM VETOED*~~

## **Chapter 64 Section 25 Laws 2012**

**SECTION 25. 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. one million three hundred seventy-nine thousand dollars (\$1,379,000) to plan, design and construct improvements to the athletic fields at the university of New Mexico in Albuquerque in Bernalillo county, contingent upon a joint powers agreement

between the university, the Albuquerque public school district and the New Mexico activities association for shared use of the fields;

2. one hundred thousand dollars (\$100,000) to design, purchase, equip and install campus safety lighting at the university of New Mexico in Albuquerque in Bernalillo county;

3. one hundred thousand dollars (\$100,000) to purchase and install equipment for the burn care center at university of New Mexico hospital in Albuquerque in Bernalillo county;

4. four hundred seventy-seven thousand dollars (\$477,000) to purchase and install medical equipment and related technology, including ultrasound equipment, at the university of New Mexico hospital in Albuquerque in Bernalillo county; and

5. one million one hundred ninety-seven thousand dollars (\$1,197,000) to improve and replace roofs at the university of New Mexico in Albuquerque in Bernalillo county.

## **Chapter 64 Section 26 Laws 2012**

**SECTION 26. WESTERN NEW MEXICO UNIVERSITY PROJECT-- 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, four hundred ninety thousand dollars (\$490,000) is appropriated to the board of regents of western New Mexico university to purchase and install information technology, including related equipment, furniture, infrastructure and storage technology, at western New Mexico university in Silver City in Grant county.

## **Chapter 64 Section 27 Laws 2012**

**SECTION 27. DEPARTMENT OF TRANSPORTATION PROJECT-- APPROPRIATION INTO AND FROM THE STATE ROAD FUND--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, twenty-seven million five hundred thousand dollars (\$27,500,000) is appropriated to the state road fund for the department of transportation to use for a design and build delivery system for the planning, environmental clearance, design, acquisition of rights of way, new construction and reconstruction of the interchange at the intersection of Paseo del Norte boulevard and interstate 25 in Albuquerque in Bernalillo county, notwithstanding the provisions of Subsection A of Section 13-1-119.1 NMSA 1978 and contingent on an equal or greater match from sources other than the state.

## **Chapter 64 Section 28 Laws 2012**

**SECTION 28. DEPARTMENT OF INFORMATION TECHNOLOGY PROJECT--**  
**APPROPRIATION FROM THE EQUIPMENT REPLACEMENT REVOLVING FUNDS.--**  
One million dollars (\$1,000,000) is appropriated from the equipment replacement revolving funds to the department of information technology for expenditure in fiscal years 2012 through 2016, unless otherwise provided for in Section 2 of this act, for two-way radios and antenna systems and upgrades to support public safety communications statewide.

### **Chapter 64 Section 29 Laws 2012**

**SECTION 29. DEPARTMENT OF GAME AND FISH PROJECT--**  
**APPROPRIATION FROM THE GAME AND FISH BOND RETIREMENT FUND.--**One hundred thousand dollars (\$100,000) is appropriated from the game and fish bond retirement fund to the department of game and fish for expenditure in fiscal years 2012 through 2016, unless otherwise provided for in Section 2 of this act, for improvements to facilities statewide, including warehouses, laboratories, the Raton area office, the Bear Canyon dam spillway, the Gordon railroad crossing, alternative energy assessments and the Bernardo house demolition and replacement project.

### **Chapter 64 Section 30 Laws 2012**

**SECTION 30. DEPARTMENT OF GAME AND FISH PROJECT--**  
**APPROPRIATION FROM THE GAME PROTECTION FUND.--**Five hundred forty-seven thousand five hundred dollars (\$547,500) is appropriated from the game protection fund to the department of game and fish for expenditure in fiscal years 2012 through 2016, unless otherwise provided for in Section 2 of this act, for improvements to facilities statewide, including warehouses, laboratories, the Raton area office, the Bear Canyon dam spillway, the Gordon railroad crossing, alternative energy assessments and the Bernardo house demolition and replacement project.

### **Chapter 64 Section 31 Laws 2012**

**SECTION 31. MINERS' COLFAX MEDICAL CENTER PROJECT--**  
**APPROPRIATION FROM THE MINERS' TRUST FUND.--**One million dollars (\$1,000,000) is appropriated from the miners' trust fund to the miners' Colfax medical center for expenditure in fiscal years 2012 through 2016, unless otherwise provided for in Section 2 of this act, for the stucco project and for paving, drainage, lighting and security improvements at miners' Colfax medical center in Raton in Colfax county.

### **Chapter 64 Section 32 Laws 2012**

**SECTION 32. WASTEWATER FACILITY CONSTRUCTION LOAN FUND--**  
**APPROPRIATION FROM THE PUBLIC PROJECT REVOLVING FUND.--**One million four hundred thousand dollars (\$1,400,000) is appropriated from the public project revolving fund to the wastewater facility construction loan fund for expenditure in fiscal year 2012 and subsequent fiscal years to implement the provisions of the Wastewater

Facility Construction Loan Act or to provide state matching funds required by the terms of any federal grant under the Clean Water Act.

### **Chapter 64 Section 33 Laws 2012**

**SECTION 33. PUBLIC EDUCATION DEPARTMENT PROJECT-- APPROPRIATION FROM THE PUBLIC SCHOOL CAPITAL OUTLAY FUND.--**Two million five hundred thousand dollars (\$2,500,000) is appropriated from the public school capital outlay fund to the public school capital outlay council, contingent upon approval of the public school capital outlay council, for expenditure in fiscal year 2012 and subsequent fiscal years to renovate and construct public school pre-kindergarten classrooms statewide.

### **Chapter 64 Section 34 Laws 2012**

**SECTION 34. DEPARTMENT OF TRANSPORTATION PROJECT-- APPROPRIATION FROM THE STATE ROAD FUND.--**Three hundred fifty thousand dollars (\$350,000) is appropriated from the state road fund to the department of transportation for expenditure in fiscal years 2012 through 2016, unless otherwise provided for in Section 2 of this act, for purchase, installation and construction of salt storage facilities statewide.

### **Chapter 64 Section 35 Laws 2012**

**SECTION 35. HEALTH AND HUMAN SERVICES COMPLEX--CHANGE TO MANUEL LUJAN BUILDING IMPROVEMENTS--SEVERANCE TAX BONDS.--**The unexpended balance of the appropriation to the capital program fund in Subsection 15 of Section 7 of Chapter 125 of Laws 2009 for the health and human services complex in Santa Fe in Santa Fe county shall not be expended for the original purpose but is changed for infrastructure improvements, renovations, furnishing and equipping the Manuel Lujan building in Santa Fe in Santa Fe county.

### **Chapter 64 Section 36 Laws 2012**

**SECTION 36. HUMAN SERVICES DEPARTMENT INFORMATION TECHNOLOGY-- CHANGE TO SCHOOL BUS PURCHASE STATEWIDE--CHANGE AGENCY--SEVERANCE TAX BONDS.--**Two million five hundred thousand dollars (\$2,500,000) of the unexpended balance of the appropriation to the human services department in Laws 2011 (S.S.), Chapter 5, Section 11 for information technology shall not be expended for the original purpose but is appropriated to the public education department to purchase school buses statewide.

### **Chapter 64 Section 37 Laws 2012**



**SECTION 37. HUMAN SERVICES DEPARTMENT INFORMATION TECHNOLOGY-- CHANGE TO PUBLIC SAFETY COMMUNICATIONS STATEWIDE-- CHANGE AGENCY-- SEVERANCE TAX BONDS.--**Three million dollars (\$3,000,000) of the unexpended balance of the appropriation to the human services department in Laws 2011 (S.S.), Chapter 5, Section 11 for information technology shall not be expended for the original purpose but is appropriated to the department of information technology for two-way radios and antenna systems and upgrades to support public safety communications statewide.

### **Chapter 64 Section 38 Laws 2012**

**SECTION 38. 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 64 Section 39 Laws 2012**

**SECTION 39. 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 64 Section 40 Laws 2012**

**SECTION 40. EMERGENCY.--**It is necessary for the public peace, health and safety that this act take effect immediately.

---

HTRC/House Bill 191, aa, w/ec

Approved March 7, 2012

## **OFFICIAL ROSTER OF THE STATE OF NEW MEXICO**

### **UNITED STATES SENATORS**

Jeff Bingaman, Democrat, Silver City

Tom Udall, Democrat, Santa Fe

### **UNITED STATES REPRESENTATIVES**

Martin T. Heinrich, Democrat, 1<sup>st</sup> Congressional District - Albuquerque

Steve Pearce, Republican, 2<sup>nd</sup> Congressional District - Hobbs

Ben R. Lujan, Democrat, 3<sup>rd</sup> Congressional District - Santa Fe

## **STATE OFFICIALS**

Susana Martinez, Republican	Governor
John A. Sanchez, Republican	Lieutenant Governor
Dianna J. Duran, Republican	Secretary of State
Hector H. Balderas, Democrat	State Auditor
James B. Lewis, Democrat	State Treasurer
Gary K. King, Democrat	Attorney General
Ray Bennett Powell, Democrat	Commissioner of Public Lands
Jason A. Marks, Democrat District 1	Public Regulation Commissioner,
Patrick H. Lyons, Republican District 2	Public Regulation Commissioner,
Douglas J. Howe District 3	Public Regulation Commissioner,
Theresa Becenti-Aguilar, Democrat District 4	Public Regulation Commissioner,
Ben R. Hall, Republican District 5	Public Regulation Commissioner,

## **JUSTICES OF THE SUPREME COURT**

Charles W. Daniels, Chief Justice

Patricio M. Serna

Petra Jimenez Maes

Richard C. Bosson

Edward L. Chavez

## **JUDGES OF THE COURT OF APPEALS**

Celia Foy Castillo, Chief Judge

James J. Wechsler

Michael D. Bustamante

Jonathan B. Sutin

Cynthia A. Fry

Roderick T. Kennedy

Michael E. Vigil

Linda M. Vanzi

Timothy L. Garcia

J. Miles Hanisee

## **DISTRICT COURTS**

### **DISTRICT JUDGES**

#### **FIRST JUDICIAL DISTRICT**

##### **Santa Fe, Los Alamos & Rio Arriba Counties**

Division	I	Barbara J. Vigil	Santa Fe
Division	II	Sarah M. Singleton	Santa Fe
Division	III	Raymond Z. Ortiz	Santa Fe
Division	IV	Michael Vigil	Santa Fe
Division	V	Sheri A. Raphaelson	Santa Fe
Division	VI	Stephen D. Pfeffer	Santa Fe
Division	VII	T. Glenn Ellington	Santa Fe

Division VIII Mary L. Marlowe Sommer Santa Fe

**SECOND JUDICIAL DISTRICT**

**Bernalillo County**

Division	I	William E. Parnall	Albuquerque
Division	II	Stan Whitaker	Albuquerque
Division	III	M. Monica Zamora	Albuquerque
Division	IV	Beatrice Brickhouse	Albuquerque
Division	V	Ted C. Baca	Albuquerque
Division	VI	Neil C. Candelaria	Albuquerque
Division	VII	John J. Romero	Albuquerque
Division	VIII	Ross C. Sanchez	Albuquerque
Division	IX	Bob Schwartz	Albuquerque
Division	X	Theresa Baca	Albuquerque
Division	XI	Gerard J. Lavelle	Albuquerque
Division	XII	Clay Pace Campbell	Albuquerque
Division	XIII	Valerie A. Huling	Albuquerque
Division	XIV	Reed S. Sheppard	Albuquerque
Division	XV	Alan M. Malott	Albuquerque
Division	XVI	Carl J. Butkus	Albuquerque
Division	XVII	Nan G. Nash	Albuquerque
Division	XVIII	Denise Barela-Shepherd	Albuquerque
Division	XIX	Samuel L. Winder	Albuquerque
Division	XX	Jacqueline D. Flores	Albuquerque

Division	XXI	Alisa Hadfield	Albuquerque
Division	XXII	Deborah Davis Walker	Albuquerque
Division	XXIII	Shannon Bacon	Albuquerque
Division	XXIV	Kenneth H. Martinez	Albuquerque
Division	XXV	Elizabeth Whitefield	Albuquerque
Division	XXVI	Charles W. Brown	Albuquerque

### **THIRD JUDICIAL DISTRICT**

#### **Doña Ana County**

Division	I	Manuel I. Arrieta	Las Cruces
Division	II	Susan M. Riedel	Las Cruces
Division	III	Mike Murphy	Las Cruces
Division	IV	Jacinto Palomino	Las Cruces
Division	V	Lisa C. Schultz	Las Cruces
Division	VI	Jim T. Martin	Las Cruces
Division	VII	Douglas R. Driggers	Las Cruces
Division	VIII	Fernando R. Macias	Las Cruces

### **FOURTH JUDICIAL DISTRICT**

#### **Guadalupe, Mora & San Miguel Counties**

Division	I	Eugenio S. Mathis	Las Vegas
Division	II	Abigail Aragon	Las Vegas
Division	III	Matthew J. Sandoval	Las Vegas

### **FIFTH JUDICIAL DISTRICT**

#### **Lea, Eddy & Chaves Counties**

Division	I	J. Richard Brown	Carlsbad
Division	II	Freddie J. Romero	Roswell
Division	III	William G.W. Shoobridge	Lovington
Division	IV	Mark T. Sanchez	Lovington
Division	V	Jane Shuler Gray	Carlsbad
Division	VI	Ralph D. Shamas	Roswell
Division	VII	Gary L. Clingman	Lovington
Division	VIII	Charles C. Currier, III	Roswell
Division	IX	Lisa Riley	Carlsbad
Division	X	Steven L. Bell	Chaves

#### **SIXTH JUDICIAL DISTRICT**

##### **Grant, Hidalgo & Luna Counties**

Division	I	Henry R. Quintero	Silver City
Division	II	Gary M. Jeffreys	Deming
Division	III	J. C. Robinson	Silver City
Division	IV	Daniel Viramontes	Deming

#### **SEVENTH JUDICIAL DISTRICT**

##### **Catron, Sierra, Socorro & Torrance Counties**

Division	I	Edmund H. Kase, III	Socorro
Division	II	Matthew G. Reynolds	Socorro
Division	III	Kevin R. Sweazea	Estancia

#### **EIGHTH JUDICIAL DISTRICT**

##### **Colfax, Union & Taos Counties**

Division	I	John M. Paternoster	Raton
Division	II	Sam B. Sanchez	Taos

### **NINTH JUDICIAL DISTRICT**

#### **Curry & Roosevelt Counties**

Division	I	Stephen K. Quinn	Clovis
Division	II	Drew Tatum	Clovis
Division	III	Ted Hartley	Clovis, Portales
Division	IV	Robert S. Orlik	Clovis, Portales
Division	V	David P. Reeb, Jr.	Portales

### **TENTH JUDICIAL DISTRICT**

#### **Quay, DeBaca, & Harding Counties**

Division	I	Albert J. Mitchell, Jr.	Tucumcari
----------	---	-------------------------	-----------

### **ELEVENTH JUDICIAL DISTRICT**

#### **McKinley & San Juan Counties**

Division	I	William C. Birdsall	Farmington
Division	II	Louis E. DePauli, Jr.	Gallup
Division	III	Sandra A. Price	Farmington
Division	IV	John Arthur Dean, Jr.	Farmington
Division	V	Grant L. Foutz	Gallup
Division	VI	Thomas J. Hynes	Aztec
Division	VII	Robert A. Aragon	Gallup
Division	VIII	Karen L. Townsend	Aztec

### **TWELFTH JUDICIAL DISTRICT**

## **Lincoln & Otero Counties**

Division	I	Jerry H. Ritter	Alamogordo
Division	II	James Waylon Counts	Alamogordo
Division	III	Karen L. Parsons	Carrizozo
Division	IV	William H. Brogan	Alamogordo

## **THIRTEENTH JUDICIAL DISTRICT**

### **Cibola, Sandoval & Valencia Counties**

Division	I	John W. Pope	Los Lunas
Division	II	George P. Eichwald	Bernalillo
Division	III	William "Bill" Sanchez	Los Lunas
Division	IV	Camille Martinez Olguin	Grants
Division	V	Louis P. McDonald	Bernalillo
Division	VI	Violet C. Otero	Los Lunas
Division	VII	John F. Davis	Bernalillo

## **DISTRICT ATTORNEYS**

First Judicial District Arriba & Los Alamos	Angela R "Spence" Pacheco	Santa Fe, Rio
Second Judicial District	Kari E. Brandenburg	Bernalillo
Third Judicial District	Amy L. Orlando	Doña Ana
Fourth Judicial District Mora	Richard D. Flores	San Miguel, Guadalupe &
Fifth Judicial District	Janetta B. Hicks	Chaves, Eddy & Lea
Sixth Judicial District Hidalgo	Mary Lynne Newell	Grant, Luna &



Seventh Judicial District Torrance	Clint Wellborn	Catron, Sierra, Socorro &
Eighth Judicial District	Donald A. Gallegos	Taos, Colfax & Union
Ninth Judicial District Roosevelt	Matthew E. Chandler	Curry &
Tenth Judicial District DeBaca	Ronald W. Reeves	Quay, Harding &
Eleventh Judicial District	Robert "Rick" P. Tedrow	Division 1: San Juan
	Karl R. Gillson	Division 2: McKinley
Twelfth Judicial District	Diana A. Martwick	Otero & Lincoln
Thirteenth Judicial District Cibola	Lemuel L. Martinez	Sandoval, Valencia &

## **STATE SENATORS SERVING IN THE FIFTIETH LEGISLATURE**

### **STATE OF NEW MEXICO**

### **SECOND SESSION**

**CONVENED JANUARY 17, 2012**

<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 & San Juan	John Pinto	
	Tohatchi		
4	Cibola & McKinley	George K. Munoz	Gallup
5	Los Alamos, Rio Arriba & Santa Fe	Richard C. Martinez	
	Española		
6	Los Alamos, Rio Arriba, Santa Fe & Taos	Carlos R. Cisneros	
	Questa		

7 Colfax, Curry, Harding, Quay, San Miguel, Clinton D. Harden, Jr.  
Clovis

Taos & Union

8 Guadalupe, Mora, San Miguel, Santa Fe Pete Campos  
Las Vegas

& Torrance

9 Sandoval John M. Sapien  
Corrales

10 Bernalillo & Sandoval John C. Ryan  
Albuquerque

11 Bernalillo Linda M. Lopez  
Albuquerque

12 Bernalillo Gerald Ortiz y Pino  
Albuquerque

13 Bernalillo Dede Feldman  
Albuquerque

14 Bernalillo & Valencia Eric G. Griego  
Albuquerque

15 Bernalillo Tim Eichenberg  
Albuquerque

16 Bernalillo Cisco McSorley  
Albuquerque

17 Bernalillo Timothy M. Keller  
Albuquerque

18 Bernalillo Mark Boitano  
Albuquerque

19 Bernalillo, Sandoval, Santa Fe & Torrance Sue Wilson Beffort  
Sandia Park

20 Bernalillo William H. Payne  
Albuquerque

	21	Bernalillo & Sandoval Albuquerque	Lisa K. Curtis	
	22	Bernalillo, Cibola, McKinley, Rio Arriba Crownpoint  & Sandoval	Linda M. Lovejoy	
	23	Bernalillo & Sandoval Albuquerque	Sander Rue	
Fe	24	Santa Fe	Nancy Rodriguez	Santa
Fe	25	Santa Fe	Peter Wirth	Santa
	26	Bernalillo Albuquerque	Bernadette M. Sanchez	
	27	Chaves, Curry, DeBaca & Roosevelt Portales	Stuart Ingle	
City	28	Catron, Grant & Socorro	Howie C. Morales	Silver
	29	Valencia Belen	Michael S. Sanchez	
	30	Cibola, Socorro & Valencia Grants	David Ulibarri	
Cruces	31	Doña Ana	Cynthia L. Nava	Las
	32	Chaves, Eddy, Lincoln & Otero Roswell	Timothy Z. Jennings	
	33	Chaves & Lincoln Roswell	Rod Adair	
	34	Eddy & Otero Carlsbad	Vernon D. Asbill	
	35	Hidalgo, Luna & Sierra Deming	John Arthur Smith	

36	Doña Ana Doña Ana	Mary Jane M. Garcia	
37	Doña Ana & Sierra Mesilla Park	Stephen H. Fischmann	
38	Doña Ana Cruces	Mary Kay Papen	Las
39	Los Alamos, Mora, Sandoval, San Miguel, San Jose  Santa Fe & Taos	Phil A. Griego	
40	Doña Ana & Otero Tularosa	William F. Burt	
41	Eddy & Lea	Carroll H. Leavell	Jal
42	Chaves, Curry, Eddy, Lea & Roosevelt	Gay G. Kernan	Hobbs

## STATE REPRESENTATIVES SERVING IN THE FIFTIETH LEGISLATURE

### STATE OF NEW MEXICO

### SECOND SESSION

### CONVENED JANUARY 17, 2012

<u>District</u>	<u>County</u>	<u>Name</u>
	<u>City</u>	
1	San Juan Farmington	Thomas C. Taylor
2	San Juan Farmington	James R.J. Strickler
3	San Juan Aztec	Paul C. Bandy
4	San Juan Shiprock	Ray Begaye

5	McKinley & San Juan Crownpoint	Sandra D. Jeff
6	Cibola & McKinley Tome	Eliseo Lee Alcon
7	Valencia Belen	David C. Chavez
8	Valencia Belen	Alonzo Baldonado
9	McKinley & San Juan Gallup	Patricia A. Lundstrom
10	Bernalillo & Valencia Albuquerque	Henry "Kiki" Saavedra
11	Bernalillo Albuquerque	Rick S. Miera
12	Bernalillo Albuquerque	Ernest H. Chavez
13	Bernalillo Albuquerque	Eleanor Chavez
14	Bernalillo Albuquerque	Miguel P. Garcia
15	Bernalillo Albuquerque	Bill B. O'Neill
16	Bernalillo Albuquerque	Antonio "Moe" Maestas
17	Bernalillo Albuquerque	Edward C. Sandoval
18	Bernalillo Albuquerque	Gail Chasey
19	Bernalillo Albuquerque	Sheryl Williams Stapleton

20	Bernalillo Albuquerque	James P. White
21	Bernalillo Albuquerque	Mimi Stewart
22	Bernalillo, Sandoval & Santa Fe Cedar Crest	James E. Smith
23	Bernalillo & Sandoval Corrales	David L. Doyle
24	Bernalillo Albuquerque	Conrad D. James
25	Bernalillo Albuquerque	Danice R. Picraux
26	Bernalillo Albuquerque	Al Park
27	Bernalillo Albuquerque	Larry A. Larrañaga
28	Bernalillo Albuquerque	Jimmie C. Hall
29	Bernalillo Albuquerque	Thomas A. Anderson
30	Bernalillo Albuquerque	Nathaniel "Nate" Gentry
31	Bernalillo Albuquerque	William "Bill" R. Rehm
32	Luna Deming	Dona G. Irwin
33	Doña Ana Mesilla	Joni Marie Gutierrez
34	Doña Ana Las Cruces	Mary Helen Garcia

35	Doña Ana Las Cruces	Antonio Lujan
36	Doña Ana Hatch	Andrew "Andy" Nuñez
37	Doña Ana Las Cruces	Terry H. McMillan
38	Grant, Hidalgo & Sierra Silver City	Dianne Miller Hamilton
39	Grant & Hidalgo Bayard	Rodolpho "Rudy" S. Martinez
40	Mora, Rio Arriba, San Miguel, Santa Fe Ohkay Owingeh & Taos	Nick L. Salazar
41	Rio Arriba, Sandoval & Taos Española	Debbie A. Rodella
42	Taos Taos	Roberto "Bobby" J. Gonzales
43	Los Alamos, Sandoval & Santa Fe Los Alamos	Jim W. Hall
44	Sandoval Corrales	Jane E. Powdrell-Culbert
45	Santa Fe Santa Fe	Jim R. Trujillo
46	Santa Fe Santa Fe	Ben Lujan
47	Santa Fe Santa Fe	Brian F. Egolf, Jr.
48	Santa Fe Santa Fe	Luciano "Lucky" Varela
49	Catron, Socorro & Valencia Socorro	Don L. Tripp

50	Bernalillo, Santa Fe & Torrance Stanley	Rhonda S. King
51	Otero Alamogordo	Yvette Herrell
52	Doña Ana Las Cruces	Joseph Cervantes
53	Doña Ana & Otero Las Cruces	Ricky L. Little
54	Eddy & Otero Artesia	William "Bill" J. Gray
55	Eddy Carlsbad	Cathrynn N. Brown
56	Lincoln & Otero Ruidoso	Zachary J. Cook
57	Chaves, Lincoln & Otero Roswell	Dennis J. Kintigh
58	Chaves Roswell	Candy Spence Ezzell
59	Chaves, Lincoln & Otero Roswell	Nora Espinoza
60	Sandoval Rio Rancho	Timothy Dwight Lewis
61	Lea Lovington	Shirley A. Tyler
62	Lea Hobbs	Donald E. Bratton
63	DeBaca, Curry, Guadalupe & Roosevelt Santa Rosa	George Dodge Jr.
64	Curry Clovis	Anna M. Crook



65	Bernalillo, McKinley, Rio Arriba, Jemez Pueblo	James Roger Madalena
	& Sandoval	
66	Chaves, Eddy, Lea & Roosevelt Roswell	Bob R. Wooley
67	Curry, Harding, Quay, Roosevelt, Tucumcari	Dennis J. Roch
	San Miguel & Union	
68	Colfax, Guadalupe, Mora, San Miguel Ocate	Thomas A. Garcia
	& Taos	
69	Cibola, McKinley & San Juan Grants	W. Ken Martinez
70	San Miguel & Torraine Ribera	Richard D. Vigil