

Laws 2004 Senate Joint Resolution 3

Laws 2004 Senate Joint Resolution 5

Laws 2004 Senate Joint Resolution 11

Laws 2004 House Joint Resolution 12

LAWS 2004, CONSTITUTIONAL AMENDMENT 5

CONSTITUTIONAL AMENDMENT 5, LAWS 2004

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 11 OF THE CONSTITUTION OF NEW MEXICO TO CHANGE THE NAME OF THE NEW MEXICO SCHOOL FOR THE VISUALLY HANDICAPPED TO THE NEW MEXICO SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED.

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

Constitutional Amendment 5 Section 1 Laws 2004

Section 1. It is proposed to amend Article 12, Section 11 of the constitution of New Mexico to read:

"The university of New Mexico, at Albuquerque; the New Mexico state university, near Las Cruces, formerly known as New Mexico college of agriculture and mechanic arts; the New Mexico highlands university, at Las Vegas, formerly known as New Mexico normal university; the western New Mexico university, at Silver City, formerly known as New Mexico western college and New Mexico normal school; the eastern New Mexico university, at Portales, formerly known as eastern New Mexico normal school; the New Mexico institute of mining and technology, at Socorro, formerly known as New Mexico school of mines; the New Mexico military institute, at Roswell, formerly known as New Mexico military institute; the New Mexico school for the blind and visually impaired, at Alamogordo, formerly known as New Mexico school for the visually handicapped; the New Mexico school for the deaf, at Santa Fe, formerly known as New Mexico asylum for the deaf and dumb; the northern New Mexico state school, at El Rito, formerly known as Spanish-American school; are hereby confirmed as state educational institutions. All lands, together with the natural products thereof and the money proceeds of any of the lands and products, held in trust for the institutions, respectively, under their former names, and all properties heretofore granted to, or owned by, or which may hereafter be granted or conveyed to, the institutions respectively, under their former names, shall, in like manner as heretofore, be held in trust for, or owned by or be considered granted to, the institutions individually under their names as hereinabove adopted and confirmed. The appropriations made and which may hereafter be made to

the state by the United States for agriculture and mechanical colleges and experiment stations in connection therewith shall be paid to the New Mexico state university, formerly known as New Mexico college of agriculture and mechanic arts."

Constitutional Amendment 5 Section 2 Laws 2004

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 5

LAWS 2004, CHAPTER 1

AN ACT

RELATING TO THE LEGISLATIVE BRANCH OF GOVERNMENT; APPROPRIATING FUNDS FOR THE EXPENSE OF THE FORTY-SIXTH LEGISLATURE, SECOND SESSION, 2004 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 2004

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 forty-sixth legislature for per diem and mileage of its members, for salaries of employees and for other expenses of the legislature, four million one hundred fifteen thousand two hundred forty-four dollars (\$4,115,244) 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 \$ 183,960;

(2) per diem for members of the house of
representatives \$ 306,600;

(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 \$ 4,564;

(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

\$ 7,200;

(5) salaries and employee benefits of senate employees \$1,086,300;

(6) salaries and employee benefits of house of representatives employees \$1,343,444;

(7) for expense of the senate not itemized above, two hundred seventy-nine thousand one hundred seventy-six dollars (\$279,176). No part of this item may be transferred to salaries or employee benefits;

(8) for expense of the house of representatives not itemized above, two hundred ninety-nine thousand one hundred dollars (\$299,100). 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, six hundred four thousand nine hundred dollars (\$604,900) to be disbursed upon vouchers signed by the director of the legislative council service.

C. The expenditures for the senate shall be disbursed on vouchers signed by the chairman of the committees' committee and the chief clerk of the senate. The expenditures for the house of representatives shall be disbursed on vouchers signed by the speaker and chief clerk of the house. 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.

D. Under the printing contracts entered into for the second session of the forty-sixth legislature, the chairman 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 chairman of the committees' committee in the senate or by the speaker of the house.

Chapter 1 Section 2 Laws 2004

Section 2. BILLS AND OTHER PRINTED MATERIALS.--

A. For the second session of the forty-sixth 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) 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 fifty dollars (\$350), 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 fifteen dollars (\$115) for the entire session.

Chapter 1 Section 3 Laws 2004

Section 3. LEGISLATIVE COUNCIL SERVICE.--There is appropriated from the general fund to the legislative council service for fiscal year 2005 unless otherwise indicated, to be disbursed on vouchers signed by the director of the legislative council service, the following:

A. Personal Services &	
Employee Benefits	\$ 3,127,000
Contractual Services	187,000
Other Costs	932,200
Total	\$ 4,246,200;

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 2005, eight hundred eighty-six thousand dollars (\$886,000); provided that the New Mexico legislative council may transfer amounts from the appropriation in this subsection, during the fiscal year for which appropriated, to any other legislative appropriation where they may be needed;

C. for pre-session expenditures and for necessary contracts, supplies and personnel for interim session preparation, three hundred fifty-two thousand three hundred dollars (\$352,300); and

D. for a statewide legislative intern program, twenty-five thousand dollars (\$25,000).

Chapter 1 Section 4 Laws 2004

Section 4. LEGISLATIVE FINANCE COMMITTEE.--There is appropriated from the general fund to the legislative finance committee for fiscal year 2005, to be disbursed on vouchers signed by the chairman of the committee or his designated representative, the following:

Personal Services & Employee Benefits	\$ 2,846,700]
Contractual Services	149,300
Other Costs	307,000
Total	\$ 3,303,000.

Chapter 1 Section 5 Laws 2004

Section 5. LEGISLATIVE EDUCATION STUDY COMMITTEE.--

There is appropriated from the general fund to the legislative education study committee for fiscal year 2005, to be disbursed on vouchers signed by the chairman of the committee or his designated representative, the following:

Personal Services & Employee Benefits	\$ 781,900
Contractual Services	25,000
Other Costs	151,000
Total	\$ 957,900.

Chapter 1 Section 6 Laws 2004

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-one thousand six hundred dollars (\$21,600) for fiscal year 2005.

Chapter 1 Section 7 Laws 2004

Section 7. HOUSE CHIEF CLERK.--There is appropriated from the general fund to the legislative council service for expenditure in fiscal year 2005 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	\$ 810,600
Contractual Services	55,500
Other Costs	55,000
Total	\$ 921,100.

Chapter 1 Section 8 Laws 2004

Section 8. SENATE CHIEF CLERK.--There is appropriated from the general fund to the legislative council service for expenditure in fiscal year 2005 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	\$ 799,850
Contractual Services	99,550
Other Costs	52,500
Total	\$ 951,900.

Chapter 1 Section 9 Laws 2004

Section 9. LEGISLATIVE INFORMATION SYSTEM.--There is appropriated from the legislative cash balances to the legislative council service for the legislative information system four hundred sixty-six thousand eight hundred twenty dollars (\$466,820) for expenditure during fiscal years 2004 and 2005.

Chapter 1 Section 10 Laws 2004

Section 10. HOUSE CONCESSION RECEIPTS.--There is created the "capitol kitchen fund". The capitol kitchen fund shall consist of receipts from the sale of food, food services and related concessions by the house of representatives. Except as provided in this section, balances in the capitol kitchen fund shall not revert to any other fund. Money in the fund may be expended by the legislative council service for start-up costs, supplies and other costs necessary for the house of representatives to operate the concessions and, with the approval of the New Mexico legislative council, for incidental expenses of the legislature, including those of interim committees. All payments out of the fund shall be made on vouchers signed by the director of the legislative council service. No later than sixty days after final adjournment of each session of the legislature, the balance of the capitol kitchen fund in excess of seven thousand five hundred dollars (\$7,500) shall be transferred to the state capitol maintenance fund. The effective date of the provisions of this section is July 1, 2004.

Chapter 1 Section 11 Laws 2004

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 2004

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 2004

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

House Bill 1, aa, w/ec
Approved January 29, 2004

LAWS 2004, CHAPTER 2

AN ACT

RELATING TO PUBLIC EMPLOYEES' RETIREMENT; EXEMPTING RETIREES WHO RETURN TO WORK FOR THE LEGISLATURE DURING A LEGISLATIVE SESSION FROM THE CONTRIBUTION REQUIREMENTS OF THE PUBLIC EMPLOYEES RETIREMENT ACT; DECLARING AN EMERGENCY.

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

Chapter 2 Section 1 Laws 2004

Section 1. 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:

(1) a written application for normal retirement, in the form prescribed by the association, is filed with the association prior to the selected date of retirement;

(2) employment is terminated with all employers covered by any state system or the educational retirement system prior to the selected date of retirement;

(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. A retired member may be subsequently employed by an affiliated public employer if the following conditions apply:

(1) the member has not been employed as an employee of an affiliated public employer for at least ninety consecutive days from the date of retirement to the commencement of employment or re-employment with an affiliated public employer. If the

retired member returns to employment without first completing ninety consecutive days of retirement, the retired member shall remove himself from retirement;

(2) a retired member who returns to employment shall be required to make contributions to the fund as specified in the Public Employees Retirement Act. The affiliated public employer's contributions as specified in that act or as adjusted for full actuarial cost at the determination of the association shall be paid to the fund; and

(3) a retired member who returns to employment during retirement pursuant to this subsection is entitled to receive retirement benefits but is not entitled to acquire service credit or to acquire or purchase service credit in the future for the period of the retired member's re-employment with an affiliated public employer.

D. The provisions of Paragraph (2) of Subsection C of this section do not apply to a retired member employed by the legislature for legislative session work.

E. 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 2 Section 2 Laws 2004

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

House Bill 14, w/ec
Approved February 9, 2004

LAWS 2004, CHAPTER 3

AN ACT

RELATING TO TELECOMMUNICATIONS; PROVIDING FOR SEPARATE REGULATION OF MID-SIZE CARRIERS.

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

Chapter 3 Section 1 Laws 2004

Section 1. Section 63-9A-3 NMSA 1978 (being Laws 1985, Chapter 242, Section 3, as amended) is amended to read:

"63-9A-3. DEFINITIONS.--As used in the New Mexico Telecommunications Act:

A. "affordable rates" means local exchange service rates that promote universal service within a local exchange service area, giving consideration to the economic conditions and costs to provide service in such area;

B. "cable television service" means the one-way transmission to subscribers of video programming or other programming service and subscriber interaction, if any, that is required for the selection of such video programming or other programming service;

C. "commission" means the public regulation commission;

D. "competitive telecommunications service" means a service that has been determined to be subject to effective competition pursuant to Section 63-9A-8 NMSA 1978;

E. "effective competition" means that the customers of the service have reasonably available and comparable alternatives to the service;

F. "fund" means the state rural universal service fund;

G. "local exchange area" means a geographic area encompassing one or more local communities, as described in maps, tariffs or rate schedules filed with the commission, where local exchange rates apply;

H. "local exchange service" means the transmission of two-way interactive switched voice communications furnished by a telecommunications company within a local exchange area;

I. "message telecommunications service" means telecommunications service between local exchange areas within the state for which charges are made on a per-unit basis, not including wide-area telecommunications service, or its equivalent, or individually negotiated contracts for telecommunications services;

J. "mid-size carrier" means a telecommunications company with more than fifty thousand but less than three hundred seventy-five thousand access lines in the state;

K. "noncompetitive telecommunications service" means a service that has not been determined to be subject to effective competition pursuant to Section 63-9A-8 NMSA 1978;

L. "private telecommunications service" means a system, including the construction, maintenance or operation thereof, for the provision of telecommunications service, or any portion of that service, by a person for the sole and exclusive use of that person and not for resale, directly or indirectly. For purposes of this definition, the person that may use such service includes any affiliates of the person if at least eighty percent of the assets or voting stock of the affiliates is owned by the person. If any other person uses the telecommunications service, whether for hire or not, the private telecommunications service is a public telecommunications service;

M. "public telecommunications service" means the transmission of signs, signals, writings, images, sounds, messages, data or other information of any nature by wire, radio, lightwaves or other electromagnetic means originating and terminating in this state regardless of actual call routing. "Public telecommunications service" does not include the provision of terminal equipment used to originate or terminate such service; private telecommunications service; broadcast transmissions by radio, television and satellite broadcast stations regulated by the federal communications commission; radio common carrier services, including mobile telephone service and radio paging; or one-way cable television service; and

N. "telecommunications company" means a person that provides public telecommunications service."

Chapter 3 Section 2 Laws 2004

Section 2. Section 63-9A-8.1 NMSA 1978 (being Laws 1998, Chapter 108, Section 61) is amended to read:

"63-9A-8.1. CHANGE IN RATES.--

A. At a hearing involving an increase in rates or charges sought by a telecommunications company, the burden of proof to show that the increased rate or charge is just and reasonable shall be upon the company.

B. Unless the commission otherwise orders, no telecommunications company shall make a change in an established rate except after thirty days' notice to the commission, which notice shall plainly state the changes proposed to be made in the rates then in force, the time when the changed rates will go into effect and other information as the commission by rule requires. The telecommunications company shall also give notice of the proposed changes to other interested persons as the commission may direct. All proposed changes shall be shown by filing new schedules that shall be kept open to public inspection. The commission for good cause shown may allow changes in rates without requiring the thirty days' notice, under conditions that it may prescribe.

C. Whenever a telecommunications company files a complete application proposing new rates, the commission may, upon complaint or upon its own initiative, except as otherwise provided by law, upon reasonable notice, enter upon a hearing concerning the reasonableness of the proposed rates. If the commission determines a hearing is necessary, it shall suspend the operation of the proposed rates before they become effective but not for a longer initial period than nine months beyond the time when the rates would otherwise go into effect, unless the commission finds that a longer time will be required, in which case the commission may extend

the period for an additional three months. The commission shall hear and decide cases with reasonable promptness. The commission shall adopt rules identifying criteria for various rate and tariff filings to be eligible for suspension periods shorter than what is allowed by this subsection and to be eligible for summary approval without hearing.

D. If after a hearing the commission finds the proposed rates to be unjust, unreasonable or in any way in violation of law, the commission shall determine the just and reasonable rates to be charged or applied by the telecommunications company for the service in question and shall fix the rates by order to be served upon the telecommunications company; or the commission by its order shall direct the telecommunications company to file new rates respecting such service that are just and reasonable. Those rates shall thereafter be observed until changed as provided by the New Mexico Telecommunications Act.

E. The provisions of this section do not apply to a mid-size carrier."

Chapter 3 Section 3 Laws 2004

Section 3. Section 63-9A-8.2 NMSA 1978 (being Laws 2000, Chapter 100, Section 4 and Laws 2000, Chapter 102, Section 4, as amended) is amended to read:

"63-9A-8.2. IDENTIFYING SUBSIDIES--RULES--PRICE CAPS.--

A. No later than December 31, 2000, the commission shall review existing rates for public telecommunications services offered by incumbent local exchange carriers with more than fifty thousand access lines and identify all subsidies that are included in the rates. The commission shall issue rules requiring that the identified subsidies appear on customer bills and establish a schedule not later than April 1, 2001 whereby implicit subsidies be eliminated through implementation of the state rural universal service fund or through revenue-neutral rate rebalancing or any other method consistent with the intent of the New Mexico Telecommunications Act.

B. No later than January 1, 2001, the commission shall adopt rules that:

- (1) establish consumer protection and quality-of-service standards;
- (2) ensure adequate investment in the telecommunications infrastructure in both urban and rural areas of the state;
- (3) promote availability and deployment of high-speed data services in both urban and rural areas of the state;
- (4) ensure the accessibility of interconnection by competitive local exchange carriers in both urban and rural areas of the state; and
- (5) establish an expedited regulatory process for considering matters related to telecommunications services that are pending before the commission.

C. No later than April 1, 2001, but in no case prior to the adoption of the rules required in Subsection B of this section, the commission shall eliminate rate of return regulation

of incumbent telecommunications carriers with more than fifty thousand access lines and implement an alternative form of regulation that includes reasonable price caps for basic residence and business local exchange services.

D. Rules adopted pursuant to this section shall not be applied to incumbent rural telecommunications carriers as that term is defined in Subsection I of Section 63-9H-3 NMSA 1978.

E. The provisions of this section do not apply to a mid-size carrier."

Chapter 3 Section 4 Laws 2004

Section 4. A new section of the New Mexico Telecommunications Act is enacted to read:

"MID-SIZE CARRIERS--SEPARATE REGULATION.--

A. As used in this section:

(1) "basic services" means retail telecommunications services that provide residence or business customers with an individual primary line providing voice grade access to the public switched network; and

(2) "non-basic services" means retail telecommunications services that are not a basic service, a switched-access service or a wholesale service governed by an interconnection agreement.

B. The commission shall regulate mid-size carriers separately from other telecommunications companies regulated by the commission in accordance with the provisions of this section and in such a manner as to:

(1) minimize regulatory costs;

(2) differentiate mid-size carriers from other telecommunications companies and establish a level of regulation between the levels of regulation applying to rural carriers and other incumbent local exchange carriers;

(3) ensure the continuance of universal service, investment in telecommunications infrastructure and availability of affordable rates for basic local service; and

(4) encourage competition and economic growth and development through the efficient deployment of telecommunications services in areas of the state served by mid-size carriers.

C. In adopting its rules to regulate mid-size carriers, the commission:

(1) shall consider the operational and technical effects of the following factors that differentiate mid-size carriers from other telecommunications companies:

(a) number of access lines served by mid-size carriers;

(b) types of markets served by mid-size carriers;

(c) prices on file with the commission and charged by other telecommunications companies operating in the state for services comparable to those offered by mid-size carriers;

(d) service quality and consumer protection requirements applicable to mid-size carriers;

(e) historical performance of mid-size carriers pertaining to quality and consumer protection; and

(f) the experience of local exchange carriers operating and providing service within the state under current or previous forms of regulation; and

(2) shall consider rules of general applicability governing all telecommunications carriers in the state.

D. The commission shall adopt rules that prescribe reasonable price ceilings and the means to change prices for basic local services. The commission shall adopt an objective mechanism by which mid-size carriers may periodically adjust the price ceiling for basic services. In adopting rules to implement this subsection, the commission shall consider using an annual publication published by the federal communications commission or comparable relevant data. This objective mechanism shall be used to establish an indexed price ceiling to limit increases in prices for basic residence local exchange service and basic business local single-line exchange service.

E. The provisions of Subsection D of this section notwithstanding, the commission may increase a mid-size carrier's basic service prices as part of a revenue-neutral price rebalancing to a level above that otherwise allowed by applicable rules.

F. The commission shall adopt rules:

(1) creating reasonable quality of service and consumer protection standards for mid-size carriers;

(2) allowing reasonable pricing flexibility for non-basic services and prescribing an objective mechanism by which mid-size carriers may change prices for non-basic services; and

(3) ensuring that the terms and conditions for non-basic services offered by mid-size carriers further the public interest.

G. Once a mid-size carrier is subject to regulations adopted pursuant to this section, it may introduce or withdraw non-basic services, bundle and package non-basic services and products with other services and products, including basic services. The services offered shall be priced above cost and provided throughout the mid-size carrier's service area to

the extent the necessary facilities are available. The introduction of new services, withdrawal of existing services or price adjustments for non-basic services shall become effective upon a tariff filing and ten days' notice to the commission; provided that the commission may suspend the introduction, withdrawal or adjustment under circumstances limited to:

- (1) ensuring compliance with applicable rules;
- (2) cost considerations; or
- (3) a finding that the tariff filing is not consistent with the public interest.

H. A mid-size carrier may petition the commission for a waiver of a rule for good cause shown."

Chapter 3 Section 5 Laws 2004

Section 5. TEMPORARY PROVISION--TRANSITION OF REGULATION--
REPORT TO LEGISLATURE.--

A. A mid-size carrier that is regulated under an alternative form of regulation plan on the effective date of this act shall continue to be regulated under the terms of that plan until the plan expires; thereafter, the mid-size carrier shall be regulated pursuant to rules adopted by the commission in accordance with Section 4 of this act.

B. The public regulation commission shall adopt rules to implement the provisions of Section 4 of this act the earlier of sixty days prior to the expiration of a mid-size carrier's alternative form of regulation plan or sixty days prior to the commencement of operations in the state of a new mid-size carrier.

C. The public regulation commission and mid-size carriers shall review the rules adopted in accordance with Section 4 of this act two years after the rules are effective and shall report their findings to the legislature.

House Bill 24
Approved February 9, 2004

LAWS 2004, CHAPTER 4

AN ACT

RELATING TO STATE REVENUE; IMPOSING A DAILY BED SURCHARGE ON CERTAIN
LICENSED HEALTH FACILITIES; PROVIDING FOR A DISTRIBUTION TO THE MEDICAID
PROGRAM; MAKING AN APPROPRIATION.

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

Chapter 4 Section 1 Laws 2004

Section 1. DAILY BED SURCHARGE--IMPOSITION--ADMINISTRATION.--

A. A daily bed surcharge is imposed on each licensed nursing home, licensed intermediate care facility for the mentally retarded and licensed residential treatment center. Unless exempted pursuant to Subsection C of this section, the surcharge shall be per day for each occupied bed of the nursing home, intermediate care facility for the mentally retarded or residential treatment center. The rate of the surcharge shall be annually determined by the human services department pursuant to Subsection B of this section.

B. No later than June 1 of each year, the human services department shall, pursuant to the provisions of this subsection, determine the rate of the daily bed surcharge to be paid by each licensed nursing home, licensed intermediate care facility for the mentally retarded and licensed residential treatment center during the subsequent fiscal year and shall notify the taxation and revenue department and each such nursing home, intermediate care facility and treatment center of the applicable rates. In determining the rates, the human services department shall:

(1) set a uniform rate on the maximum number of nursing homes, intermediate care facilities for the mentally retarded and residential treatment centers as allowed by any federal law or rule governing the approval of the state medicaid plan or any waiver from that plan; and

(2) structure the rates for each nursing home, intermediate care facility for the mentally retarded and residential treatment center so that the total estimated revenue received in the subsequent fiscal year from all such nursing homes, intermediate care facilities and treatment centers will equal six percent of the gross revenue, calculated on an accrual basis, received by the nursing homes, intermediate care facilities and treatment centers in the previous calendar year.

C. The human services department shall study the feasibility of applying for a federal waiver to exempt medicare and private beds from the daily bed surcharge. If, upon application of the department, such a waiver is granted, medicare and private beds are exempt from the surcharge.

D. The surcharge imposed pursuant to this section may be referred to as the "daily bed surcharge". Each licensed nursing home, licensed intermediate care facility for the mentally retarded and licensed residential treatment center is responsible for remitting the daily bed surcharge to the taxation and revenue department. The surcharge shall be remitted on or before the twenty-fifth day of the month following the month for which the surcharge is due. The taxation and revenue department shall administer and enforce the collection of the surcharge pursuant to the provisions of the Tax Administration Act.

Chapter 4 Section 2 Laws 2004

Section 2. DISTRIBUTION--MEDICAID PROGRAM.--A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the general fund to be used solely for the medicaid program in an amount equal to the net receipts attributable to the daily bed surcharge.

Chapter 4 Section 3 Laws 2004

Section 3. Section 7-1-2 NMSA 1978 (being Laws 1965, Chapter 248, Section 2, as amended) is amended to read:

"7-1-2. APPLICABILITY.--The Tax Administration Act applies to and governs:

A. the administration and enforcement of the following taxes or tax acts as they now exist or may hereafter be amended:

- (1) Income Tax Act;
- (2) Withholding Tax Act;
- (3) Venture Capital Investment Act;
- (4) Gross Receipts and Compensating Tax Act and any state gross receipts tax;
- (5) Liquor Excise Tax Act;
- (6) Local Liquor Excise Tax Act;
- (7) any municipal local option gross receipts tax;
- (8) any county local option gross receipts tax;
- (9) Special Fuels Supplier Tax Act;
- (10) Gasoline Tax Act;
- (11) petroleum products loading fee, which fee shall be considered a tax for the purpose of the Tax Administration Act;
- (12) Alternative Fuel Tax Act;
- (13) Cigarette Tax Act;
- (14) Estate Tax Act;
- (15) Railroad Car Company Tax Act;
- (16) Investment Credit Act, Capital Equipment Tax Credit Act, rural job tax credit, Laboratory Partnership with Small Business Tax Credit Act and Technology Jobs Tax Credit Act;
- (17) Corporate Income and Franchise Tax Act;

(18) Uniform Division of Income for Tax Purposes Act;

(19) Multistate Tax Compact;

(20) Tobacco Products Tax Act;

(21) the telecommunications relay service surcharge imposed by Section 63-9F-11 NMSA 1978, which surcharge shall be considered a tax for the purposes of the Tax Administration Act; and

(22) the daily bed surcharge imposed on licensed nursing homes, intermediate care facilities for the mentally retarded and residential treatment centers, which surcharge shall be considered a tax for purposes of the Tax Administration Act until June 30, 2007;

B. the administration and enforcement of the following taxes, surtaxes, advanced payments or tax acts as they now exist or may hereafter be amended:

(1) Resources Excise Tax Act;

(2) Severance Tax Act;

(3) any severance surtax;

(4) Oil and Gas Severance Tax Act;

(5) Oil and Gas Conservation Tax Act;

(6) Oil and Gas Emergency School Tax Act;

(7) Oil and Gas Ad Valorem Production Tax Act;

(8) Natural Gas Processors Tax Act;

(9) Oil and Gas Production Equipment Ad Valorem Tax Act;

(10) Copper Production Ad Valorem Tax Act;

(11) any advance payment required to be made by any act specified in this subsection, which advance payment shall be considered a tax for the purposes of the Tax Administration Act;

(12) Enhanced Oil Recovery Act;

(13) Natural Gas and Crude Oil Production Incentive Act; and

(14) intergovernmental production tax credit and intergovernmental production equipment tax credit;

C. the administration and enforcement of the following taxes, surcharges, fees or acts as they now exist or may hereafter be amended:

(1) Weight Distance Tax Act;

(2) the workers' compensation fee authorized by Section 52-5-19 NMSA 1978, which fee shall be considered a tax for purposes of the Tax Administration Act;

(3) Uniform Unclaimed Property Act;

(4) 911 emergency surcharge and the network and database surcharge, which surcharges shall be considered taxes for purposes of the Tax Administration Act;

(5) the solid waste assessment fee authorized by the Solid Waste Act, which fee shall be considered a tax for purposes of the Tax Administration Act;

(6) the water conservation fee imposed by Section 74-1-13 NMSA 1978, which fee shall be considered a tax for the purposes of the Tax Administration Act; and

(7) the gaming tax imposed pursuant to the Gaming Control Act; and

D. the administration and enforcement of all other laws, with respect to which the department is charged with responsibilities pursuant to the Tax Administration Act, but only to the extent that the other laws do not conflict with the Tax Administration Act."

Chapter 4 Section 4 Laws 2004

Section 4. DELAYED REPEAL.--Sections 1 and 2 of this act are repealed effective June 30, 2007.

Chapter 4 Section 5 Laws 2004

Section 5. APPLICABILITY.--The daily bed surcharge imposed pursuant to Section 1 of this 2004 act applies to beds occupied on or after July 1, 2004.

Senate Bill 385, aa
Approved February 18, 2004

LAWS 2004, CHAPTER 5

AN ACT

RELATING TO INSURANCE DIVISION FUNDING; CREATING THE INSURANCE OPERATIONS FUND; PROVIDING FOR A DISTRIBUTION FROM THE INSURANCE DEPARTMENT SUSPENSE FUND TO THE INSURANCE OPERATIONS FUND; MAKING AN APPROPRIATION.

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

Chapter 5 Section 1 Laws 2004

Section 1. Section 59A-6-5 NMSA 1978 (being Laws 1984, Chapter 127, Section 105, as amended) is amended to read:

"59A-6-5. DISTRIBUTION OF DIVISION

COLLECTIONS.--

A. All money received by the division for fees, licenses, penalties and taxes shall be paid daily by the superintendent to the state treasurer and by him credited to the "insurance department suspense fund" except as provided by:

- (1) the Law Enforcement Protection Fund Act;
- (2) Section 59A-6-1.1 NMSA 1978; and
- (3) the Voter Action Act.

B. The superintendent may authorize refund of money erroneously paid as fees, licenses, penalties or taxes from the insurance department suspense fund under request for refund made within three years after the erroneous payment.

C. The "insurance operations fund" is created in the state treasury. The fund shall consist of the distributions made to it pursuant to Subsection D of this section. The legislature shall annually appropriate from the fund to the division those amounts necessary for the division to carry out its responsibilities pursuant to the Insurance Code and other laws. Any balance in the fund at the end of a fiscal year greater than one-half of that fiscal year's appropriation shall revert to the general fund.

D. At the end of every month, after applicable refunds are made pursuant to Subsection B of this section, the treasurer shall make the following transfers from the balance remaining in the insurance department suspense fund:

- (1) to the "fire protection fund", that part of the balance derived from property and vehicle insurance business;
- (2) to the insurance operations fund, that part of the balance derived from the fees imposed pursuant to Subsections A and E of Section 59A-6-1 NMSA 1978 other than fees derived from property and vehicle insurance business; and
- (3) to the general fund, the balance remaining in the insurance department suspense fund derived from all other kinds of insurance business."

Chapter 5 Section 2 Laws 2004

Section 2. TEMPORARY PROVISION--FUND TRANSFER.--During fiscal year 2005, expenditures from the general fund for the operations of the insurance division of the public regulation commission shall be reimbursed each quarter from the insurance operations fund to the extent funds are available.

House Bill 240
Approved February 19, 2004

LAWS 2004, CHAPTER 6

AN ACT

RELATING TO CAPITAL IMPROVEMENTS; PROVIDING FOR AN AGRICULTURAL BUILDING REPAIR AND MAINTENANCE FUND AT NEW MEXICO STATE UNIVERSITY FOR CERTAIN OFF-CAMPUS FACILITIES.

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

Chapter 6 Section 1 Laws 2004

Section 1. AGRICULTURAL BUILDING REPAIR AND MAINTENANCE FUND--AGRICULTURAL FACILITIES.--The board of regents of New Mexico state university shall establish an "agricultural building repair and maintenance fund" to provide for repairs and maintenance at the agricultural experiment stations, agriculture science centers and other agriculture-related facilities of the university or the New Mexico department of agriculture that are located off-campus or outside the boundaries used for expenditures from other university building repair and maintenance funds. Money appropriated to the agricultural building repair and maintenance fund shall not be used for any other purpose.

House Bill 142, aa
Approved February 25, 2004

LAWS 2004, CHAPTER 7

AN ACT

RELATING TO MOTOR VEHICLES; AUTHORIZING NEIGHBORHOOD ELECTRIC CARS, UNDER CERTAIN CONDITIONS, TO BE DRIVEN ON CERTAIN STREETS, ROADWAYS AND HIGHWAYS.

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

Chapter 7 Section 1 Laws 2004

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

"NEIGHBORHOOD ELECTRIC CARS.--

A. As used in this section, "neighborhood electric car" means a four-wheeled electric motor vehicle that:

(1) has a maximum speed of more than twenty miles per hour but less than twenty-five miles per hour;

(2) complies with the federal requirements specified in 49 CFR 571.500;
and

(3) is equipped with head lamps, stop lamps, front and rear turn signal lamps, tail lamps, reflex reflectors, a parking brake, at least one interior and one exterior rear view mirror, a windshield, windshield wipers, a speedometer, an odometer, braking for each wheel, seat belts and a vehicle identification number.

B. Except as provided in Subsection C or D of this section, a neighborhood electric car, properly registered pursuant to the provisions of the Motor Vehicle Code, in compliance with the Mandatory Financial Responsibility Act and driven by an individual with a valid driver's license, may be operated on any street, roadway or highway under the jurisdiction of either the state or a local authority if the posted maximum speed limit is thirty-five miles per hour or less; provided, a neighborhood electric car may cross at an intersection or permitted crossing point any street, roadway or highway that has a posted maximum speed limit higher than thirty-five miles per hour.

C. A local authority may prohibit the operation of neighborhood electric cars on any road under its jurisdiction if the governing body of the local authority determines that the prohibition is necessary in the interest of safety.

D. The department of transportation may prohibit the operation of neighborhood electric cars on any road under its jurisdiction if it determines that the prohibition is necessary in the interest of safety.

E. Neighborhood electric cars are exempt from the following provisions:

(1) the emblems or flashing lights requirement for slow-moving vehicles in Section 66-3-887 NMSA 1978;

(2) any requirement for vehicle emission inspections adopted by a local authority pursuant to Subsection C of Section 74-2-4 NMSA 1978; and

(3) the minimum motor displacement requirement of Paragraph (2) of Subsection A of Section 66-7-405 NMSA 1978."

House Bill 388, aa
Approved February 25, 2004

LAWS 2004, CHAPTER 8

AN ACT

RELATING TO ECONOMIC DEVELOPMENT; CHANGING THE NAME OF THE FILM ADVISORY BOARD TO THE GOVERNOR'S COUNCIL ON FILM AND MEDIA INDUSTRIES.

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

Chapter 8 Section 1 Laws 2004

Section 1. Section 9-15-4.1 NMSA 1978 (being Laws 2003, Chapter 97, Section 1) is amended to read:

"9-15-4.1. GOVERNOR'S COUNCIL ON FILM AND MEDIA INDUSTRIES--CREATED--MEMBERSHIP--EXECUTIVE BOARD.--

A. The "governor's council on film and media industries" is created to advise the department and the governor on ways to promote film production in New Mexico, assist in the design and implementation of the department's strategic plan for building a media infrastructure in the state, assist in designing a workforce training program for film production and make recommendations for incentives and funding for these efforts.

B. The governor's council on film and media industries shall be composed of no more than thirty members appointed by the governor for four-year staggered terms; provided that the initial appointments shall be made so that one-half of the members shall be appointed for two-year terms and one-half of the members shall be appointed for four-year terms. Terms shall expire on January 1.

C. From the membership of the governor's council on film and media industries, the governor shall appoint a seven-member "executive board". At least five members of the executive board shall have experience in some aspect of film production. The executive board shall:

(1) with the approval of the secretary, create subcommittees of the governor's council on film and media industries and name the chairmen of those subcommittees;

(2) coordinate activities of the subcommittees and the governor's council on film and media industries; and

(3) develop recommendations pertaining to the charges of the governor's council on film and media industries for the consideration of the governor's council on film and media industries.

D. The governor shall name the chairman of the governor's council on film and media industries, who shall serve as the chairman of the executive board. The governor's council on film and media industries may elect such other officers as it deems necessary. The governor's council on film and media industries shall meet at the call of the chairman, at least quarterly. Members of the governor's council on film and media industries may receive per diem

and mileage for travel within New Mexico as provided in the Per Diem and Mileage Act, but shall receive no other compensation, perquisite or allowance.

E. Staff for the governor's council on film and media industries shall be provided by the department.

F. The governor's council on film and media industries shall report to the department, the governor and the legislature by December 1 of each year on its activities and recommendations."

Chapter 8 Section 2 Laws 2004

Section 2. TEMPORARY PROVISION--REFERENCES IN LAW.--All references in law to the film advisory board shall be deemed to be references to the governor's council on film and media industries.

SPAC/Senate Bill 186
Approved February 25, 2004

LAWS 2004, CHAPTER 9

AN ACT

RELATING TO DRUG PRECURSORS; PROVIDING THE BOARD OF PHARMACY WITH AUTHORITY TO ADD CERTAIN SUBSTANCES TO THE LIST OF DRUG PRECURSORS; REVISING THE FEE THAT THE BOARD MAY CHARGE FOR THE LICENSING AND CONTROL OF DRUG PRECURSORS; INCREASING PENALTIES; AMENDING SECTIONS OF THE DRUG PRECURSOR ACT.

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

Chapter 9 Section 1 Laws 2004

Section 1. Section 30-31B-1 NMSA 1978 (being Laws 1989, Chapter 177, Section 1) is amended to read:

"30-31B-1. SHORT TITLE.--Chapter 30, Article 31B NMSA 1978 may be cited as the "Drug Precursor Act"."

Chapter 9 Section 2 Laws 2004

Section 2. Section 30-31B-2 NMSA 1978 (being Laws 1989, Chapter 177, Section 2) is amended to read:

"30-31B-2. DEFINITIONS.--As used in the Drug Precursor Act:

A. "administer" means the direct application of a controlled substance by any means to the body of a patient or research subject by a practitioner or his agent;

B. "agent" includes an authorized person who acts on behalf of a manufacturer, distributor or dispenser. "Agent" does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman;

C. "board" means the board of pharmacy;

D. "bureau" means the bureau of narcotics and dangerous drugs of the United States department of justice or its successor agency;

E. "controlled substance" means a drug or substance listed in Schedules I through V of the Controlled Substances Act or regulations adopted thereto;

F. "controlled substance analog" means a substance other than a controlled substance that has a chemical structure substantially similar to that of a controlled substance in Schedule I, II, III, IV or V or which was specifically designed to produce effects substantially similar to that of controlled substances in Schedule I, II, III, IV or V. Examples of chemical classes in which controlled substance analogs are found include, but are not limited to, the following:

- (1) phenethylamines;
- (2) N-substituted piperidines;
- (3) morphinans;
- (4) ecogonines;
- (5) quinazolinones;
- (6) substituted indoles; and
- (7) arylcycloalkylamines.

Specifically excluded from the definition of "controlled substance analog" are those substances which are generally recognized as safe and effective within the meaning of the Federal Food, Drug and Cosmetic Act or have been manufactured, distributed or possessed in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of Section 505 of the Federal Food, Drug and Cosmetic Act;

G. "deliver" means the actual, constructive or attempted transfer from one person to another of a controlled substance or controlled substance analog, whether or not there is an agency relationship;

H. "dispense" means to deliver a controlled substance to an ultimate user or research subject pursuant to the lawful order of a practitioner, including the administering,

prescribing, packaging, labeling or compounding necessary to prepare the controlled substance for that delivery;

I. "dispenser" means a practitioner who dispenses and includes hospitals, pharmacies and clinics where controlled substances are dispensed;

J. "distribute" means to deliver other than by administering or dispensing a controlled substance or controlled substance analog;

K. "drug" means substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, official national formulary or any respective supplement to these publications. "Drug" does not include devices or their components, parts or accessories;

L. "drug precursor" means any substance, material, compound, mixture or preparation listed in Section 30-31B-3 NMSA 1978 or regulations adopted thereto or any of their salts or isomers. "Drug precursor" specifically excludes those substances, materials, compounds, mixtures or preparations which are prepared for dispensing pursuant to a prescription or over-the-counter distribution as a substance which is generally recognized as safe and effective within the meaning of the Federal Food, Drug and Cosmetic Act or have been manufactured, distributed or possessed in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of Section 505 of the Federal Food, Drug and Cosmetic Act, unless the board makes the findings required pursuant to Subsection B of Section 30-31B-4 NMSA 1978;

M. "immediate precursor" means a substance which is a compound commonly used or produced primarily as an immediate chemical intermediary used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit the manufacture of controlled substances;

N. "license" means a license issued by the board to manufacture, possess, transfer or transport a drug precursor;

O. "manufacture" means the production, preparation, compounding, conversion or processing of a drug precursor by extraction from substances of natural origin, independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by a practitioner:

(1) as an incident to his administering or dispensing of a controlled substance in the course of his professional practice; or

(2) by his agent under his supervision for the purpose of or as an incident to research, teaching or chemical analysis and not for sale;

P. "person" includes an individual, sole proprietorship, partnership, corporation, association, the state or any political subdivision of the state or other legal entity;

Q. "possession" means to actively or constructively exercise dominion over;

R. "practitioner" means a physician, dentist, veterinarian or other person licensed to prescribe and administer drugs which are subject to the Controlled Substances Act;

S. "prescription" means an order given individually for the person for whom is prescribed a controlled substance, either directly from the prescriber to the pharmacist or indirectly by means of a written order signed by the prescriber and in accordance with the Controlled Substances Act or regulations adopted thereto; and

T. "transfer" means the sale, possession with intent to sell, barter or giving away of a drug precursor."

Chapter 9 Section 3 Laws 2004

Section 3. Section 30-31B-4 NMSA 1978 (being Laws 1989, Chapter 177, Section 4) is amended to read:

"30-31B-4. DUTY TO ADMINISTER.--

A. The board shall administer the Drug Precursor Act and by regulation may add substances to the list of drug precursors enumerated in Section 30-31B-3 NMSA 1978. The board shall promulgate regulations pursuant to the procedures of the Uniform Licensing Act.

B. In determining whether to add to the list of drug precursors a substance, material, compound, mixture or preparation that is generally recognized as safe and effective within the meaning of the Federal Food, Drug and Cosmetic Act or that has been manufactured, distributed or possessed in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of Section 505 of the Federal Food, Drug and Cosmetic Act, the board shall consider:

(1) whether the substance, material, compound, mixture or preparation is:

(a) a source of a substance already controlled under the Controlled Substances Act; or

(b) subject to being easily converted to an immediate precursor of a substance already controlled under the Controlled Substances Act;

(2) the relative ease by which use of the substance, material, compound, mixture or preparation can facilitate the manufacture of a controlled substance;

(3) legitimate uses that would be unduly hampered by listing the substance, material, compound, mixture or preparation as a drug precursor;

(4) whether the substance, material, compound, mixture or preparation is formulated to effectively prevent its conversion into an immediate precursor of a substance already controlled under the Controlled Substances Act; and

(5) any other factors relevant to and consistent with the public health and safety.

C. In determining whether a substance, material, compound, mixture or preparation should be added to the list of drug precursors, the board shall consider:

(1) whether the substance, material, compound, mixture or preparation is an immediate precursor of a substance already controlled under the Controlled Substances Act;

(2) the relative ease by which use of the substance, material, compound, mixture or preparation can facilitate the manufacture of a controlled substance;

(3) legitimate uses which would be unduly hampered by listing the substance, material, compound, mixture or preparation as a drug precursor; and

(4) any other factors relevant to and consistent with the public health and safety.

D. After considering the factors enumerated in Subsection B or C of this section, the board shall make findings and issue regulations listing the substance, material, compound, mixture or preparation as a drug precursor if it finds that the substance, material, compound, mixture or preparation has a significant potential for use in the manufacture of controlled substances.

E. If the board designates a substance, material, compound, mixture or preparation as a drug precursor, then substances, materials, compounds, mixtures or preparations which are precursors of the drug precursor so designated shall not be subject to control solely because they are precursors of a drug precursor.

F. If any substance, material, compound, mixture or preparation is designated as controlled under federal law and notice is given to the board, the board may, by regulation, similarly control the substance under the Drug Precursor Act after providing for a hearing pursuant to the Uniform Licensing Act.

G. Authority to control under this section does not extend to distilled spirits, wine, malt beverages, tobacco or pesticides as defined in the Pesticide Control Act."

Chapter 9 Section 4 Laws 2004

Section 4. Section 30-31B-6 NMSA 1978 (being Laws 1989, Chapter 177, Section 6) is amended to read:

"30-31B-6. REGULATIONS.--

A. The board may promulgate regulations and charge reasonable fees relating to the licensing and control of the manufacture, possession, transfer and transportation of drug precursors. The fees shall not be more than two hundred fifty dollars (\$250) per license for a wholesaler's license, a distributor's license or a manufacturer's license. The fees shall not be more than fifty dollars (\$50.00) per license for a retail distributor's license, when the retail distributor has ten or more employees. The fees shall not be more than twenty-five dollars (\$25.00) per license for a retail distributor's license, when the retail distributor has fewer than ten employees.

B. Every person who manufactures, possesses, transfers or transports any drug precursor or who proposes to engage in the manufacture, possession, transfer or transportation of any drug precursor shall obtain, annually, a license issued by the board.

C. Persons licensed by the board to manufacture, possess, transfer or transport drug precursors may manufacture, possess, transfer or transport those substances to the extent authorized by their license and in conformity with the other provisions of the Drug Precursor Act.

D. The following persons need not be licensed under the Drug Precursor Act and may lawfully possess drug precursors:

(1) physicians;

(2) an agent of any licensed manufacturer of any drug precursor if he is acting in the usual course of his principal's business or employment;

(3) an employee of a licensed common or contract carrier or licensed warehouseman whose possession of any drug precursor is in the usual course of the licensed common or contract carrier or licensed warehouseman's business;

(4) a student enrolled in a chemistry class for credit; provided, however, that the student's use of the drug precursor is for a bona fide educational purpose and that the chemistry department of the educational institution otherwise possesses all the necessary licenses required by the board;

(5) a consumer who uses a drug precursor for its intended purpose and who does not use the drug precursor to manufacture a substance controlled under the Controlled Substances Act;

(6) a pharmacy, an agent or employee of a pharmacy or a contractor for a pharmacy;

(7) a pharmacist, an agent or employee of a pharmacist or a contractor for a pharmacist; or

(8) an agent or employee of a licensed retail establishment or a contractor for a licensed retail establishment.

E. The board may waive by regulation the requirement for licensing of certain manufacturers if it is consistent with the public health and safety.

F. The board may inspect the establishment of a licensee or applicant for license in accordance with the board's regulations."

Chapter 9 Section 5 Laws 2004

Section 5. Section 30-31B-12 NMSA 1978 (being Laws 1989, Chapter 177, Section 12) is amended to read:

"30-31B-12. DRUG PRECURSORS--PROHIBITED ACTS--PENALTIES.--

A. It is unlawful for any person:

(1) to transfer drug precursors except to an authorized licensee;

(2) to intentionally use in the course of the manufacture or transfer of a drug precursor a license number which is fictitious, revoked, suspended or issued to another person;

(3) to intentionally acquire or obtain, or attempt to acquire or obtain, possession of a drug precursor by misrepresentation, fraud, forgery, deception or subterfuge;

(4) to intentionally furnish false or fraudulent material information in, or omit any material information from, any application, report or other document required to be kept or filed under the Drug Precursor Act or any record required to be kept by that act;

(5) who is a licensee to intentionally manufacture a drug precursor not authorized by his license or to intentionally transfer a drug precursor not authorized by his license to another licensee or authorized person;

(6) to intentionally refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under the Drug Precursor Act;

(7) to intentionally refuse an entry into any premises for any inspection authorized by the Drug Precursor Act; or

(8) to manufacture, possess, transfer or transport a drug precursor without the appropriate license or in violation of any rule or regulation of the board.

B. Any person who violates any provision of this section is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

C. When a person owns or operates a retail establishment where drug precursors are sold by an employee in violation of the provisions of this section, it is an affirmative defense to a prosecution of that owner or operator if he furnishes documentation that he provided the employee with a training program regarding state and federal laws and regulations regarding drug precursors; provided that, if the owner or operator knew or should have known of the employee's violation, the owner or operator shall also be in violation of the provisions of this section.

D. When drug precursors are sold by an employee of a retail establishment in violation of the provisions of this section, it is an affirmative defense to a prosecution of that employee that he did not receive training from his employer regarding state and federal laws and regulations regarding drug precursors."

Chapter 9 Section 6 Laws 2004

Section 6. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2004.

HJC/House Bill 111, aa
Approved February 26, 2004

LAWS 2004, CHAPTER 10

AN ACT

RELATING TO ABUSE OF A CHILD; PROVIDING THAT ALLOWING A CHILD TO BE IN A MOTOR VEHICLE, BUILDING OR OTHER PREMISES USED FOR THE MANUFACTURE OF CONTROLLED SUBSTANCES IS PRIMA FACIE EVIDENCE OF ABUSE OF A CHILD; AMENDING A SECTION OF THE NMSA 1978.

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

Chapter 10 Section 1 Laws 2004

Section 1. Section 30-6-1 NMSA 1978 (being Laws 1973, Chapter 360, Section 10, as amended by Laws 2001, Chapter 31, Section 9 and by Laws 2001, Chapter 132, Section 9) is amended to read:

"30-6-1. ABANDONMENT OR ABUSE OF A CHILD.--

A. As used in this section:

(1) "child" means a person who is less than eighteen years of age;

(2) "neglect" means that a child is without proper parental care and control of subsistence, education, medical or other care or control necessary for his well-being because of the faults or habits of his parents, guardian or custodian or their neglect or refusal, when able to do so, to provide them; and

(3) "negligently" refers to criminal negligence and means that a person knew or should have known of the danger involved and acted with a reckless disregard for the safety or health of the child.

B. Abandonment of a child consists of the parent, guardian or custodian of a child intentionally leaving or abandoning the child under circumstances whereby the child may or does suffer neglect. Whoever commits abandonment of a child is guilty of a misdemeanor, unless the abandonment results in the child's death or great bodily harm, in which case he is guilty of a second degree felony.

C. A parent, guardian or custodian who leaves an infant less than ninety days old in compliance with the Safe Haven for Infants Act shall not be prosecuted for abandonment of a child.

D. Abuse of a child consists of a person knowingly, intentionally or negligently, and without justifiable cause, causing or permitting a child to be:

- (1) placed in a situation that may endanger the child's life or health;
- (2) tortured, cruelly confined or cruelly punished; or
- (3) exposed to the inclemency of the weather.

E. Whoever commits abuse of a child that does not result in the child's death or great bodily harm is, for a first offense, guilty of a third degree felony and for second and subsequent offenses is guilty of a second degree felony. If the abuse results in great bodily harm or death to the child, he is guilty of a first degree felony.

F. Evidence that demonstrates that a child has been knowingly, intentionally or negligently allowed to enter or remain in a motor vehicle, building or any other premises that contains chemicals and equipment used or intended for use in the manufacture of a controlled substance shall be deemed prima facie evidence of abuse of the child.

G. A person who leaves an infant less than ninety days old at a hospital may be prosecuted for abuse of the infant for actions of the person occurring before the infant was left at the hospital."

Chapter 10 Section 2 Laws 2004

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2004.

Senate Bill 161, aa
Approved February 26, 2004

LAWS 2004, CHAPTER 11

AN ACT

RELATING TO ABUSE OF A CHILD; PROVIDING THAT ALLOWING A CHILD TO BE IN A MOTOR VEHICLE, BUILDING OR OTHER PREMISES USED FOR THE MANUFACTURE OF CONTROLLED SUBSTANCES IS PRIMA FACIE EVIDENCE OF ABUSE OF A CHILD; AMENDING A SECTION OF THE NMSA 1978.

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

Chapter 11 Section 1 Laws 2004

Section 1. Section 30-6-1 NMSA 1978 (being Laws 1973, Chapter 360, Section 10, as amended by Laws 2001, Chapter 31, Section 9 and by Laws 2001, Chapter 132, Section 9) is amended to read:

"30-6-1. ABANDONMENT OR ABUSE OF A CHILD.--

A. As used in this section:

(1) "child" means a person who is less than eighteen years of age;

(2) "neglect" means that a child is without proper parental care and control of subsistence, education, medical or other care or control necessary for his well-being because of the faults or habits of his parents, guardian or custodian or their neglect or refusal, when able to do so, to provide them; and

(3) "negligently" refers to criminal negligence and means that a person knew or should have known of the danger involved and acted with a reckless disregard for the safety or health of the child.

B. Abandonment of a child consists of the parent, guardian or custodian of a child intentionally leaving or abandoning the child under circumstances whereby the child may or does suffer neglect. Whoever commits abandonment of a child is guilty of a misdemeanor, unless the abandonment results in the child's death or great bodily harm, in which case he is guilty of a second degree felony.

C. A parent, guardian or custodian who leaves an infant less than ninety days old in compliance with the Safe Haven for Infants Act shall not be prosecuted for abandonment of a child.

D. Abuse of a child consists of a person knowingly, intentionally or negligently, and without justifiable cause, causing or permitting a child to be:

(1) placed in a situation that may endanger the child's life or health;

(2) tortured, cruelly confined or cruelly punished; or

(3) exposed to the inclemency of the weather.

E. Whoever commits abuse of a child that does not result in the child's death or great bodily harm is, for a first offense, guilty of a third degree felony and for second and subsequent offenses is guilty of a second degree felony. If the abuse results in great bodily harm or death to the child, he is guilty of a first degree felony.

F. Evidence that demonstrates that a child has been knowingly, intentionally or negligently allowed to enter or remain in a motor vehicle, building or any other premises that contains chemicals and equipment used or intended for use in the manufacture of a controlled substance shall be deemed prima facie evidence of abuse of the child.

G. A person who leaves an infant less than ninety days old at a hospital may be prosecuted for abuse of the infant for actions of the person occurring before the infant was left at the hospital."

Chapter 11 Section 2 Laws 2004

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2004.

House Bill 112, aa
Approved February 26, 2004

LAWS 2004, CHAPTER 12

AN ACT

RELATING TO DRUG PRECURSORS; PROVIDING THE BOARD OF PHARMACY WITH AUTHORITY TO ADD CERTAIN SUBSTANCES TO THE LIST OF DRUG PRECURSORS; REVISING THE FEE THAT THE BOARD MAY CHARGE FOR THE LICENSING AND CONTROL OF DRUG PRECURSORS; INCREASING PENALTIES; AMENDING SECTIONS OF THE DRUG PRECURSOR ACT.

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

Chapter 12 Section 1 Laws 2004

Section 1. Section 30-31B-1 NMSA 1978 (being Laws 1989, Chapter 177, Section 1) is amended to read:

"30-31B-1. SHORT TITLE.--Chapter 30, Article 31B NMSA 1978 may be cited as the "Drug Precursor Act"."

Chapter 12 Section 2 Laws 2004

Section 2. Section 30-31B-2 NMSA 1978 (being Laws 1989, Chapter 177, Section 2) is amended to read:

"30-31B-2. DEFINITIONS.--As used in the Drug Precursor Act:

A. "administer" means the direct application of a controlled substance by any means to the body of a patient or research subject by a practitioner or his agent;

B. "agent" includes an authorized person who acts on behalf of a manufacturer, distributor or dispenser. "Agent" does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman;

C. "board" means the board of pharmacy;

D. "bureau" means the bureau of narcotics and dangerous drugs of the United States department of justice or its successor agency;

E. "controlled substance" means a drug or substance listed in Schedules I through V of the Controlled Substances Act or regulations adopted thereto;

F. "controlled substance analog" means a substance other than a controlled substance that has a chemical structure substantially similar to that of a controlled substance in Schedule I, II, III, IV or V or which was specifically designed to produce effects substantially similar to that of controlled substances in Schedule I, II, III, IV or V. Examples of chemical classes in which controlled substance analogs are found include, but are not limited to, the following:

- (1) phenethylamines;
- (2) N-substituted piperidines;
- (3) morphinans;
- (4) ecogonines;
- (5) quinazolinones;
- (6) substituted indoles; and
- (7) arylcycloalkylamines.

Specifically excluded from the definition of "controlled substance analog" are those substances which are generally recognized as safe and effective within the meaning of the Federal Food, Drug and Cosmetic Act or have been manufactured, distributed or possessed in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of Section 505 of the Federal Food, Drug and Cosmetic Act;

G. "deliver" means the actual, constructive or attempted transfer from one person to another of a controlled substance or controlled substance analog, whether or not there is an agency relationship;

H. "dispense" means to deliver a controlled substance to an ultimate user or research subject pursuant to the lawful order of a practitioner, including the administering, prescribing, packaging, labeling or compounding necessary to prepare the controlled substance for that delivery;

I. "dispenser" means a practitioner who dispenses and includes hospitals, pharmacies and clinics where controlled substances are dispensed;

J. "distribute" means to deliver other than by administering or dispensing a controlled substance or controlled substance analog;

K. "drug" means substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, official national formulary or any respective supplement to these publications. "Drug" does not include devices or their components, parts or accessories;

L. "drug precursor" means any substance, material, compound, mixture or preparation listed in Section 30-31B-3 NMSA 1978 or regulations adopted thereto or any of their salts or isomers. "Drug precursor" specifically excludes those substances, materials, compounds, mixtures or preparations which are prepared for dispensing pursuant to a prescription or over-the-counter distribution as a substance which is generally recognized as safe and effective within the meaning of the Federal Food, Drug and Cosmetic Act or have been manufactured, distributed or possessed in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of Section 505 of the Federal Food, Drug and Cosmetic Act, unless the board makes the findings required pursuant to Subsection B of Section 30-31B-4 NMSA 1978;

M. "immediate precursor" means a substance which is a compound commonly used or produced primarily as an immediate chemical intermediary used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit the manufacture of controlled substances;

N. "license" means a license issued by the board to manufacture, possess, transfer or transport a drug precursor;

O. "manufacture" means the production, preparation, compounding, conversion or processing of a drug precursor by extraction from substances of natural origin, independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by a practitioner:

(1) as an incident to his administering or dispensing of a controlled substance in the course of his professional practice; or

(2) by his agent under his supervision for the purpose of or as an incident to research, teaching or chemical analysis and not for sale;

P. "person" includes an individual, sole proprietorship, partnership, corporation, association, the state or any political subdivision of the state or other legal entity;

Q. "possession" means to actively or constructively exercise dominion over;

R. "practitioner" means a physician, dentist, veterinarian or other person licensed to prescribe and administer drugs which are subject to the Controlled Substances Act;

S. "prescription" means an order given individually for the person for whom is prescribed a controlled substance, either directly from the prescriber to the pharmacist or indirectly by means of a written order signed by the prescriber and in accordance with the Controlled Substances Act or regulations adopted thereto; and

T. "transfer" means the sale, possession with intent to sell, barter or giving away of a drug precursor."

Chapter 12 Section 3 Laws 2004

Section 3. Section 30-31B-4 NMSA 1978 (being Laws 1989, Chapter 177, Section 4) is amended to read:

"30-31B-4. DUTY TO ADMINISTER.--

A. The board shall administer the Drug Precursor Act and by regulation may add substances to the list of drug precursors enumerated in Section 30-31B-3 NMSA 1978. The board shall promulgate regulations pursuant to the procedures of the Uniform Licensing Act.

B. In determining whether to add to the list of drug precursors a substance, material, compound, mixture or preparation that is generally recognized as safe and effective within the meaning of the Federal Food, Drug and Cosmetic Act or that has been manufactured, distributed or possessed in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of Section 505 of the Federal Food, Drug and Cosmetic Act, the board shall consider:

(1) whether the substance, material, compound, mixture or preparation is:

(a) a source of a substance already controlled under the Controlled Substances Act; or

(b) subject to being easily converted to an immediate precursor of a substance already controlled under the Controlled Substances Act;

(2) the relative ease by which use of the substance, material, compound, mixture or preparation can facilitate the manufacture of a controlled substance;

(3) legitimate uses that would be unduly hampered by listing the substance, material, compound, mixture or preparation as a drug precursor;

(4) whether the substance, material, compound, mixture or preparation is formulated to effectively prevent its conversion into an immediate precursor of a substance already controlled under the Controlled Substances Act; and

(5) any other factors relevant to and consistent with the public health and safety.

C. In determining whether a substance, material, compound, mixture or preparation should be added to the list of drug precursors, the board shall consider:

(1) whether the substance, material, compound, mixture or preparation is an immediate precursor of a substance already controlled under the Controlled Substances Act;

(2) the relative ease by which use of the substance, material, compound, mixture or preparation can facilitate the manufacture of a controlled substance;

(3) legitimate uses which would be unduly hampered by listing the substance, material, compound, mixture or preparation as a drug precursor; and

(4) any other factors relevant to and consistent with the public health and safety.

D. After considering the factors enumerated in Subsection B or C of this section, the board shall make findings and issue regulations listing the substance, material, compound, mixture or preparation as a drug precursor if it finds that the substance, material, compound, mixture or preparation has a significant potential for use in the manufacture of controlled substances.

E. If the board designates a substance, material, compound, mixture or preparation as a drug precursor, then substances, materials, compounds, mixtures or preparations which are precursors of the drug precursor so designated shall not be subject to control solely because they are precursors of a drug precursor.

F. If any substance, material, compound, mixture or preparation is designated as controlled under federal law and notice is given to the board, the board may, by regulation, similarly control the substance under the Drug Precursor Act after providing for a hearing pursuant to the Uniform Licensing Act.

G. Authority to control under this section does not extend to distilled spirits, wine, malt beverages, tobacco or pesticides as defined in the Pesticide Control Act."

Chapter 12 Section 4 Laws 2004

Section 4. Section 30-31B-6 NMSA 1978 (being Laws 1989, Chapter 177, Section 6) is amended to read:

"30-31B-6. REGULATIONS.--

A. The board may promulgate regulations and charge reasonable fees relating to the licensing and control of the manufacture, possession, transfer and transportation of drug precursors. The fees shall not be more than two hundred fifty dollars (\$250) per license for a wholesaler's license, a distributor's license or a manufacturer's license. The fees shall not be more than fifty dollars (\$50.00) per license for a retail distributor's license, when the retail distributor has ten or more employees. The fees shall not be more than twenty-five dollars (\$25.00) per license for a retail distributor's license, when the retail distributor has fewer than ten employees.

B. Every person who manufactures, possesses, transfers or transports any drug precursor or who proposes to engage in the manufacture, possession, transfer or transportation of any drug precursor shall obtain, annually, a license issued by the board.

C. Persons licensed by the board to manufacture, possess, transfer or transport drug precursors may manufacture, possess, transfer or transport those substances to the extent authorized by their license and in conformity with the other provisions of the Drug Precursor Act.

D. The following persons need not be licensed under the Drug Precursor Act and may lawfully possess drug precursors:

(1) physicians;

(2) an agent of any licensed manufacturer of any drug precursor if he is acting in the usual course of his principal's business or employment;

(3) an employee of a licensed common or contract carrier or licensed warehouseman whose possession of any drug precursor is in the usual course of the licensed common or contract carrier or licensed warehouseman's business;

(4) a student enrolled in a chemistry class for credit; provided, however, that the student's use of the drug precursor is for a bona fide educational purpose and that the chemistry department of the educational institution otherwise possesses all the necessary licenses required by the board;

(5) a consumer who uses a drug precursor for its intended purpose and who does not use the drug precursor to manufacture a substance controlled under the Controlled Substances Act;

(6) a pharmacy, an agent or employee of a pharmacy or a contractor for a pharmacy;

(7) a pharmacist, an agent or employee of a pharmacist or a contractor for a pharmacist; or

(8) an agent or employee of a licensed retail establishment or a contractor for a licensed retail establishment.

E. The board may waive by regulation the requirement for licensing of certain manufacturers if it is consistent with the public health and safety.

F. The board may inspect the establishment of a licensee or applicant for license in accordance with the board's regulations."

Chapter 12 Section 5 Laws 2004

Section 5. Section 30-31B-12 NMSA 1978 (being Laws 1989, Chapter 177, Section 12) is amended to read:

"30-31B-12. DRUG PRECURSORS--PROHIBITED ACTS--PENALTIES.--

A. It is unlawful for any person:

(1) to transfer drug precursors except to an authorized licensee;

(2) to intentionally use in the course of the manufacture or transfer of a drug precursor a license number which is fictitious, revoked, suspended or issued to another person;

(3) to intentionally acquire or obtain, or attempt to acquire or obtain, possession of a drug precursor by misrepresentation, fraud, forgery, deception or subterfuge;

(4) to intentionally furnish false or fraudulent material information in, or omit any material information from, any application, report or other document required to be kept or filed under the Drug Precursor Act or any record required to be kept by that act;

(5) who is a licensee to intentionally manufacture a drug precursor not authorized by his license or to intentionally transfer a drug precursor not authorized by his license to another licensee or authorized person;

(6) to intentionally refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under the Drug Precursor Act;

(7) to intentionally refuse an entry into any premises for any inspection authorized by the Drug Precursor Act; or

(8) to manufacture, possess, transfer or transport a drug precursor without the appropriate license or in violation of any rule or regulation of the board.

B. Any person who violates any provision of this section is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

C. When a person owns or operates a retail establishment where drug precursors are sold by an employee in violation of the provisions of this section, it is an affirmative defense to a prosecution of that owner or operator if he furnishes documentation that he provided the employee with a training program regarding state and federal laws and regulations regarding drug precursors; provided that, if the owner or operator knew or should have known of the employee's violation, the owner or operator shall also be in violation of the provisions of this section.

D. When drug precursors are sold by an employee of a retail establishment in violation of the provisions of this section, it is an affirmative defense to a prosecution of that employee that he did not receive training from his employer regarding state and federal laws and regulations regarding drug precursors."

Chapter 12 Section 6 Laws 2004

Section 6. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2004.

SJC/Senate Bill 160, aa
Approved February 26, 2004

LAWS 2004, CHAPTER 13

AN ACT

RELATING TO HOME LOANS; REPEALING A SECTION OF THE HOME LOAN PROTECTION ACT CONCERNING CLAIMS AGAINST CERTAIN PERSONS; DECLARING AN EMERGENCY.

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

Chapter 13 Section 1 Laws 2004

Section 1. REPEAL.--Section 58-21A-7 NMSA 1978 (being Laws 2003, Chapter 436, Section 7) is repealed.

Chapter 13 Section 2 Laws 2004

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

Senate Bill 228, w/ec
Approved February 27, 2004

LAWS 2004, CHAPTER 14

AN ACT

RELATING TO THE INVESTMENT OF PUBLIC MONEY; INCREASING THE PERCENTAGE OF THE SEVERANCE TAX PERMANENT FUND THAT MAY BE INVESTED IN REAL ESTATE; EXPANDING THE TYPE OF ALLOWABLE REAL ESTATE INVESTMENTS; ALLOWING, UNDER CERTAIN CIRCUMSTANCES, THE SEVERANCE TAX PERMANENT FUND TO BE INVESTED IN HEDGE FUNDS.

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

Chapter 14 Section 1 Laws 2004

Section 1. Section 7-27-5.1 NMSA 1978 (being Laws 1983, Chapter 306, Section 8, as amended) is amended to read:

"7-27-5.1. MARKET RATE INVESTMENTS.--

A. Money made available from the severance tax permanent fund for investment for a period in excess of one year in market rate investments may be invested in the following classes of securities and investments:

(1) bonds, notes or other obligations of the United States government, its agencies, government-sponsored enterprises, corporations or instrumentalities and that portion of bonds, notes or other obligations guaranteed as to principal and interest and issued by the United States government, its agencies, government-sponsored enterprises, corporations or

instrumentalities or issued pursuant to acts or programs authorized by the United States government;

(2) bonds, notes, debentures and other obligations issued by the state of New Mexico or a municipality or other political subdivision of the state that are secured by an investment grade bond rating from a national rating service, pledged revenue or other collateral or insurance necessary to satisfy the standard of prudence set forth in Section 6-8-10 NMSA 1978;

(3) bonds, notes, debentures, instruments, conditional sales agreements, securities or other evidences of indebtedness of any corporation, partnership or trust organized and operating within the United States rated not less than Baa or BBB or the equivalent by a national rating service;

(4) bonds, notes, debentures, instruments, conditional sales agreements, securities or other evidences of indebtedness rated not less than BB or B or the national association of insurance commissioners' equivalent by a national rating service. An investment made under this paragraph shall be in publicly traded debt issues with an outstanding par value of at least one hundred million dollars (\$100,000,000) and issued by a corporation, partnership or trust listed on a national exchange and organized and operating within the United States; provided that investments made pursuant to this paragraph shall not exceed three percent of the market value of the severance tax permanent fund, calculated at the time of investment;

(5) notes or obligations securing loans or participation in loans to business concerns or other organizations that are obligated to use the loan proceeds within New Mexico, to the extent that loans are secured by first mortgages on real estate located in New Mexico and are further secured by an assignment of rentals, the payment of which is fully guaranteed by the United States in an amount sufficient to pay all principal and interest on the mortgage;

(6) common and preferred stocks and convertible issues of any corporation; provided that it has securities listed on one or more national stock exchanges or included in a nationally recognized list of stocks; and provided further that the fund shall not own more than five percent of the voting stock of any company;

(7) real estate investments, including real property and undivided interests in real property, debt instruments secured by liens on real property, or limited partnership interests; provided that the total value of investments made under this paragraph shall not exceed ten percent of the market value of the severance tax permanent fund, calculated at the time of investment;

(8) securities of non-United States governmental, quasi-governmental, partnership, trust or corporate entities, and these may be denominated in foreign currencies; provided:

(a) aggregate non-United States investments shall not exceed fifteen percent of the book value of the severance tax permanent fund;

(b) for non-United States stocks and non-United States bonds and notes, issues permitted for purchase shall be limited to those issues traded on a national stock exchange or included in a nationally recognized list of stocks or bonds;

(c) currency contracts may be used for investing in non-United States securities only for the purpose of hedging foreign currency risks and not for speculation;

(d) the investment management services of a trust company or national bank exercising trust powers or of an investment counseling firm may be employed; and

(e) reasonable compensation for investment management services and other administrative and investment expenses related to these investments shall be paid directly from the assets of the fund, subject to budgeting and appropriation by the legislature;

(9) stocks or shares of a diversified investment company registered under the federal Investment Company Act of 1940, as amended, and listed securities of long-term unit investment trusts or individual, common or collective trust funds of banks or trust companies that invest primarily in equity securities authorized in Paragraphs (6) and (8) of this subsection; provided that the investment company has total assets under management of at least one hundred million dollars (\$100,000,000); and provided further that the council may allow reasonable administrative and investment expenses to be paid directly from the assets derived from these investments, subject to budgeting and appropriation by the legislature;

(10) participation interests in New Mexico real-property-related business loans. The actual amount invested under this paragraph shall not exceed ten percent of the severance tax permanent fund and shall be included in any minimum amount of severance tax permanent fund investments required to be placed in New Mexico certificates of deposit. Investments authorized in this paragraph are subject to the following:

(a) the state investment officer may purchase from eligible institutions a participation interest of up to eighty percent in any loan secured by a first mortgage or a deed of trust on the real property located in New Mexico of an eligible business entity, or its subsidiary, that is operating or shall use loan proceeds to commence operations within New Mexico plus any other guarantees or collateral that may be judged by the eligible institution or the state investment officer to be prudent. To be eligible for investment the following minimum requirements shall be met: 1) the loan proceeds shall be used exclusively for the purpose of expanding or establishing businesses in New Mexico, including the refinancing of such businesses for expansion purposes only. If a portion of the loan proceeds were used for refinancing or repaying an existing loan and payment of principal and interest to the state has not been made within ninety days from the due date, unless extended pursuant to agreement between the originating institution and the state investment officer, the originating institution shall buy back the state's participation interest in the loan and begin foreclosure proceedings; 2) eligible business entities shall not include public utilities or financial institutions or shopping centers, apartment buildings or other such passive investments; 3) the minimum loan amount shall be two hundred fifty thousand dollars (\$250,000) and may be met by packaging up to ten separate loans satisfying the requirements of this paragraph. The maximum loan amount shall be two million dollars (\$2,000,000); 4) the loan maturity shall be not less than five years or more than thirty years; 5) the maximum loan-to-value ratio shall be seventy-five percent and based on

current appraisal of the real property by an appraiser who is licensed or certified in New Mexico and approved by the state investment officer, which shall be made not more than one hundred eighty days from the loan origination date; 6)the interest rate of the loan shall be fixed for five years and shall be adjusted at every fifth anniversary of the note to the rate specified in Item 7) of this subparagraph; 7)the yield on the state's participation interest shall in no case be less than the greater of the then-prevailing yield on United States treasury securities of five-year maturity plus two and one-half percent or the yield received by the lending institution calculated exclusive of servicing fees; 8)if payment of principal or interest has not been made within one hundred eighty days from the due date, unless extended pursuant to agreement between the originating institution and the state investment officer, the originating institution shall buy back the state's participation interest in the loan, substitute another qualifying loan or begin foreclosure proceedings; and 9)if foreclosure proceedings are commenced, the state and the originating institution shall share in proportion to their participation interest, as provided in this subparagraph, in the legal and other foreclosure expenses and in any loss incurred as a result of a foreclosure sale;

(b) a standardized participation agreement, the form of which shall be approved by the attorney general's office, shall be executed between the investment office and each eligible originating institution. The participation agreement shall provide that the originating institution shall not assign its interest in any loan covered by the agreement without the prior written consent of the state investment officer;

(c) a formal forward commitment program may be instituted by the state investment officer with the approval of the council;

(d) the council shall adopt regulations: 1)defining passive investments; 2)establishing underwriting guidelines; 3)ensuring diversification across a variety of types of collateral, types of businesses and regions of the state; and 4)providing for the review by the state investment officer of servicing and other fees that may be charged by the eligible institution;

(e) eligible institutions include banks, savings and loan associations and credit unions operating in the state; and

(f) real property is defined as land and attached buildings, but excludes all interests that may be secured by a security interest under Article 9 of the Uniform Commercial Code, and mineral resource values; and

(11) hedge funds that invest primarily in publicly traded securities and derivatives and use long and short positions and leverage to reduce market exposure in order to profit from security selection; provided that:

(a) the hedge fund advisors shall be registered under the federal Investment Company Act of 1940; and

(b) the hedge fund advisors: 1) provide audited financial statements to the state investment officer; 2) agree to provide regular reports detailing underlying fund investment holdings and transactions to the state investment officer and a third party risk assessment firm designated by the state investment officer; 3) possess a three-year performance record that has been reviewed by the state investment officer; and 4) manage a

minimum of one hundred million dollars (\$100,000,000) of investments in the investment strategy to be used for the investment made pursuant to this paragraph;

(c) investments made pursuant to this paragraph shall not exceed ten percent of the market value of the severance tax permanent fund, calculated at the time of investment.

B. Not more than sixty-five percent of the book value of the severance tax permanent fund shall be invested at any given time in:

(1) securities described in Paragraphs (6), (8) and (9) of Subsection A of this section; and

(2) investments described in Paragraph (11) of Subsection A of this section in which the underlying asset or asset class is a security described in Paragraph (6), (8) or (9) of Subsection A of this section.

C. No more than ten percent of the book value of the severance tax permanent fund shall be invested at any given time in securities described in Paragraph (3) of Subsection A of this section that are rated Baa or BBB.

D. Assets of the severance tax permanent fund may be combined for investment in common pooled funds to effectuate efficient management.

E. Commissions paid for the purchase and sale of any security shall not exceed brokerage rates prescribed and approved by national stock exchanges or by industry practice."

Senate Bill 316, aa, w/cc
Approved February 27, 2004

LAWS 2004, CHAPTER 15

AN ACT

RELATING TO TAXATION; CREATING THE HIGH-WAGE JOBS TAX CREDIT.

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

Chapter 15 Section 1 Laws 2004

Section 1. TAX CREDIT--QUALIFYING HIGH-WAGE JOBS.--

A. A taxpayer who is an eligible employer may apply for, and the taxation and revenue department may allow, a tax credit for each new high-wage economic-based job. The credit provided in this section may be referred to as the "high-wage jobs tax credit".

B. The high-wage jobs tax credit may be claimed and allowed in an amount equal to ten percent of the wages and benefits distributed to an eligible employee in a new high-wage economic-based job, but shall not exceed twelve thousand dollars (\$12,000).

C. The high-wage jobs tax credit may be claimed by an eligible employer for each new high-wage economic-based job performed for the year in which the new high-wage economic-based job is created and for the three following qualifying periods.

D. A new high-wage economic-based job shall not be eligible for a credit pursuant to this section unless the eligible employer's total number of employees with new high-wage economic-based jobs on the last day of the qualifying period at the location at which the job is performed or based is at least one more than the number on the day prior to the date the job was created.

E. With respect to each new high-wage

economic-based job for which an eligible employer seeks the high-wage jobs tax credit, the employer shall certify:

(1) the amount of wages paid to each eligible employee in a new high-wage economic-based job during each qualifying period;

(2) the number of weeks the position was occupied during the qualifying period;

(3) whether the new high-wage economic-based job was in a municipality with a population of forty thousand or more or with a population of less than forty thousand according to the most recent federal decennial census and whether the job was in the unincorporated area of a county; and

(4) the total number of employees employed by the employer at the job location on the day prior to the qualifying period and on the last day of the qualifying period.

F. To receive a high-wage jobs tax credit with respect to any qualifying period, an eligible employer shall apply to the taxation and revenue department on forms and in the manner prescribed by the department. The application shall include a certification made pursuant to Subsection E of this section.

G. The credit provided in this section may be deducted from the modified combined tax liability of a taxpayer. If the credit exceeds the modified combined tax liability of the taxpayer, the excess shall be refunded to the taxpayer.

H. As used in this section:

(1) "benefits" means any employee benefit plan as defined in Title 1, Section 3 of the federal Employee Retirement Income Security Act of 1974, 29 U.S.C. 1002;

(2) "eligible employee" means an individual who is employed by an eligible employer and who is a resident of New Mexico; "eligible employee" does not include an individual who:

(a) bears any of the relationships described in Paragraphs (1) through (8) of 26 U.S.C. Section 152(a) to the employer or, if the employer is a corporation, to an individual who owns, directly or indirectly, more than fifty percent in value of the outstanding stock of the corporation or, if the employer is an entity other than a corporation, to an individual who owns, directly or indirectly, more than fifty percent of the capital and profits interest in the entity;

(b) if the employer is an estate or trust, is a grantor, beneficiary or fiduciary of the estate or trust or is an individual who bears any of the relationships described in Paragraphs (1) through (8) of 26 U.S.C. Section 152(a) to a grantor, beneficiary or fiduciary of the estate or trust;

(c) is a dependent, as that term is described in 26 U.S.C. Section 152(a)(9), of the employer or, if the taxpayer is a corporation, of an individual who owns, directly or indirectly, more than fifty percent in value of the outstanding stock of the corporation or, if the employer is an entity other than a corporation, of an individual who owns, directly or indirectly, more than fifty percent of the capital and profits interests in the entity or, if the employer is an estate or trust, of a grantor, beneficiary or fiduciary of the estate or trust; or

(d) is working or has worked as an employee or as an independent contractor for an entity that directly or indirectly owns stock in a corporation of the eligible employer or other interest of the eligible employer that represents fifty percent or more of the total voting power of that entity or has a value equal to fifty percent or more of the capital and profits interest in the entity;

(3) "eligible employer" means an employer that:

(a) made more than fifty percent of its sales to persons outside New Mexico during the most recent twelve months of the employer's modified combined tax liability reporting periods ending prior to claiming a

high-wage jobs tax credit; and

(b) is eligible for development training program assistance pursuant to Section 21-19-7 NMSA 1978;

(4) "modified combined tax liability" means the total liability for the reporting period for the gross receipts tax imposed by Section 7-9-4 NMSA 1978 together with any tax collected at the same time and in the same manner as the gross receipts tax, such as the compensating tax, the withholding tax, the interstate telecommunications gross receipts tax, the surcharges imposed by Section 63-9D-5 NMSA 1978 and the surcharge imposed by Section 63-9F-11 NMSA 1978, minus the amount of any credit other than the high-wage jobs tax credit applied against any or all of these taxes or surcharges; but "modified combined tax liability" excludes all amounts collected with respect to local option gross receipts taxes;

(5) "new high-wage economic-based job" means a job created by an eligible employer on or after July 1, 2004 and prior to July 1, 2009 that is occupied for at least forty-eight weeks of a qualifying period by an eligible employee who is paid wages calculated for the qualifying period to be at least:

(a) forty thousand dollars (\$40,000) if the job is performed or based in a municipality with a population of forty thousand or more according to the most recent federal decennial census; and

(b) twenty-eight thousand dollars (\$28,000) if the job is performed or based in a municipality with a population of less than forty thousand according to the most recent federal decennial census or in the unincorporated area of a county;

(6) "qualifying period" means the period of twelve months beginning on the day an eligible employee begins working in a new high-wage economic-based job or the period of twelve months beginning on the anniversary of the day an eligible employee began working in a new high-wage economic-based job; and

(7) "wages" means wages as defined in Paragraphs (1), (2) and (3) of 26 U.S.C. Section 51(c).

Chapter 15 Section 2 Laws 2004

Section 2. DELAYED REPEAL.--The provisions of this act are repealed effective January 1, 2010.

Senate Bill 28, aa
Approved February 27, 2004

LAWS 2004, CHAPTER 16

AN ACT

RELATING TO ECONOMIC DEVELOPMENT; PROVIDING FOR MILITARY BASE RETENTION AND RELATED ECONOMIC ENHANCEMENT; PROVIDING A COMPENSATING TAX DEDUCTION FOR TEST ARTICLES USED IN RESEARCH OR TESTING; DECLARING AN EMERGENCY.

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

Chapter 16 Section 1 Laws 2004

Section 1. Section 9-15-48 NMSA 1978 (being Laws 2003, Chapter 166, Section 1 and Laws 2003, Chapter 170, Section 1) is amended to read:

"9-15-48. OFFICE OF MILITARY BASE PLANNING AND SUPPORT CREATED--
DUTIES.--

A. The "office of military base planning and support" is created, which is administratively attached to the economic development department. The department shall provide administrative services to the office.

B. The governor's homeland security adviser shall appoint a director of the office of military base planning and support.

C. The director of the office of military base planning and support shall:

(1) employ, under the authorization of the governor's homeland security adviser, the staff necessary to carry out the work of the office of military base planning and support and the military base planning commission;

(2) support the commission;

(3) inform the governor and the governor's homeland security adviser about issues impacting the military bases in the state, including infrastructure requirements, environmental needs, military force structure possibilities, tax implications, property considerations and issues requiring coordination and support from other state agencies;

(4) serve as a liaison with the community organizations whose purpose is to support the long-term viability of the military bases;

(5) communicate with the staff of the state's congressional delegation;
and

(6) identify issues, prepare information and provide for presentations necessary for the commission to carry out its duties."

Chapter 16 Section 2 Laws 2004

Section 2. Section 9-15-49 NMSA 1978 (being Laws 2003, Chapter 166, Section 2 and Laws 2003, Chapter 170, Section 2) is amended to read:

"9-15-49. MILITARY BASE PLANNING COMMISSION CREATED--COMPOSITION.--

A. The "military base planning commission" is created, which is administratively attached to the economic development department. The department shall provide administrative services to the commission.

B. The commission consists of fifteen members, thirteen of which are appointed by the governor with the advice and consent of the senate. The commission shall include the lieutenant governor, the governor's homeland security adviser and appropriate representatives from the counties, or adjoining counties, in which military bases are located.

C. The governor shall appoint a chair from among the members of the commission. The commission shall meet at the call of the chair and shall meet not less than quarterly. Members of the commission shall not be paid but shall receive per diem and mileage expenses as provided in the Per Diem and Mileage Act.

D. Notwithstanding the provisions of the Open Meetings Act, meetings of the commission shall be closed to the public when proprietary alternative New Mexico military base realignment or closure strategies or any information regarding relocation of military units is discussed.

E. Information developed or obtained by the commission that pertains to proprietary commission strategies or related to the relocation of military units shall be confidential and not subject to inspection pursuant to the Inspection of Public Records Act."

Chapter 16 Section 3 Laws 2004

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

"DEDUCTION--COMPENSATING TAX--TEST ARTICLES.--

A. The value of test articles upon which research or testing is conducted in New Mexico pursuant to a contract with the United States department of defense may be deducted in computing the compensating tax due.

B. As used in this section, "test article" means a material or device upon which research or testing is conducted to determine the properties and qualities of the material or the properties, qualities or functioning of the device or a technology used with the device.

C. The deduction provided by this section does not apply to the value of property purchased by a prime contractor operating a facility designated as a national laboratory by an act of congress."

Chapter 16 Section 4 Laws 2004

Section 4. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

Senate Bill 333, aa, w/ec
Approved February 27, 2004

LAWS 2004, CHAPTER 17

AN ACT

RELATING TO TAXATION; AUTHORIZING IMPOSITION OF MUNICIPAL AND COUNTY GROSS RECEIPTS TAXES FOR REGIONAL TRANSIT SYSTEM PURPOSES OF A REGIONAL TRANSIT DISTRICT; ENACTING SECTIONS OF THE NMSA 1978.

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

Chapter 17 Section 1 Laws 2004

Section 1. A new section of the Municipal Local Option Gross Receipts Taxes Act is enacted to read:

"MUNICIPAL REGIONAL TRANSIT GROSS RECEIPTS TAX--AUTHORITY TO IMPOSE--RATE--ELECTION REQUIRED.--

A. Upon a request by resolution of the board of directors of a regional transit district, a majority of the members of the governing body of a municipality that is a member of the district pursuant to the Regional Transit District Act shall impose by ordinance an excise tax at a rate not to exceed one-half percent of the gross receipts of any person engaging in business in the municipality for the privilege of engaging in business. A tax imposed pursuant to this section may be imposed by one or more ordinances, each imposing any number of tax rate increments, but an increment shall not be less than one-sixteenth percent of the gross receipts of any person engaging in business in the district and the aggregate of all rates shall not exceed one-half percent of the gross receipts of any person engaging in business in the municipality. The tax may be referred to as the "municipal regional transit gross receipts tax".

B. The governing body, at the time of enacting an ordinance imposing a tax authorized in Subsection A of this section, shall dedicate the revenue for the management, construction or operation of a public transit system or for specific public transit projects or services of the district pursuant to the Regional Transit District Act.

C. An ordinance imposing a municipal regional transit gross receipts tax shall not go into effect until after 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 municipal regional transit gross receipts tax, the ordinance shall become effective in accordance with the provisions of the Municipal Local Option Gross Receipts Taxes Act. If the question of imposing the municipal regional transit gross receipts tax fails, the governing body shall not again propose the imposition of any increment of the tax for a period of one year from the date of the election.

D. The governing body of a municipality imposing the municipal regional transit gross receipts tax shall transfer all proceeds from the tax to the regional transit district of which it is a member for the purposes specified in the ordinance and in accordance with the provisions of the Regional Transit District Act."

Chapter 17 Section 2 Laws 2004

Section 2. A new section of the County Local Option Gross Receipts Taxes Act is enacted to read:

"COUNTY REGIONAL TRANSIT GROSS RECEIPTS TAX--AUTHORITY TO IMPOSE--RATE--ELECTION REQUIRED.--

A. Upon a request by resolution of the board of directors of a regional transit district, a majority of the members of the governing body of a county that is a member of the district pursuant to the Regional Transit District Act shall impose by ordinance an excise tax at a rate not to exceed one-half percent of the gross receipts of any person engaging in business in the district area of the county for the privilege of engaging in business. A tax imposed pursuant to this section may be imposed by one or more ordinances, each imposing any number of tax rate increments, but an increment shall not be less than one-sixteenth percent of the gross receipts of any person engaging in business in the district and the aggregate of all rates shall not exceed one-half percent of the gross receipts of any person engaging in business in the district area of the county. The tax may be referred to as the "county regional transit gross receipts tax".

B. The governing body, at the time of enacting an ordinance imposing the tax authorized in Subsection A of this section, shall dedicate the revenue for the management, construction or operation of a public transit system or for specific public transit projects or services of the district pursuant to the Regional Transit District Act.

C. An ordinance imposing a county regional transit gross receipts tax shall not go into effect until after an election is held and a majority of the voters of the district area of the county voting in the election votes in favor of imposing the tax. The governing body shall adopt an ordinance calling for an election within seventy-five days of the date the resolution is adopted on the question of imposing the tax. The question shall be submitted to the voters of the district area 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 substantially in 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 regional transit gross receipts tax, 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 regional transit gross receipts tax fails, the governing body shall not again propose the imposition of any increment of the tax for a period of one year from the date of the election.

D. The governing body of a county imposing a county regional transit gross receipts tax shall transfer all proceeds from the tax to the regional transit district of which it is a member for the purposes specified in the ordinance and in accordance with the provisions of the Regional Transit District Act.

E. As used in this section, "district area of the county" means that portion of a county that is outside the boundaries of any municipality and that is within the boundaries of a regional transit district of which the county is a member."

Chapter 17 Section 3 Laws 2004

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2005.

House Bill 231
Approved February 27, 2004

LAWS 2004, CHAPTER 18

AN ACT

RELATING TO EXECUTIVE ORGANIZATION; CREATING THE INDIAN AFFAIRS DEPARTMENT; PROVIDING FOR A SECRETARY OF INDIAN AFFAIRS; PROVIDING POWERS AND DUTIES; APPROVING TRANSFERS OF APPROPRIATIONS, MONEY, PERSONNEL, PROPERTY, CONTRACTUAL OBLIGATIONS AND STATUTORY REFERENCES.

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

Chapter 18 Section 1 Laws 2004

Section 1. SHORT TITLE.--Sections 1 through 15 of this act may be cited as the "Indian Affairs Department Act".

Chapter 18 Section 2 Laws 2004

Section 2. PURPOSE.--The purpose of the Indian Affairs Department Act is to create a single, unified department to administer all laws and exercise all functions formerly administered and executed by the New Mexico office of Indian affairs.

Chapter 18 Section 3 Laws 2004

Section 3. DEFINITIONS.--As used in the Indian Affairs Department Act:

- A. "department" means the Indian affairs department; and
- B. "secretary" means the secretary of Indian affairs.

Chapter 18 Section 4 Laws 2004

Section 4. DEPARTMENT CREATED.--The "Indian affairs department" is created in the executive branch. The department is a cabinet department and includes the following divisions:

- A. the administrative services division; and
- B. the program services division.

Chapter 18 Section 5 Laws 2004

Section 5. SECRETARY OF INDIAN AFFAIRS.--

A. The chief executive and administrative officer of the department is the "secretary of Indian affairs". The secretary shall be appointed by the governor with the consent

of the senate. The secretary shall hold the office at the pleasure of the governor and shall serve in the executive cabinet.

B. An appointed secretary shall serve and have all of the duties, responsibilities and authority of that office during the period of time prior to final action by the senate confirming or rejecting the secretary's appointment.

Chapter 18 Section 6 Laws 2004

Section 6. SECRETARY--DUTIES AND GENERAL POWERS.--

A. The secretary 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.

B. To perform his duties, the secretary has every power expressly enumerated in the laws, whether granted to the secretary or any division of the department, except where authority conferred upon any division in the department is explicitly exempted from the secretary's authority by statute. In accordance with these provisions, the secretary shall:

(1) except as otherwise provided in the Indian Affairs Department Act, exercise general supervisory and appointing authority over all department employees, subject to any applicable personnel laws and rules;

(2) delegate authority to subordinates as necessary and appropriate, clearly delineating such delegated authority and the limitations thereto;

(3) organize the department into those organizational units that will enable it to function most efficiently, subject to any provisions of law requiring or establishing specific organizational units;

(4) within the limitations of available appropriations and applicable laws, employ and fix the compensation of those persons necessary to discharge the secretary's duties;

(5) take administrative action by issuing orders and instructions, not inconsistent with the law, to ensure implementation of and compliance with the provisions of law with the administration or execution of which the secretary is responsible, and to enforce those orders and instructions by appropriate administrative action or actions in the courts;

(6) conduct research and studies that will improve the operations of the department and the provision of services to the citizens of the state;

(7) provide courses of instruction and practical training for employees of the department and other persons involved in the administration of programs with the objective of improving the operations and efficiency of administration;

(8) prepare an annual budget of the department;

(9) provide cooperation, at the request of heads of administratively attached agencies, in order to:

(a) minimize or eliminate duplication of services and jurisdictional conflicts;

(b) coordinate activities and resolve problems of mutual concern; and

(c) resolve by agreement the manner and extent to which the department shall provide budgeting, record-keeping and related clerical assistance to administratively attached agencies; and

(10) appoint, with the governor's consent, for each division, a "director". These appointed positions are exempt from the provisions of the Personnel Act. Persons appointed to these positions shall serve at the pleasure of the secretary.

C. The secretary may apply for and receive, with the governor's approval, in the name of the department, any public or private funds, including United States government funds, available to the department to carry out its programs, duties or services.

D. Where functions of departments overlap, or a function assigned to one department could better be performed by another department, the secretary may recommend appropriate legislation to the next session of the legislature for its approval.

E. The secretary may make and adopt such reasonable procedural rules as may be necessary to carry out the duties of the department and its divisions. A rule promulgated by the director of a division in carrying out the functions and duties of the division shall not be effective until approved by the secretary. Unless otherwise provided by statute, a rule affecting a person or agency outside the department shall not be adopted, amended or repealed without a public hearing on the proposed action before the secretary or a hearing officer designated by the secretary. The public hearing shall be held in Santa Fe unless otherwise permitted by statute. Notice of the subject matter of the rule, the action proposed to be taken, the time and place of the hearing, the manner in which interested persons may present their views and the method by which copies of the proposed rule, proposed amendment or repeal of an existing rule may be obtained shall be published once at least thirty days prior to the hearing date in a newspaper of general circulation and mailed at least thirty days prior to the hearing date to all persons who have made a written request for advance notice of hearing. All rules shall be filed in accordance with the State Rules Act.

Chapter 18 Section 7 Laws 2004

Section 7. DEPARTMENT--ADDITIONAL POWERS AND DUTIES.--

A. The department is the coordinating agency for intergovernmental and interagency programs concerning tribal governments and the state.

B. The department shall:

(1) investigate, study, consider and act upon the entire subject of Indian conditions and relations within New Mexico, including problems of health, economy and education and the effect of local, state and federal legislative, executive and judicial actions. The department shall collaborate with other state departments or agencies that have an interest or stake in the subject being investigated, studied or considered. In performing its functions, the department shall provide an opportunity for the presentation and exchange of ideas in respect to Indian affairs of the state by all interested persons; and

(2) assist in setting the policy, and act as the clearinghouse, for all state programs affecting the Indian people of New Mexico.

C. The department may:

(1) hold hearings, conduct meetings, make investigations and confer with officials of local, state and federal agencies to secure cooperation between the local, state, federal and Indian tribal governments in the promotion of the welfare of the Indian people of New Mexico;

(2) contract with tribal governments, public agencies or private persons to provide services and facilities for promoting the welfare of the Indian people of New Mexico; and

(3) solicit and accept gifts, grants, donations, bequests and devises.

Chapter 18 Section 8 Laws 2004

Section 8. ORGANIZATIONAL UNITS OF THE DEPARTMENT--POWERS AND DUTIES SPECIFIED BY LAW--ACCESS TO INFORMATION.--

A. Those organizational units of the department and the officers of those units specified by law shall have all of the powers and duties enumerated in the specific laws involved. However, the carrying out of those powers and duties shall be subject to the direction and supervision of the secretary, who shall retain the final decision-making authority and responsibility for the administration of any such laws.

B. The department shall have access to all records, data and information of other state departments that are not specifically held confidential by law.

Chapter 18 Section 9 Laws 2004

Section 9. DIVISION DIRECTORS.--Except as otherwise provided by law, the secretary shall appoint, with the approval of the governor, "directors" of divisions established within the department. The directors so appointed are exempt from the Personnel Act.

Chapter 18 Section 10 Laws 2004

Section 10. BUREAU CHIEFS.--The secretary may establish within each division such "bureaus" as the secretary deems necessary to carry out the provisions of the

Indian Affairs Department Act. The secretary shall appoint a "chief" to be the administrative head of a bureau. A chief and all subsidiary employees of the department are covered by the Personnel Act unless otherwise provided by law.

Chapter 18 Section 11 Laws 2004

Section 11. ADMINISTRATIVE SERVICES DIVISION--DUTIES.--The administrative services division shall provide administrative services to the department, including:

A. keeping all official records of the department;

B. providing clerical services in the areas of personnel and budget preparation;
and

C. providing clerical, record-keeping and administrative support to agencies administratively attached to the department, at their request.

Chapter 18 Section 12 Laws 2004

Section 12. PROGRAM SERVICES DIVISION--DUTIES.--The program services division shall provide program implementation and support for field programs and services.

Chapter 18 Section 13 Laws 2004

Section 13. INDIAN AFFAIRS COMMISSION CREATED.--

A. The "Indian affairs commission" is created. The commission shall consist of ten members who are residents of New Mexico appointed by the governor as follows:

(1) three members shall be Pueblo Indians;

(2) three members shall be Navajo Indians;

(3) two members shall be Apache Indians;

(4) one member shall be an urban Indian; and

(5) one member shall be a non-Indian.

B. Indian members, except the urban Indian member, shall be appointed from lists of names submitted by the all Indian pueblo council, the Jicarilla and Mescalero tribal councils and the Navajo Nation.

C. Members serve at the pleasure of the governor. Vacancies shall be filled by appointment by the governor for the unexpired term.

D. The governor shall appoint the chairman and the commission may select such other officers as the commission deems necessary.

E. Members may receive per diem and mileage pursuant to the Per Diem and Mileage Act, but shall receive no other compensation, perquisite or allowance.

Chapter 18 Section 14 Laws 2004

Section 14. POWERS OF THE COMMISSION.--The commission shall:

A. conduct meetings to provide an opportunity for the presentation and exchange of ideas with respect to Indian affairs by any interested party that result in the promotion of the welfare of the Indian people;

B. receive and disseminate information on issues that significantly impact the welfare of the Indian people;

C. apprise the secretary of the conditions in Native American communities in New Mexico; and

D. advise the secretary on policy matters related to the department's powers and duties.

Chapter 18 Section 15 Laws 2004

Section 15. PRESERVATION OF INDIAN LEGENDS.--The department may employ not more than two persons for each Indian tribe or pueblo in the state to record the legends of the tribe or pueblo in the English language for the purpose of making them available for dissemination to the public. Persons employed to record the legends shall be members of the tribe or pueblo, shall have knowledge of both English and the language spoken by the particular tribe or pueblo and shall be familiar with a means of recording the legends in the English language. The department may employ personnel and purchase recording equipment necessary to fulfill the purpose of this section.

Chapter 18 Section 16 Laws 2004

Section 16. Section 9-8-8 NMSA 1978 (being Laws 1977, Chapter 252, Section 9, as amended) is amended to read:

"9-8-8. ADMINISTRATIVELY ATTACHED AGENCIES.--The commission on the status of women is administratively attached to the human services department in accordance with the Executive Reorganization Act."

Chapter 18 Section 17 Laws 2004

Section 17. TEMPORARY PROVISION--TRANSFER OF FUNCTIONS, PERSONNEL, PROPERTY, CONTRACTS AND REFERENCES IN LAW.--The transfer

of functions, personnel, appropriations, money, records, equipment, supplies, other property, contractual obligations and statutory references of the New Mexico office of Indian affairs to the Indian affairs department pursuant to executive order issued in accordance with Laws 2003, Chapter 403 is approved.

Chapter 18 Section 18 Laws 2004

Section 18. REPEAL.--Sections 28-12-4 through 28-12-9 NMSA 1978 (being Laws 1975 (1st S.S.), Chapter 11, Section 1, Laws 1955, Chapter 162, Sections 2 through 4, Laws 1967, Chapter 225, Section 1 and Laws 1955, Chapter 162, Section 5, as amended) are repealed.

Senate Bill 364, aa
Approved February 28, 2004

LAWS 2004, CHAPTER 19

AN ACT

RELATING TO EXECUTIVE ORGANIZATION; CREATING THE VETERANS' SERVICES DEPARTMENT; PROVIDING POWERS AND DUTIES; APPROVING TRANSFERS OF FUNCTIONS, PERSONNEL, PROPERTY, CONTRACTUAL OBLIGATIONS AND STATUTORY REFERENCES.

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

Chapter 19 Section 1 Laws 2004

Section 1. SHORT TITLE.--Sections 1 through 20 of this act may be cited as the "Veterans' Services Department Act".

Chapter 19 Section 2 Laws 2004

Section 2. PURPOSE.--The purpose of the Veterans' Services Department Act is to create a unified department to administer the laws and exercise the functions formerly administered and exercised by the New Mexico veterans' service commission.

Chapter 19 Section 3 Laws 2004

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

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

Chapter 19 Section 4 Laws 2004

Section 4. DEPARTMENT ESTABLISHED.--The "veterans' services department" is created in the executive branch. The department is a cabinet department and includes the following divisions:

- A. the administrative services division;
- B. the field services division;
- C. the state approving division; and
- D. the state benefits division.

Chapter 19 Section 5 Laws 2004

Section 5. SECRETARY OF VETERANS' SERVICES--APPOINTMENT.--

A. The chief executive and administrative officer of the department is the "secretary of veterans' services". The secretary shall be appointed by the governor with the consent of the senate and shall hold the office at the pleasure of the governor and serve in the executive cabinet.

B. An appointed secretary shall serve and have all of the duties, responsibilities and authority of the office during the period of time prior to final action by the senate confirming or rejecting his appointment.

Chapter 19 Section 6 Laws 2004

Section 6. SECRETARY--DUTIES AND GENERAL POWERS.--

A. The secretary is responsible to the governor for the operation of the department. It is the duty of the secretary to manage the operations of the department and to administer and enforce the laws with which the secretary or the department is charged.

B. The secretary has every power expressly enumerated in the laws, whether granted to the secretary or to a division of the department, except where authority conferred upon a division in the department is explicitly exempted from the authority of the secretary by statute. In accordance with these provisions, the secretary shall:

(1) except as otherwise provided in the Veterans' Services Department Act, exercise general supervisory and appointing authority over all department employees, subject to applicable personnel laws and rules;

(2) delegate authority to subordinates as the secretary deems necessary and appropriate, clearly delineating the delegated authority and its limitations;

(3) organize the department into organizational units that the secretary deems will enable it to function most efficiently, subject to provisions of law requiring or establishing specific organizational units;

(4) within the limitations of available appropriations and applicable laws, employ and fix the compensation of the persons necessary to discharge the duties of the secretary;

(5) take administrative action by issuing orders and instructions, not inconsistent with the law, to ensure implementation of and compliance with the provisions of law with the administration or execution of which the secretary is responsible and to enforce the orders and instructions by appropriate administrative action or actions in the courts;

(6) conduct research and studies that will improve the operations of the department and the provision of services to the citizens of the state;

(7) provide courses of instruction and practical training for employees of the department and other persons involved in the administration of programs with the objective of improving the operations and efficiency of the administration;

(8) prepare an annual budget of the department;

(9) provide cooperation, at the request of heads of administratively attached agencies, to:

(a) minimize or eliminate duplication of services and jurisdictional conflicts;

(b) coordinate activities and resolve problems of mutual concern;

(c) resolve by agreement the manner and extent to which the department shall provide budgeting, record keeping and related clerical assistance to administratively attached agencies; and

(10) except as otherwise provided by law, with the approval of the governor, appoint a "director" for each division established within the department.

C. The secretary may apply for and receive, in the name of the department and with the approval of the governor, public or private funds, including United States government funds, available to the department to carry out its programs, duties or services.

D. Where functions of departments overlap, or a function assigned to one department could better be performed by another department, the secretary may recommend appropriate legislation to the next session of the legislature for its approval.

E. The secretary may make and adopt reasonable rules necessary to carry out the duties of the department and its divisions. A rule promulgated by the director of a division in carrying out the functions and duties of the division shall not be effective until approved by the secretary. Unless otherwise provided by statute, a rule affecting a person or agency outside the department shall not be adopted, amended or repealed without a public hearing on the proposed action before the secretary or a hearing officer designated by him. The public hearing shall be held in Santa Fe unless otherwise permitted by statute. Notice of the subject matter of the rule, the action proposed to be taken, the time and place of the hearing, the manner in which an interested person may present a view and the method by which copies of the proposed rule, amendment or repeal of an existing rule may be obtained shall be published once at least thirty days prior to the hearing date in a newspaper of general circulation and mailed at least thirty days before the hearing date to a person who has submitted a written request for advance notice of hearing. A rule shall be filed in accordance with the State Rules Act.

Chapter 19 Section 7 Laws 2004

Section 7. DEPARTMENT RESPONSIBILITIES.--The department is responsible for:

A. assisting veterans, their surviving spouses and their children in the preparation, presentation and prosecution of claims against the United States arising by reason of military or naval service;

B. assisting veterans, their surviving spouses and their children in establishing the rights and the procurement of benefits that have accrued or may accrue to them pursuant to state law;

C. disseminating information regarding laws beneficial to veterans, their surviving spouses and their children; and

D. cooperating with agencies of the United States that are or may be established for the beneficial interest of veterans, to which end the department may enter into agreements or contracts with the United States for the purpose of protecting or procuring rights or benefits for veterans.

Chapter 19 Section 8 Laws 2004

Section 8. ORGANIZATIONAL UNITS OF DEPARTMENT--POWERS AND DUTIES SPECIFIED BY LAW--ACCESS TO INFORMATION.--The powers and duties of the officers of the organizational units of the department shall be subject to the direction and supervision of the secretary, and the secretary shall retain final decision-making authority and responsibility in accordance with Section 6 of the Veterans' Services Department Act. The department shall have access to all records, data and

information of other departments, agencies and institutions, including its own organizational units not specifically held confidential by law.

Chapter 19 Section 9 Laws 2004

Section 9. DIVISIONS--DIRECTORS.--The secretary may appoint, with the approval of the governor, "directors" of the divisions that are established within the department. Directors are exempt from the Personnel Act.

Chapter 19 Section 10 Laws 2004

Section 10. BUREAUS--CHIEFS.--The secretary may establish, within each division, such "bureaus" that the secretary deems necessary to carry out the provisions of the Veterans' Services Department Act. The secretary shall appoint a "chief" to be the administrative head of a bureau. All chiefs and subsidiary employees of the department shall be covered by the Personnel Act, unless otherwise provided by law.

Chapter 19 Section 11 Laws 2004

Section 11. ADMINISTRATIVE SERVICES DIVISION--DUTIES.--

A. The administrative services division shall provide administrative services to the department, including:

- (1) keeping all official records of the department;
- (2) providing clerical services in the areas of personnel and budget preparation;
- (3) providing clerical, record-keeping and administrative support to agencies administratively attached to the department at their request;
- (4) coordinating short- and long-term planning of the department; and
- (5) administering programs and grants that have been assigned to the department by the secretary or governor or by statute.

B. The administrative services division shall provide fiduciary services, including acting as either court-appointed conservator or representative payee for veterans adjudicated as unable to handle their own financial affairs without assistance. The division shall manage fiduciary funds and safeguard the assets for veterans and their dependents.

Chapter 19 Section 12 Laws 2004

Section 12. FIELD SERVICES DIVISION--POWERS AND DUTIES.--The field services division shall assist veterans and their families with claims for federal veterans' administration compensation, pensions, education, medical care and death benefits.

The field services division shall operate field offices throughout the state to provide services and disseminate information regarding all federal and state laws beneficial to veterans and their families.

Chapter 19 Section 13 Laws 2004

Section 13. STATE APPROVING DIVISION.--

A. The state approving division is the state approving agency for the purposes of 38 USCA Section 3671.

B. The state approving division shall evaluate and approve educational programs and training programs for all persons and veterans eligible for educational assistance pursuant to the provisions of Title 38 of the United States Code. Approval of courses, educational programs and training programs, including training on the job, by the state approving division shall be in accordance with the provisions of Title 38 of the United States Code.

Chapter 19 Section 14 Laws 2004

Section 14. STATE BENEFITS DIVISION.--The state benefits division shall:

A. provide oversight of veterans' service organizations;

B. develop or coordinate veterans' programs and outreach, including transitional living, housing, health care and economic development; and

C. determine eligibility for, conduct or oversee state-funded veterans' services and benefits, including determining eligibility for veteran property tax exemptions, hunting and fishing licensing and motor vehicle license plate programs; managing the Vietnam and children of deceased veterans scholarship programs; and overseeing the state funeral honors and burial program and state veterans' cemeteries, monuments and museums.

Chapter 19 Section 15 Laws 2004

Section 15. VETERANS' SERVICES ADVISORY BOARD--

CREATED--PURPOSE.--

A. The "veterans' services advisory board" is created, composed of five members from different geographical regions of the state who shall be veterans appointed by the governor. Members of the board shall serve at the pleasure of the governor. Members of the board may be paid per diem and mileage as provided in the Per Diem and Mileage Act but shall receive no other compensation, perquisite or allowance.

B. The veterans' services advisory board shall advise the secretary and the department on matters related to veterans.

Chapter 19 Section 16 Laws 2004

Section 16. POWER TO ACT AS A PERSONAL REPRESENTATIVE OR CONSERVATOR.--

A. The department may act as a:

- (1) personal representative of a deceased veteran;
- (2) conservator of the estate of a minor child of a veteran;
- (3) conservator of the estate of an incompetent veteran; or

(4) conservator of the estate of a person who is a bona fide resident of New Mexico and who is certified by the United States veterans' administration as having money due from the veterans' administration, the payment of which is dependent upon the appointment of a conservator for the person.

B. A fee shall not be allowed or paid to the department for acting as a personal representative or conservator.

C. When the department is appointed as a personal representative in the last will of a veteran, the court or officer authorized to grant testamentary letters in the state shall, upon the proper application, grant testamentary letters to the department. When application is made to a court or officer having authority to grant letters of administration with the will annexed upon the estate of a veteran or upon the estate of a deceased veteran who may have died intestate, and there is no person entitled to the letters who is qualified, competent, willing or able to accept such administration, the court or officer may, at the request of a party interested in the estate, grant letters of administration to the department. A court or officer having authority to grant letters of guardianship of an infant may, upon the same application as is required by law for the appointment of a guardian of such an infant, appoint the department as conservator of the estate of an infant who is the child of a veteran. A court having jurisdiction to appoint a conservator of the estate of an incompetent may appoint the department to be such conservator when the incompetent is a veteran. A court having jurisdiction over a person who is a resident of New Mexico, and who is certified by the United States veterans' administration as having money due from the veterans' administration, the payment of which is dependent upon the appointment of a conservator for the person, may appoint the department to be the conservator.

D. The court or officer may make orders respecting the department as the personal representative or conservator and may require the department to render all accounts that the court or officer might lawfully require if the personal representative or conservator were a natural person.

Chapter 19 Section 17 Laws 2004

Section 17. COURT PROCEEDINGS FOR APPOINTMENT AS PERSONAL REPRESENTATIVE OR CONSERVATOR.--The department may institute a proceeding in a court of competent jurisdiction for appointment as personal representative of the

estate of a deceased veteran or as conservator of the estate of a minor child of a veteran or as conservator of the estate of an incompetent veteran without cost and tax.

Chapter 19 Section 18 Laws 2004

Section 18. ACTION AS A PERSONAL REPRESENTATIVE OR CONSERVATOR--BOND.--The department shall post with the secretary of state a corporate surety bond in the amount of five hundred thousand dollars (\$500,000). The bond shall be conditioned upon the faithful discharge of the duties of the department as personal representative or conservator and shall inure to the use and benefit of each person or estate for whom the department is appointed to act. In a case or proceeding in which the department is appointed as a personal representative of the estate of a veteran or as a conservator of the estate of an incompetent veteran or as a conservator of the estate of a minor child of a veteran, the department shall act without additional bond and the court or official having jurisdiction shall so order in its order of appointment.

Chapter 19 Section 19 Laws 2004

Section 19. BOND PREMIUM COST PRORATION.--In each case where the department is appointed to serve as a personal representative or conservator of the estate of a beneficiary of the United States veterans' administration, the court in which the estate is filed shall authorize a charge for each estate's share of the bond premium to be paid from the assets of the estate. The department shall determine the charge to be made against each estate, and the aggregate amount of all charges shall not exceed the bond premium. It is the intent of the legislature that this charge shall be the share of each estate in the cost of the bond that the department posts as provided in Section 18 of the Veterans' Services Department Act.

Chapter 19 Section 20 Laws 2004

Section 20. OATHS AND AFFIRMATIONS.--The secretary and the employees designated by the secretary may administer oaths and affirmations and execute attestation and certificates.

Chapter 19 Section 21 Laws 2004

Section 21. Section 7-37-5.1 NMSA 1978 (being Laws 2000, Chapter 92, Section 1 and Laws 2000, Chapter 94, Section 1, as amended by Laws 2003, Chapter 29, Section 1 and by Laws 2003, Chapter 57, Section 2) is amended to read:

"7-37-5.1. DISABLED VETERAN EXEMPTION.--

A. As used in this section:

(1) "disabled veteran" means an individual who:

(a) has been honorably discharged from membership in the armed forces of the United States or has received a discharge certificate from a branch of the armed forces of the United States for civilian service recognized pursuant to federal law as service in the armed forces of the United States; and

(b) has been determined pursuant to federal law to have a one hundred percent permanent and total service-connected disability; and

(2) "honorably discharged" means discharged from the armed forces pursuant to a discharge other than a dishonorable or bad conduct discharge.

B. The property of a disabled veteran, including joint or community property of the veteran and the veteran's spouse, is exempt from property taxation if it is occupied by the disabled veteran as his principal place of residence. Property held in a grantor trust established under

Sections 671 through 677 of the Internal Revenue Code of 1986, as those sections may be amended or renumbered, by a disabled veteran or the veteran's surviving spouse is also exempt from property taxation if the property otherwise meets the requirements for exemption in this subsection or Subsection C of this section.

C. The property of the surviving spouse of a disabled veteran is exempt from property taxation if:

(1) the surviving spouse and the disabled veteran were married at the time of the disabled veteran's death; and

(2) the surviving spouse continues to occupy the property continuously after the disabled veteran's death as the spouse's principal place of residence.

D. The exemption provided by this section may be referred to as the "disabled veteran exemption".

E. The disabled veteran exemption shall be applied only if claimed and allowed in accordance with

Section 7-38-17 NMSA 1978 and the rules of the department.

F. The veterans' services department shall assist the department and the county assessors in determining which veterans qualify for the disabled veteran exemption."

Chapter 19 Section 22 Laws 2004

Section 22. Section 7-38-17 NMSA 1978 (being Laws 1973, Chapter 258, Section 57, as amended) is amended to read:

"7-38-17. CLAIMING EXEMPTIONS--REQUIREMENTS--PENALTIES.--

A. Subject to the requirements of Subsection E of this section, head-of-family exemptions claimed and allowed in the 1974 or a subsequent tax year, veteran exemptions claimed and allowed in the 1982 or a subsequent tax year or disabled veteran exemptions claimed and allowed in the 2000 or a subsequent tax year need not be claimed for subsequent tax years if there is no change in eligibility for the exemption nor any change in ownership of the property against which the exemption was claimed. Head-of-family and veteran exemptions allowable under this subsection shall be applied automatically by county assessors in the subsequent tax years.

B. Beginning with the 1983 tax year, other exemptions of real property specified under Section 7-36-7 NMSA 1978 for nongovernmental entities shall be claimed in order to be allowed. Once such exemptions are claimed and allowed for a tax year, they need not be claimed for subsequent tax years if there is no change in eligibility. Exemptions allowable under this subsection shall be applied automatically by county assessors in subsequent tax years.

C. An exemption required to be claimed under this section shall be applied for no later than thirty days after the mailing of the county assessor's notices of valuation pursuant to Section 7-38-20 NMSA 1978 in order for it to be allowed for that tax year.

D. A person who has had an exemption applied to a tax year and subsequently becomes ineligible for the exemption because of a change in the person's status or a change in the ownership of the property against which the exemption was applied shall notify the county assessor of the loss of eligibility for the exemption by the last day of February of the tax year immediately following the year in which loss of eligibility occurs.

E. Exemptions may be claimed by filing proof of eligibility for the exemption with the county assessor. The proof shall be in a form prescribed by regulation of the department. Procedures for determining eligibility of claimants for any exemption shall be prescribed by regulation of the department, and these regulations shall include provisions for requiring the veterans' services department to issue certificates of eligibility for veteran exemptions in a form and with the information required by the department. The regulations shall also include verification procedures to assure that veteran exemptions in excess of the amount authorized under Section 7-37-5 NMSA 1978 are not allowed as a result of multiple claiming in more than one county or claiming against more than one property in a single tax year.

F. The department shall consult and cooperate with the veterans' services department in the development and promulgation of regulations under Subsection E of this section. The veterans' services department shall comply with the promulgated regulations. The veterans' services department shall collect a fee of five dollars (\$5.00) for the issuance of a duplicate certificate of eligibility to a veteran.

G. A person who violates the provisions of this section by intentionally claiming and receiving the benefit of an exemption to which the person is not entitled or who fails to comply with the provisions of Subsection D of this section is guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars (\$1,000). A county assessor or the assessor's employee who knowingly permits a claimant for an exemption to receive the benefit of an exemption to which the claimant is not entitled is guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars (\$1,000) and shall also be automatically removed from office or dismissed from employment upon conviction under this subsection."

Chapter 19 Section 23 Laws 2004

Section 23. Section 15-3-34 NMSA 1978 (being Laws 1991, Chapter 39, Section 1, as amended) is amended to read:

"15-3-34. PUBLIC BUILDINGS--FLAG DISPLAY.--The prisoner of war and missing in action flag shall be displayed on legal public holidays in New Mexico at all public buildings with flagpoles owned by the state in accordance with rules adopted by the veterans' services department."

Chapter 19 Section 24 Laws 2004

Section 24. Section 21-21E-2 NMSA 1978 (being Laws 1985, Chapter 171, Section 2) is amended to read:

"21-21E-2. DISBURSEMENTS FROM FUND.--

A. A Vietnam veteran may apply to the veterans' services department for a scholarship. The department shall determine the eligibility of an applicant and certify approved applicants to the commission on higher education.

B. The commission on higher education shall pay by voucher to the appropriate educational institution an amount not exceeding the amount of the scholarship for an approved Vietnam veteran.

C. Money in the fund shall be allocated in the order that applications are received and approved."

Chapter 19 Section 25 Laws 2004

Section 25. Section 23-4-1 NMSA 1978 (being Laws 1974 (S.S.), Chapter 2, Section 1, as amended) is amended to read:

"23-4-1. VETERANS' HOME CREATED--ADVISORY BOARD.--

A. The "New Mexico state veterans' home" located near Truth or Consequences, New Mexico, is declared to be a state home for veterans of service in the armed forces of the United States.

B. The "Fort Bayard medical center veterans' unit", a separate and distinct unit of the Fort Bayard medical center, located near Silver City, New Mexico, is declared to be a state home for veterans of service in the armed forces of the United States.

C. There is created the "New Mexico veterans' advisory board". The advisory board shall consist of nine members as follows:

(1) the secretary of veterans' services or his designee;

- department;
- (2) the director of the state benefits division of the veterans' services
 - (3) a veteran of World War II;
 - (4) the administrator of a private nursing home;
 - (5) a registered nurse who is employed by a public or private nursing home;
 - (6) a veteran of the Korean conflict;
 - (7) a veteran of the Vietnam conflict;
 - (8) a veteran of the Gulf War; and
 - (9) a veteran of the Iraqi Freedom conflict.

D. The governor shall appoint the members designated in Paragraphs (3) through (9) of Subsection C of this section, and their terms shall be for three years each.

E. The New Mexico state veterans' home shall be under the control of the department of health.

F. The New Mexico veterans' advisory board shall provide advice to the secretary of health and the administrators of the New Mexico state veterans' home and the Fort Bayard medical center regarding veterans' services."

Chapter 19 Section 26 Laws 2004

Section 26. Section 28-14-2 NMSA 1978 (being Laws 1949, Chapter 170, Section 2, as amended) is amended to read:

"28-14-2. AMOUNTS PAYABLE TO INSTITUTIONS--ELIGIBILITY.--The amounts due to any educational or training institution pursuant to Chapter 28, Article 14 NMSA 1978 shall be payable to those institutions on vouchers signed by the secretary of veterans' services or the secretary's authorized representative. The veterans' services department shall determine the eligibility of children making application for the benefits provided in Chapter 28, Article 14 NMSA 1978 and shall satisfy itself of the attendance of the children and of the accuracy of charges submitted to the department. No staff of the department shall receive any compensation for this service except as provided in the Per Diem and Mileage Act."

Chapter 19 Section 27 Laws 2004

Section 27. Section 28-14-3 NMSA 1978 (being Laws 1949, Chapter 170, Section 3, as amended by Laws 1975, Chapter 29, Section 3 and by Laws 1975, Chapter 89, Section 2) is amended to read:

"28-14-3. SELECTION BY VETERANS' SERVICES DEPARTMENT.--Children who are to receive the educational benefits provided under Section 28-14-1 NMSA 1978 shall be selected by the veterans' services department on the basis of need and merit. Nominations shall be made by:

- A. the department, for children of deceased veterans;
- B. the adjutant general, for children of deceased national guard of New Mexico members; and
- C. the New Mexico state police board, for children of deceased New Mexico state police members."

Chapter 19 Section 28 Laws 2004

Section 28. Section 66-3-418 NMSA 1978 (being Laws 1990, Chapter 46, Section 1) is amended to read:

"66-3-418. PURPOSE.--The purpose of providing special registration plates for veterans of the armed forces is to allow veterans to be publicly recognized and to enable veterans to support the activities of the veterans' services department by annually purchasing such license plates in addition to paying the regular motor vehicle registration fees."

Chapter 19 Section 29 Laws 2004

Section 29. Section 66-3-419 NMSA 1978 (being Laws 1990, Chapter 46, Section 2, as amended) is amended to read:

"66-3-419. SPECIAL REGISTRATION PLATES FOR ARMED FORCES VETERANS.--

- A. The department shall issue distinctive registration plates indicating that the recipient is a veteran of the armed forces of the United States, as defined in Section 28-13-7 NMSA 1978, or is retired from the national guard or military reserves, if that person submits proof satisfactory to the department of honorable discharge from the armed forces or of retirement from the national guard or military reserves.
- B. For a fee of fifteen dollars (\$15.00), which shall be in addition to the regular motor vehicle registration fees, any motor vehicle owner who is a veteran of the armed forces of the United States or is retired from the national guard or military reserves may apply for the issuance of a special registration plate as defined in Subsection A of this section. No two owners shall be issued identically lettered or numbered plates.
- C. The fifteen-dollar (\$15.00) fee provided in Subsection B of this section shall be waived for each registration period in which a validating sticker is issued under the provisions of Section 66-3-17 NMSA 1978, in lieu of the issuance of a special armed forces veteran plate.
- D. Each armed forces veteran may elect to receive a veteran-designation decal to be placed across the top of the plate, centered above the registration number. Replacement

or different veteran-designation decals shall be available for purchase from the department at a reasonable charge to be set by the secretary. The department shall furnish the following veteran-designation decals with the armed forces veteran plate to a:

- (1) medal of honor recipient;
- (2) silver star recipient;
- (3) bronze star recipient;
- (4) navy cross recipient;
- (5) distinguished service cross recipient;
- (6) air force cross recipient;
- (7) ex-prisoner of war;
- (8) disabled veteran;
- (9) purple heart veteran;
- (10) atomic veteran;
- (11) Pearl Harbor survivor;
- (12) Navajo code talker;
- (13) Vietnam veteran;
- (14) Korean veteran;
- (15) disabled Korean veteran;
- (16) World War II veteran;
- (17) World War I veteran;
- (18) Grenada veteran;
- (19) Panama veteran;
- (20) Desert Storm veteran; or
- (21) Iraqi Freedom veteran.

E. The revenue from the special registration plates for the armed forces veterans fee imposed by Subsection B of this section shall be distributed as follows:

(1) seven dollars (\$7.00) of the fee collected for each registration plate shall be retained by the department and is appropriated to the department for the manufacture and issuance of the registration plates; and

(2) eight dollars (\$8.00) of the fee collected for each registration plate shall be transferred pursuant to the provisions of Subsection F of this section.

F. There is created in the state treasury the "armed forces veterans license fund". A portion of the fee collected for each special registration plate for armed forces veterans, as provided in Subsection E of this section, shall be transferred to the state treasurer for the credit of the fund. Expenditures from the fund shall be made on vouchers issued and signed by the secretary of veterans' services or his authorized representative upon warrants drawn by the department of finance and administration for the purpose of expanding services to rural areas of the state, including Native American communities and senior citizen centers. Any unexpended or unencumbered balance remaining at the end of any fiscal year in the armed forces veterans license fund shall not revert to the general fund."

Chapter 19 Section 30 Laws 2004

Section 30. TEMPORARY PROVISION--TRANSFER OF FUNCTIONS, PERSONNEL, PROPERTY, CONTRACTS AND REFERENCES IN LAW.--

A. The transfer of functions, personnel, appropriations, money, records, equipment, supplies, other property and contractual obligations of the New Mexico veterans' service commission to the veterans' services department pursuant to executive order issued in accordance with Laws 2003, Chapter 403 is approved.

B. All references in law to the New Mexico veterans' service commission shall be deemed to be references to the veterans' services department.

Chapter 19 Section 31 Laws 2004

Section 31. RECOMPILATION.--Section 28-13-16 NMSA 1978 (being Laws 1921, Chapter 61, Section 1, as amended) is recompiled in Chapter 14, Article 8 NMSA 1978.

Chapter 19 Section 32 Laws 2004

Section 32. APPROPRIATION.--Two hundred ten thousand dollars (\$210,000) is appropriated from the general fund to the veterans' services department for expenditure in fiscal year 2005 to carry out the purposes of the Veterans' Services Department Act. Any unexpended or unencumbered balance remaining at the end of the fiscal year 2005 shall revert to the general fund.

Chapter 19 Section 33 Laws 2004

Section 33. REPEAL.--Sections 28-13-1 through 28-13-14 NMSA 1978 (being Laws 1977, Chapter 252, Section 33, Laws 1979, Chapter 317, Sections 1 through 3, Laws 1927, Chapter 147, Sections 3 through 5, Laws 1935, Chapter 18, Section 1, Laws 1937, Chapter 87, Section 2, Laws 1939, Chapter 110, Sections 1 and 2, Laws 1957, Chapter 176, Section 4 and Laws 1973, Chapter 83, Sections 1 and 2, as amended) are repealed.

Senate Bill 164, aa, w/cc
Approved February 28, 2004

LAWS 2004, CHAPTER 20

AN ACT

RELATING TO GOVERNMENT ORGANIZATION; CHANGING THE NAME OF THE GOVERNOR'S COMMITTEE ON CONCERNS OF THE HANDICAPPED TO THE GOVERNOR'S COMMISSION ON DISABILITY.

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

Chapter 20 Section 1 Laws 2004

Section 1. Section 28-10-1 NMSA 1978 (being Laws 1973, Chapter 349, Section 1, as amended) is amended to read:

"28-10-1. GOVERNOR'S COMMISSION ON DISABILITY.--

A. There is created the "governor's commission on disability" consisting of fifteen members, nine of whom shall be appointed by the governor. The six remaining members shall be the director of the vocational rehabilitation division of the public education department, the secretary of labor or his designee, the director of the behavioral health services division of the department of health, the secretary of children, youth and families or his designee, the director of the state agency on aging or his designee and the secretary of human services or his designee. Initially, three members shall be appointed for terms ending December 31, 1978, three members for terms ending December 31, 1980 and three members for terms ending December 31, 1982. Thereafter, appointments shall be for six years expiring on December 31 of even-numbered years. Appointed members shall be appointed from different geographic areas of the state and from the major disability services in the state. Appointed members shall include individuals with disabilities, representatives of government, private enterprise, parents or guardians of individuals with disabilities and professionals in, or those who are interested in, service for individuals with disabilities. Not more than five of the members appointed by the governor shall be of the same political party.

B. A majority of the members of the commission constitutes a quorum for the transaction of business. The commission shall meet at least twice a year and shall annually elect a chairman and a vice chairman.

C. The commission shall be primarily concerned with those individuals with disabilities who have a condition which, regardless of its physical or mental origin, constitutes a substantial occupational disadvantage."

Chapter 20 Section 2 Laws 2004

Section 2. Section 28-10-2 NMSA 1978 (being Laws 1973, Chapter 349, Section 2, as amended) is amended to read:

"28-10-2. GOVERNOR'S COMMISSION ON DISABILITY--POWERS AND DUTIES.--
The governor's commission on disability shall establish and maintain a comprehensive statewide program designed to encourage and promote attention to the concerns of the training and employment of individuals with disabilities in this state. To further this purpose, the commission shall:

- A. cooperate with the president's committee on employment of individuals with disabilities and other federal efforts on behalf of disability concerns;
- B. cooperate with all employers and training leaders, both public and private, in locating or developing employment opportunities for individuals with disabilities;
- C. encourage and assist in the organization and operation of committees at the community level, the chairmen of which shall automatically become members of the advisory council authorized under Section 28-10-4 NMSA 1978;
- D. assist state, local and federal agencies to coordinate their activities to secure maximum utilization of funds and efforts that aid in the training and employment of individuals with disabilities;
- E. enter into written agreements with public and private employers, unions and rehabilitation agencies for the purpose of achieving the maximum employment of individuals with disabilities;
- F. inform individuals with disabilities who are seeking jobs of specific facilities available to assist them in locating suitable training and employment;
- G. conduct educational programs via publications and other means to acquaint the public, the legislature and the governor with the abilities and the accomplishments of individuals with disabilities;
- H. promote the elimination of architectural barriers in construction so as to make buildings used by the public readily accessible to and usable by persons with physical limitations;
- I. make such rules as it determines advisable for the conduct of its own business;
- J. designate standing committees related to state planning, community organization, public relations and information, legislative action, federal coordination, state coordination, youth, medical rehabilitation, employers and awards;

K. designate such special committees as necessary for undetermined periods to carry out special short-term programs;

L. establish and administer a residential accessibility modification program to assist low-income individuals with disabilities to make accessibility modifications to residential dwellings as needed to enable those individuals with disabilities to remain in their homes or to leave institutional settings and be reintegrated into the community; and

M. give advice and testimony on disability concerns to the governor or the legislature or any committee established by them, upon request."

Chapter 20 Section 3 Laws 2004

Section 3. Section 28-10-3 NMSA 1978 (being Laws 1973, Chapter 349, Section 3, as amended) is amended to read:

"28-10-3. ADDITIONAL POWERS.--The governor's commission on disability:

A. may receive on behalf of the state any gifts, donations or bequests from any source to be used in carrying out its duties; and

B. is designated as the state agency for handling all programs of the federal government related to the concerns of individuals with disabilities except those designated by law as the responsibility of another state agency and may enter into contracts and agreements with agencies of the federal government for this purpose that do not conflict with existing programs of other state agencies."

Chapter 20 Section 4 Laws 2004

Section 4. Section 28-10-3.1 NMSA 1978 (being Laws 1995, Chapter 95, Section 1) is amended to read:

"28-10-3.1. FULL-SERVICE GASOLINE STATIONS--DECAL DISPLAY--SERVICE TO INDIVIDUALS WITH DISABILITIES.--

A. The governor's commission on disability shall design and produce a decal for display in full-service gasoline stations signifying that the gasoline station will provide gasoline pumping, window washing, fluid checks and other services provided at its full-service island to any properly permitted or certified disabled driver at a self-service island.

B. Any full-service gasoline station providing the services described in Subsection A of this section may request and shall receive the decal upon application to the governor's commission on disability.

C. No gasoline station shall display the decal issued by the governor's commission on disability unless it provides full service to any disabled driver at a self-service island.

D. Any gasoline station owner or operator who displays a decal signifying that the station will provide additional services to disabled drivers at a self-service island and who fails to provide that service shall be subject to revocation of their decal for display according to this section."

Chapter 20 Section 5 Laws 2004

Section 5. Section 28-10-3.3 NMSA 1978 (being Laws 1999, Chapter 297, Section 2) is amended to read:

"28-10-3.3. PROGRAM CREATED.--The "placard abuse prevention program" is created in the governor's commission on disability to ensure compliance with statutes affecting parking privileges for persons with severe mobility impairment and safe and effective use of designated disabled parking space. The commission shall design and implement a program to:

A. monitor the system of eligibility for and use of parking placards and special registration plates;

B. provide public awareness education and training to address barriers to the appropriate use of designated disabled parking space;

C. pursue efforts to reduce abuse and misuse of designated disabled parking space privileges, including revocation of parking placards and special registration plates; and

D. provide education, training and technical assistance to local law enforcement agencies and volunteers on enforcement of statutes affecting use of designated disabled parking space."

Chapter 20 Section 6 Laws 2004

Section 6. Section 28-10-4 NMSA 1978 (being Laws 1973, Chapter 349, Section 4, as amended) is amended to read:

"28-10-4. ADVISORY COUNCIL.--

A. The governor's commission on disability shall appoint an appropriate advisory council on disability, which shall include representatives of state departments and agencies and individuals attentive to the concerns of individuals with disabilities.

B. The advisory council shall meet at the call of the chairman and shall make recommendations to the governor's-commission on disability for the improvement and coordination of state activities relative to the concerns of individuals with disabilities."

Chapter 20 Section 7 Laws 2004

Section 7. Section 28-10-5 NMSA 1978 (being Laws 1973, Chapter 349, Section 5, as amended) is amended to read:

"28-10-5. FUND FOR THE HANDICAPPED CREATED.--

A. There is created in the state treasury a "fund for the handicapped". All funds, gifts, donations, bequests and other income of the governor's commission on disability shall be deposited by the director of the commission in that fund and shall be available to the commission to further the purpose of Sections 28-10-1 through 28-10-8.1 NMSA 1978 or for the purposes stated by the donor or grantor of the funds.

B. Distributions made to the fund for the handicapped from the handicapped housing modification permanent fund shall constitute a separate account in the fund and are appropriated to the governor's commission on disability for the purpose of carrying out a residential accessibility modification program.

C. Money in the fund for the handicapped shall not revert but shall be used only as provided in Sections 28-10-1 through 28-10-8.1 NMSA 1978."

Chapter 20 Section 8 Laws 2004

Section 8. Section 28-10-6 NMSA 1978 (being Laws 1973, Chapter 349, Section 6, as amended) is amended to read:

"28-10-6. REPORTS.--The governor's commission on disability and the advisory council on disability shall submit reports on their work for the preceding year to the governor and the legislature at least forty-five days prior to each regular legislative session. The report shall contain recommendations on present and future needs of individuals with disabilities."

Chapter 20 Section 9 Laws 2004

Section 9. Section 28-10-7 NMSA 1978 (being Laws 1973, Chapter 349, Section 7, as amended) is amended to read:

"28-10-7. COMPENSATION.--Members of the governor's-commission on disability shall be reimbursed as provided in the Per Diem and Mileage Act but shall receive no other compensation, perquisite or allowance. Members of the advisory council on disability may receive reimbursement in the same manner from funds available to the commission, only for advisory council meetings."

Chapter 20 Section 10 Laws 2004

Section 10. Section 28-10-8 NMSA 1978 (being Laws 1982, Chapter 13, Section 1) is amended to read:

"28-10-8. ADMINISTRATIVE ATTACHMENT.--The governor's-commission on disability is administratively attached, as defined in the Executive Reorganization Act, to the department of finance and administration."

Chapter 20 Section 11 Laws 2004

Section 11. Section 28-10-8.1 NMSA 1978 (being Laws 1982, Chapter 13, Section 2) is amended to read:

"28-10-8.1. DIRECTOR--COMMISSION STAFF.--The governor's commission on disability shall appoint a director who is the administrative officer of the commission. The director shall employ other necessary employees under the provisions of the Personnel Act."

Chapter 20 Section 12 Laws 2004

Section 12. TEMPORARY PROVISION--TRANSFERS.--

A. On the effective date of this act, all appropriations, money, personnel, records, files, equipment, furniture and other property of the governor's committee on concerns of the handicapped are transferred to the governor's commission on disability.

B. On the effective date of this act, all contractual obligations of the governor's committee on concerns of the handicapped shall be binding on the governor's commission on disability.

C. On the effective date of this act, all references in law to the governor's committee on concerns of the handicapped shall be deemed to be references to the governor's commission on disability.

Senate Bill 177, aa
Approved February 28, 2004

LAWS 2004, CHAPTER 21

AN ACT

RELATING TO GOVERNMENT REORGANIZATION; AMENDING STATE WORKFORCE DEVELOPMENT BOARD REPRESENTATION.

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

Chapter 21 Section 1 Laws 2004

Section 1. Section 50-14-3 NMSA 1978 (being Laws 1999, Chapter 260, Section 3) is amended to read:

"50-14-3. STATE WORKFORCE DEVELOPMENT BOARD.--

A. The "state workforce development board" is created. The board consists of members as provided in the federal Workforce Investment Act of 1998 as follows:

(1) the governor;

(2) the speaker of the house of representatives shall appoint two members from the house of representatives;

and (3) the president pro tempore shall appoint two members from the senate;

(4) the governor shall appoint:

designee; (a) the secretary of economic development or the secretary's

(b) the secretary of human services or the secretary's designee;

(c) the secretary of labor or the secretary's designee;

(d) the secretary of public education or the secretary's designee;

(e) representatives of business to ensure that a majority of the members of the board are representatives of business;

labor; (f) two representatives of organized labor nominated by organized

(g) two chief elected officials;

(h) two representatives of organizations that have special knowledge and experience of youth training activities;

(i) two representatives of organizations that have experience and expertise in the delivery of workforce investment activities, including one chief executive officer of a community college; and

(j) one community-based organization that conducts training activities.

B. In making the appointments, the speaker of the house, the president pro tempore and the governor shall consider gender, ethnicity and geographic diversity.

C. A vacancy on the board shall be filled in the same manner as regular appointments are made for the unexpired portion of the regular term.

D. All terms shall be for four years.

E. A majority of the members of the board shall be representatives of business who are owners of businesses, chief executives or operating officers of businesses and other business executives or employers with optimum policymaking or hiring authority, including members of local boards.

F. The governor shall appoint one of the business representatives as chairman of the board.

G. The board shall meet at the call of the chairman.

H. A majority of the board members constitutes a quorum.

I. Members are eligible to be paid pursuant to the Per Diem and Mileage Act.

J. A member of the board may not vote on a matter under consideration by the board relating to provision of services by the member or by the entity the member represents, or that would provide direct financial benefit to the member or his immediate family, or that is an activity determined by the governor to be a conflict of interest as provided in the state plan prepared pursuant to the federal Workforce Investment Act of 1998."

Senate Bill 257, aa
Approved February 28, 2004

LAWS 2004, CHAPTER 22

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE; AMENDING THE DEFINITION OF LICENSED PREMISES IN THE LIQUOR CONTROL ACT; DECLARING AN EMERGENCY.

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

Chapter 22 Section 1 Laws 2004

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 such 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. For the purposes of 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 civil aeronautics board;

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 his 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 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, including 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, "licensed premises" includes 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;

N. "local option district" means a county that has voted to approve the sale, serving or public consumption of alcoholic beverages, or any incorporated municipality that falls within a county that has voted to approve the sale, serving or public consumption of alcoholic beverages, or any 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 his 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; and

AA. "winer" means a winegrower."

Chapter 22 Section 2 Laws 2004

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

SEC/Senate Bill 581, w/ec
Approved February 28, 2004

LAWS 2004, CHAPTER 23

AN ACT

RELATING TO EXECUTIVE ORGANIZATION; CREATING THE AGING AND LONG-TERM SERVICES DEPARTMENT; PROVIDING POWERS AND DUTIES; PROVIDING FOR A PHASED TRANSITION TO THE NEW DEPARTMENT; APPROVING TRANSFERS OF FUNCTIONS, PERSONNEL, MONEY, APPROPRIATIONS AND PROPERTY.

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

Chapter 23 Section 1 Laws 2004

Section 1. SHORT TITLE.--Sections 1 through 11 of this act may be cited as the "Aging and Long-Term Services Department Act".

Chapter 23 Section 2 Laws 2004

Section 2. PURPOSE.--The purpose of the Aging and Long-Term Services Department Act is to create a single, unified department to administer all laws and exercise all functions formerly administered by the state agency on aging and to administer laws and exercise functions of the human services department, the department of health and the children, youth and families department that relate to aging, adults with disabilities or long-term care services.

Chapter 23 Section 3 Laws 2004

Section 3. DEFINITIONS.--As used in the Aging and Long-Term Services Department Act:

- A. "department" means the aging and long-term services department; and
- B. "secretary" means the secretary of aging and long-term services.

Chapter 23 Section 4 Laws 2004

Section 4. DEPARTMENT CREATED--DIVISIONS.--

A. The "aging and long-term services department" is created. The department is a cabinet department and includes the following divisions:

- (1) administrative services division;
- (2) consumer and elder rights division;
- (3) aging network services division;
- (4) long-term care division; and
- (5) adult protective services division.

B. The secretary may organize the department and the divisions specified in Subsection A of this section and may transfer or merge functions between divisions in the interest of efficiency and economy.

Chapter 23 Section 5 Laws 2004

Section 5. SECRETARY OF AGING AND LONG-TERM SERVICES--APPOINTMENT.--

A. The chief executive and administrative officer of the department is the "secretary of aging and long-term services". The secretary shall be appointed by the governor with the consent of the senate. The secretary shall hold that office at the pleasure of the governor and shall serve in the executive cabinet.

B. An appointed secretary shall serve and have all of the duties, responsibilities and authority of that office during the period of time prior to final action by the senate confirming or rejecting the secretary-designate's appointment.

Chapter 23 Section 6 Laws 2004

Section 6. SECRETARY--DUTIES AND GENERAL POWERS.--

A. The secretary 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.

B. To perform the secretary's duties, the secretary has every power expressly enumerated in the laws, whether granted to the secretary or the department or any division of the department, except where authority conferred upon any division is explicitly exempted from the secretary's authority by statute. In accordance with these provisions, the secretary shall:

(1) except as otherwise provided in the Aging and Long-Term Services Department Act, exercise general supervisory and appointing authority over all department employees, subject to any applicable personnel laws and regulations;

(2) delegate authority to subordinates as the secretary deems necessary and appropriate, clearly delineating such delegated authority and the limitations thereto;

(3) organize the department into those organizational units the secretary deems will enable it to function most efficiently, subject to provisions of law requiring or establishing specific organizational units;

(4) within the limitations of available appropriations and applicable laws, employ and fix the compensation of those persons necessary to discharge the secretary's duties;

(5) take administrative action by issuing orders and instructions, not inconsistent with the law, to ensure implementation of and compliance with the provisions of law for whose administration or execution the secretary is responsible and to enforce those orders and instructions by appropriate administrative action in the courts;

(6) conduct research and studies that will improve the operations of the department and the provision of services to the citizens of the state;

(7) provide courses of instruction and practical training for employees of the department and other persons involved in the administration of programs with the objective of improving the operations and efficiency of administration;

(8) prepare an annual budget of the department;

(9) provide cooperation, at the request of heads of administratively attached agencies, in order to:

(a) minimize or eliminate duplication of services and jurisdictional conflicts;

(b) coordinate activities and resolve problems of mutual concern; and

(c) resolve by agreement the manner and extent to which the department shall provide budgeting, record-keeping and related clerical assistance to administratively attached agencies; and

(10) appoint, with the governor's consent, for each division, a "director". These appointed positions are exempt from the provisions of the Personnel Act. Persons appointed to these positions shall serve at the pleasure of the secretary.

C. The secretary may apply for and receive, with the governor's approval, in the name of the department, any public or private funds, including United States government funds, available to the department to carry out its programs, duties or services.

D. Where functions of departments overlap or a function assigned to one department could better be performed by another department, the secretary may recommend appropriate legislation to the next session of the legislature for its approval.

E. The secretary may make and adopt such reasonable procedural rules as may be necessary to carry out the duties of the department and its divisions. A rule promulgated by the director of any division in carrying out the functions and duties of the division shall not be effective until approved by the secretary unless otherwise provided by statute. Unless otherwise provided by statute, no rule affecting any person or agency outside the department shall be adopted, amended or repealed without a public hearing on the proposed action before the secretary or a hearing officer designated by the secretary. The public hearing shall be held in Santa Fe unless otherwise permitted by statute. Notice of the subject matter of the rule, the action proposed to be taken, the time and place of the hearing, the manner in which interested persons may present their views and the method by which copies of the proposed rule, proposed amendment or repeal of an existing rule may be obtained shall be published once at least thirty days prior to the hearing date in a newspaper of general circulation and mailed at least thirty days prior to the hearing date to all persons who have made a written request for advance notice of hearing. Rules shall be filed in accordance with the State Rules Act.

Chapter 23 Section 7 Laws 2004

Section 7. DIVISION DIRECTORS.--The secretary shall appoint, with the approval of the governor, "directors" of divisions established in the department. The directors so appointed are exempt from the Personnel Act.

Chapter 23 Section 8 Laws 2004

Section 8. BUREAUS--CHIEFS.--The secretary may establish in the divisions such bureaus as the secretary deems necessary to carry out the provisions of the Aging and Long-Term Services Department Act. The secretary shall employ a "chief" to be the administrative head of a bureau.

Chapter 23 Section 9 Laws 2004

Section 9. DIVISIONS--GENERAL DUTIES.--In addition to the duties assigned to each division of the department by the secretary:

A. the administrative services division shall provide clerical, recordkeeping and administrative support to the department in the areas of personnel, budget, procurement and contracting;

B. the consumer and elder rights division shall administer the long-term care ombudsman program and provide health insurance and benefits counseling and legal services;

C. the aging network services division shall administer the federal Older Americans' Act programs;

D. the long-term care division shall administer home- and community-based long-term care programs; and

E. the adult protective services division shall provide adult protective services.

Chapter 23 Section 10 Laws 2004

Section 10. OFFICE OF INDIAN ELDER AFFAIRS CREATED.--The "office of Indian elder affairs" is created within the office of the secretary. The office of Indian elder affairs shall assume the responsibilities of the Indian area agency on aging, including contract management, program compliance monitoring, technical assistance, advocacy and training to pueblo and Apache tribe Older Americans Act of 1965 programs, and to establish relationships that support the efforts of the Navajo area agency on aging, and shall participate with the other divisions of the department to review and make recommendations regarding other health and social programs of the department that serve Indian elders. Abolishment or transfer of the office of Indian elder affairs out of the department shall require approval of the legislature.

Chapter 23 Section 11 Laws 2004

Section 11. ORGANIZATIONAL UNITS OF THE DEPARTMENT--POWERS AND DUTIES SPECIFIED BY LAW--ACCESS TO INFORMATION.--Those organizational units of the department and the officers of those units specified by law shall have all of the powers and duties enumerated in the specific laws involved. However, the carrying out of those powers and duties shall be subject to the direction and supervision of the secretary, who shall retain the final decision-making authority and responsibility for the administration of any such laws as provided in Subsection B of

Section 6 of the Aging and Long-Term Services Act. The department shall have access to all records, data and information of other state departments, agencies and institutions, including its own organizational units, not specifically held confidential by law.

Chapter 23 Section 12 Laws 2004

Section 12. Section 9-8-8 NMSA 1978 (being Laws 1977, Chapter 252, Section 9, as amended) is amended to read:

"9-8-8. ADMINISTRATIVELY ATTACHED AGENCIES.--The commission on the status of women is administratively attached to the human services department in accordance with the Executive Reorganization Act."

Chapter 23 Section 13 Laws 2004

Section 13. TEMPORARY PROVISION--TRANSFER OF FUNCTIONS, PERSONNEL, PROPERTY, CONTRACTS AND REFERENCES IN LAW.--

A. The transfer of functions, personnel, appropriations, money, records, equipment, supplies, other property and contractual obligations of the state agency on aging to the aging and long-term care department pursuant to executive order issued in accordance with Laws 2003, Chapter 403 is approved and transferred to the aging and long-term services department. All references in law to the state agency on aging shall be deemed to be references to the aging and long-term services department.

B. It is the intent of the legislature that consolidation of state services and programs into the aging and long-term services department be accomplished as quickly as practicable, without disruption in services, as follows:

(1) the functions of the traumatic brain injury program that was administered by the department of health shall be transferred to the aging and long-term services department by July 1, 2004;

(2) the functions of the home- and community-based medicaid waiver program for the disabled and elderly, the medicaid centralized screening and intake services program, the medicaid personal care option program, the program of all-inclusive care for the elderly and other home- and community-based long-term care programs that serve seniors or adults with disabilities that were administered by the human services department shall be transferred to the aging and long-term services department by no later than January 1, 2005; and

(3) the functions of the adult protective services, adult day care, attendant care and other home- and community-based long-term care programs that serve seniors or adults with disabilities that were administered by the children, youth and families department shall be transferred to the aging and long-term services department by no later than January 1, 2006.

C. At the time of transfer of an agency or program, all personnel, money, appropriations, records, files, furniture, equipment and other property related to that agency or program shall be transferred to the aging and long-term services department. The governor's office and the state budget division of the department of finance and administration shall assist in the identification of personnel, money, appropriations and property to be transferred and shall certify to the legislature that resources transferred from other agencies to the aging and long-term services department are sufficient to continue the same level of services.

D. Contractual and other obligations of an agency or program shall be obligations of the aging and long-term services department.

E. After the effective date of the transfers provided in Subsection B of this section, references in law to the programs being transferred shall be deemed to be references to the aging and long-term services department.

F. The secretary of aging and long-term services shall provide periodic updates to the legislative finance committee and the legislative health and human services committee on the progress of the transition and integration plan and the establishment of the aging and long-term services department. By November 1, 2005, the secretary shall provide the legislative health and human services committee with a comprehensive plan to provide long-term care and related services for all populations, including recommendations, if any, for the transfer of additional long-term services programs from other departments to the aging and long-term services department. Such plan shall be developed with public input and the assistance of an advisory committee representing consumers, advocacy organizations, providers, other departments and stakeholders.

House Bill 34, aa
Approved February 28, 2004

LAWS 2004, CHAPTER 24

AN ACT

RELATING TO EXECUTIVE ORGANIZATION; CREATING THE INDIAN AFFAIRS DEPARTMENT; PROVIDING FOR A SECRETARY OF INDIAN AFFAIRS; PROVIDING POWERS AND DUTIES; APPROVING TRANSFERS OF APPROPRIATIONS, MONEY, PERSONNEL, PROPERTY, CONTRACTUAL OBLIGATIONS AND STATUTORY REFERENCES.

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

Chapter 24 Section 1 Laws 2004

Section 1. SHORT TITLE.--Sections 1 through 15 of this act may be cited as the "Indian Affairs Department Act".

Chapter 24 Section 2 Laws 2004

Section 2. PURPOSE.--The purpose of the Indian Affairs Department Act is to create a single, unified department to administer all laws and exercise all functions formerly administered and executed by the New Mexico office of Indian affairs.

Chapter 24 Section 3 Laws 2004

Section 3. DEFINITIONS.--As used in the Indian Affairs Department Act:

- A. "department" means the Indian affairs department; and
- B. "secretary" means the secretary of Indian affairs.

Chapter 24 Section 4 Laws 2004

Section 4. DEPARTMENT CREATED.--The "Indian affairs department" is created in the executive branch. The department is a cabinet department and includes the following divisions:

- A. the administrative services division; and
- B. the program services division.

Chapter 24 Section 5 Laws 2004

Section 5. SECRETARY OF INDIAN AFFAIRS.--

A. The chief executive and administrative officer of the department is the "secretary of Indian affairs". The secretary shall be appointed by the governor with the consent of the senate. The secretary shall hold the office at the pleasure of the governor and shall serve in the executive cabinet.

B. An appointed secretary shall serve and have all of the duties, responsibilities and authority of that office during the period of time prior to final action by the senate confirming or rejecting the secretary's appointment.

Chapter 24 Section 6 Laws 2004

Section 6. SECRETARY--DUTIES AND GENERAL POWERS.--

A. The secretary 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.

B. To perform his duties, the secretary has every power expressly enumerated in the laws, whether granted to the secretary or any division of the department, except where authority conferred upon any division in the department is explicitly exempted from the secretary's authority by statute. In accordance with these provisions, the secretary shall:

(1) except as otherwise provided in the Indian Affairs Department Act, exercise general supervisory and appointing authority over all department employees, subject to any applicable personnel laws and rules;

(2) delegate authority to subordinates as necessary and appropriate, clearly delineating such delegated authority and the limitations thereto;

(3) organize the department into those organizational units that will enable it to function most efficiently, subject to any provisions of law requiring or establishing specific organizational units;

(4) within the limitations of available appropriations and applicable laws, employ and fix the compensation of those persons necessary to discharge the secretary's duties;

(5) take administrative action by issuing orders and instructions, not inconsistent with the law, to ensure implementation of and compliance with the provisions of law with the administration or execution of which the secretary is responsible, and to enforce those orders and instructions by appropriate administrative action or actions in the courts;

(6) conduct research and studies that will improve the operations of the department and the provision of services to the citizens of the state;

(7) provide courses of instruction and practical training for employees of the department and other persons involved in the administration of programs with the objective of improving the operations and efficiency of administration;

(8) prepare an annual budget of the department;

(9) provide cooperation, at the request of heads of administratively attached agencies, in order to:

(a) minimize or eliminate duplication of services and jurisdictional conflicts;

(b) coordinate activities and resolve problems of mutual concern;

(c) resolve by agreement the manner and extent to which the department shall provide budgeting, record-keeping and related clerical assistance to administratively attached agencies; and

(10) appoint, with the governor's consent, for each division, a "director". These appointed positions are exempt from the provisions of the Personnel Act. Persons appointed to these positions shall serve at the pleasure of the secretary.

C. The secretary may apply for and receive, with the governor's approval, in the name of the department, any public or private funds, including United States government funds, available to the department to carry out its programs, duties or services.

D. Where functions of departments overlap, or a function assigned to one department could better be performed by another department, the secretary may recommend appropriate legislation to the next session of the legislature for its approval.

E. The secretary may make and adopt such reasonable procedural rules as may be necessary to carry out the duties of the department and its divisions. A rule promulgated by the director of a division in carrying out the functions and duties of the division shall not be effective until approved by the secretary. Unless otherwise provided by statute, a rule affecting a person or agency outside the department shall not be adopted, amended or repealed without a public hearing on the proposed action before the secretary or a hearing officer designated by the secretary. The public hearing shall be held in Santa Fe unless otherwise permitted by statute. Notice of the subject matter of the rule, the action proposed to be taken, the time and place of the hearing, the manner in which interested persons may present their views and the method by which copies of the proposed rule, proposed amendment or repeal of an existing rule may be obtained shall be published once at least thirty days prior to the hearing date in a newspaper of general circulation and mailed at least thirty days prior to the hearing date to all persons who have made a written request for advance notice of hearing. All rules shall be filed in accordance with the State Rules Act.

Chapter 24 Section 7 Laws 2004

Section 7. DEPARTMENT--ADDITIONAL POWERS AND DUTIES.--

A. The department is the coordinating agency for intergovernmental and interagency programs concerning tribal governments and the state.

B. The department shall:

(1) investigate, study, consider and act upon the entire subject of Indian conditions and relations within New Mexico, including problems of health, economy and education and the effect of local, state and federal legislative, executive and judicial actions. In performing its functions, the department shall provide an opportunity for the presentation and exchange of ideas in respect to Indian affairs of the state by all interested persons; and

(2) assist in setting the policy, and act as the clearinghouse, for all state programs affecting the Indian people of New Mexico.

C. The department may:

(1) hold hearings, conduct meetings, make investigations and confer with officials of local, state and federal agencies to secure cooperation between the local, state, federal and Indian tribal governments in the promotion of the welfare of the Indian people of New Mexico;

(2) contract with tribal governments, public agencies or private persons to provide services and facilities for promoting the welfare of the Indian people of New Mexico; and

(3) solicit and accept gifts, grants, donations, bequests and devises.

Chapter 24 Section 8 Laws 2004

Section 8. ORGANIZATIONAL UNITS OF THE DEPARTMENT--POWERS AND DUTIES SPECIFIED BY LAW--ACCESS TO INFORMATION.--

A. Those organizational units of the department and the officers of those units specified by law shall have all of the powers and duties enumerated in the specific laws involved. However, the carrying out of those powers and duties shall be subject to the direction and supervision of the secretary, who shall retain the final decision-making authority and responsibility for the administration of any such laws.

B. The department shall have access to all records, data and information of other state departments that are not specifically held confidential by law.

Chapter 24 Section 9 Laws 2004

Section 9. DIVISION DIRECTORS.--Except as otherwise provided by law, the secretary shall appoint, with the approval of the governor, "directors" of divisions established within the department. The directors so appointed are exempt from the Personnel Act.

Chapter 24 Section 10 Laws 2004

Section 10. BUREAU CHIEFS.--The secretary may establish within each division such "bureaus" as the secretary deems necessary to carry out the provisions of the Indian Affairs Department Act. The secretary shall appoint a "chief" to be the administrative head of a bureau. A chief and all subsidiary employees of the department are covered by the Personnel Act unless otherwise provided by law.

Chapter 24 Section 11 Laws 2004

Section 11. ADMINISTRATIVE SERVICES DIVISION--DUTIES.--The administrative services division shall provide administrative services to the department, including:

A. keeping all official records of the department;

B. providing clerical services in the areas of personnel and budget preparation;
and

C. providing clerical, record-keeping and administrative support to agencies administratively attached to the department, at their request.

Chapter 24 Section 12 Laws 2004

Section 12. PROGRAM SERVICES DIVISION--DUTIES.--The program services division shall provide program implementation and support for field programs and services.

Chapter 24 Section 13 Laws 2004

Section 13. INDIAN AFFAIRS COMMISSION CREATED.--

A. The "Indian affairs commission" is created. The commission shall consist of ten members who are residents of New Mexico appointed by the governor as follows:

- (1) three members shall be Pueblo Indians;
- (2) three members shall be Navajo Indians;
- (3) two members shall be Apache Indians;
- (4) one member shall be an urban Indian; and
- (5) one member shall be a non-Indian.

B. Indian members, except the urban Indian member, shall be appointed from lists of names submitted by the all Indian pueblo council, the Jicarilla and Mescalero tribal councils and the Navajo Nation.

C. Members serve at the pleasure of the governor. Vacancies shall be filled by appointment by the governor for the unexpired term.

D. The governor shall appoint the chairman and the commission may select such other officers as the commission deems necessary.

E. Members may receive per diem and mileage pursuant to the Per Diem and Mileage Act, but shall receive no other compensation, perquisite or allowance.

Chapter 24 Section 14 Laws 2004

Section 14. POWERS OF THE COMMISSION.--The commission shall:

A. conduct meetings to provide an opportunity for the presentation and exchange of ideas with respect to Indian affairs by any interested party that result in the promotion of the welfare of the Indian people;

B. receive and disseminate information on issues that significantly impact the welfare of the Indian people;

C. apprise the secretary of the conditions in Native American communities in New Mexico; and

D. advise the secretary on policy matters related to the department's powers and duties.

Chapter 24 Section 15 Laws 2004

Section 15. PRESERVATION OF INDIAN LEGENDS.--The department may employ not more than two persons for each Indian tribe or pueblo in the state to record the legends of the tribe or pueblo in the English language for the purpose of making them available for dissemination to the public. Persons employed to record the legends shall be members of the tribe or pueblo, shall have knowledge of both English and the language spoken by the particular tribe or pueblo and shall be familiar with a means of recording the legends in the English language. The department may employ personnel and purchase recording equipment necessary to fulfill the purpose of this section.

Chapter 24 Section 16 Laws 2004

Section 16. Section 9-8-8 NMSA 1978 (being Laws 1977, Chapter 252, Section 9, as amended) is amended to read:

"9-8-8. ADMINISTRATIVELY ATTACHED AGENCIES.--The commission on the status of women is administratively attached to the human services department in accordance with the Executive Reorganization Act."

Chapter 24 Section 17 Laws 2004

Section 17. TEMPORARY PROVISION--TRANSFER OF FUNCTIONS, PERSONNEL, PROPERTY, CONTRACTS AND REFERENCES IN LAW.--The transfer of functions, personnel, appropriations, money, records, equipment, supplies, other property, contractual obligations and statutory references of the New Mexico office of Indian affairs to the Indian affairs department pursuant to executive order issued in accordance with Laws 2003, Chapter 403 is approved.

Chapter 24 Section 18 Laws 2004

Section 18. REPEAL.--Sections 28-12-4 through 28-12-9 NMSA 1978 (being Laws 1975 (1st S.S.), Chapter 11, Section 1, Laws 1955, Chapter 162, Sections 2 through 4, Laws 1967, Chapter 225, Section 1 and Laws 1955, Chapter 162, Section 5, as amended) are repealed.

House Bill 39, aa
Approved February 28, 2004

LAWS 2004, CHAPTER 25

AN ACT

RELATING TO EXECUTIVE ORGANIZATION; CREATING THE CULTURAL AFFAIRS DEPARTMENT; PROVIDING FOR A SECRETARY OF CULTURAL AFFAIRS; PROVIDING POWERS AND DUTIES; TRANSFERRING APPROPRIATIONS, MONEY, PERSONNEL AND PROPERTY FROM THE OFFICE OF CULTURAL AFFAIRS TO THE CULTURAL AFFAIRS DEPARTMENT.

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

Chapter 25 Section 1 Laws 2004

Section 1. SHORT TITLE.--Sections 1 through 10 of this act may be cited as the "Cultural Affairs Department Act".

Chapter 25 Section 2 Laws 2004

Section 2. PURPOSE.--The purpose of the Cultural Affairs Department Act is to create a single, unified department to administer all laws and exercise all functions formerly administered and executed by the office of cultural affairs.

Chapter 25 Section 3 Laws 2004

Section 3. DEFINITIONS.--As used in the Cultural Affairs Department Act:

- A. "department" means the cultural affairs department; and
- B. "secretary" means the secretary of cultural affairs.

Chapter 25 Section 4 Laws 2004

Section 4. DEPARTMENT CREATED.--The "cultural affairs department" is created in the executive branch. The department is a cabinet department and includes the following divisions:

- A. administrative services division;
- B. arts division;
- C. historic preservation division;
- D. library division;
- E. Hispanic cultural division;
- F. farm and ranch heritage museum division;
- G. natural history and science museum division;

H. museum of space history division;

I. museum services division; and

J. the following divisions that make up the museum of New Mexico:

(1) palace of the governors state history museum division;

(2) museum of fine art division;

(3) museum of Indian arts and culture division;

(4) museum of international folk art division;

(5) archaeological services division; and

(6) state monuments division.

Chapter 25 Section 5 Laws 2004

Section 5. SECRETARY.--

A. The chief executive and administrative officer of the department is the "secretary of cultural affairs". The secretary shall be appointed by the governor with the consent of the senate. The secretary shall hold the office at the pleasure of the governor and shall serve in the executive cabinet.

B. An appointed secretary shall serve and have all the duties, responsibilities and authority of that office during the period of time prior to final action by the senate confirming or rejecting the appointment.

Chapter 25 Section 6 Laws 2004

Section 6. SECRETARY--DUTIES AND GENERAL POWERS.--

A. The secretary 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 he or the department is charged.

B. To perform the secretary's duties, the secretary has every power expressly enumerated in the laws, whether granted to the secretary of the department, or any division of the department, except where authority conferred upon any division therein is explicitly exempted from the secretary's authority by statute.

In accordance with these provisions, the secretary shall:

(1) except as otherwise provided in the Cultural Affairs Department Act, exercise general supervisory and appointing authority over all department employees, subject to any applicable personnel laws and rules;

(2) delegate authority to subordinates as the secretary deems necessary and appropriate, clearly delineating such delegated authority and the limitations thereto;

(3) organize the department into those organizational units the secretary deems will enable it to function most efficiently, subject to any provisions of law requiring or establishing specific organizational units;

(4) within the limitations of available appropriations and applicable laws, employ and fix the compensation of those persons necessary to discharge the secretary's duties;

(5) take administrative action by issuing orders and instructions, not inconsistent with the law, to ensure implementation of and compliance with the provisions of law for whose administration or execution the secretary is responsible, and to enforce those orders and instructions by appropriate administrative action or actions in the courts;

(6) conduct research and studies that will improve the operations of the department and the provision of services to the citizens of the state;

(7) provide courses of instruction and practical training for employees of the department and other persons involved in the administration of programs with the objective of improving the operations and efficiency of the administration;

(8) prepare an annual budget of the department;

(9) provide cooperation, at the request of heads of administratively attached agencies, in order to:

(a) minimize or eliminate duplication of services and jurisdictional conflicts;

(b) coordinate activities and resolve problems of mutual concern;

(c) resolve by agreement the manner and extent to which the department shall provide budgeting, record-keeping and related clerical assistance to administratively attached agencies; and

(10) appoint, with the governor's consent, for each division, a "director". These appointed positions are exempt from the provisions of the Personnel Act. Persons appointed to these positions shall serve at the pleasure of the secretary.

C. The secretary may apply for and receive, with the governor's approval, in the name of the department, any public or private funds, including United States government funds, available to the department to carry out its programs, duties or services.

D. Where functions of departments overlap, or a function assigned to one department could better be performed by another department, a secretary may recommend appropriate legislation to the next session of the legislature for its approval.

E. The secretary may make and adopt such reasonable procedural rules as may be necessary to carry out the duties of the department and its divisions. A rule promulgated by the director of a division in carrying out the functions and duties of the division shall not be effective until approved by the secretary. Unless otherwise provided by statute, a rule affecting a person or agency outside the department shall not be adopted, amended or repealed without a public hearing on the proposed action before the secretary or a hearing officer designated by him. The public hearing shall be held in Santa Fe unless otherwise permitted by statute. Notice of the subject matter of the rule, the action proposed to be taken, the time and place of the hearing, the manner in which interested persons may present their views and the method by which copies of the proposed rule, proposed amendment or repeal of an existing rule may be obtained shall be published once at least thirty days prior to the hearing date in a newspaper of general circulation and mailed at least thirty days prior to the hearing date to all persons who have made a written request for advance notice of hearing. All rules shall be filed in accordance with the State Rules Act.

Chapter 25 Section 7 Laws 2004

Section 7. ORGANIZATIONAL UNITS OF THE DEPARTMENT--POWERS AND DUTIES SPECIFIED BY LAW--ACCESS TO INFORMATION.--

A. Those organizational units of the department and the officers of those units specified by law shall have all the powers and duties enumerated in the specific laws involved. However, the carrying out of those powers and duties shall be subject to the direction and supervision of the secretary, who shall retain the final decision-making authority and responsibility for the administration of any such laws.

B. The department shall have access to all records, data and information of other state departments that are not specifically held confidential by law.

Chapter 25 Section 8 Laws 2004

Section 8. DIVISION DIRECTORS.--Except as otherwise provided by law, the secretary shall appoint, with the approval of the governor, "directors" of divisions established within the department. The directors so appointed are exempt from the Personnel Act.

Chapter 25 Section 9 Laws 2004

Section 9. BUREAU CHIEFS.--The secretary may establish within each division such "bureaus" as the secretary deems necessary to carry out the provisions of the Cultural Affairs Department Act. The secretary shall appoint a "chief" to be the administrative head of a bureau. The chief and all subsidiary employees of the department are covered by the Personnel Act, unless otherwise provided by law.

Chapter 25 Section 10 Laws 2004

Section 10. ADMINISTRATIVE SERVICES DIVISION--DUTIES.--The administrative services division shall provide administrative services to the department, including:

A. keeping all official records of the department;

B. providing clerical services in the areas of personnel and budget preparation;
and

C. providing clerical, record-keeping and administrative support to agencies administratively attached to the department, at their request.

Chapter 25 Section 11 Laws 2004

Section 11. Section 18-2-3 NMSA 1978 (being Laws 1977, Chapter 246, Section 10, as amended) is amended to read:

"18-2-3. LIBRARY DIVISION--CREATION--DIRECTOR.--

A. The "library division" is created within the cultural affairs department.

B. Subject to the authority of the secretary of cultural affairs, the administrative and executive head of the library division is the "state librarian". The state librarian shall be appointed by the secretary."

Chapter 25 Section 12 Laws 2004

Section 12. MUSEUM SERVICES DIVISION.--The "museum services division" is created within the cultural affairs department. The museum services division shall provide support in exhibitions, statewide education services, publishing and other services requested by the museums or the secretary.

Chapter 25 Section 13 Laws 2004

Section 13. MUSEUM OF FINE ART DIVISION CREATED--LOCATION--BOARD OF REGENTS.--

A. The "museum of fine art division" is created in the cultural affairs department. The museum of fine art located in Santa Fe shall be operated as a division of the cultural affairs department under the imprimatur of the museum of New Mexico. The museum of New Mexico board of regents shall exercise trusteeship over the museum of fine art.

B. The director of the division shall meet the following minimum qualifications:

(1) hold a bachelor's or higher degree in a discipline related to the function of the division; and

(2) have significant experience in the management and operation of an organization similar to the division.

C. The director shall be appointed by the secretary of cultural affairs from a list of no less than three names provided by the museum of New Mexico board of regents.

Chapter 25 Section 14 Laws 2004

Section 14. PALACE OF THE GOVERNORS STATE HISTORY MUSEUM DIVISION CREATED--LOCATION--BOARD OF REGENTS.--

A. The "palace of the governors state history museum division" is created in the cultural affairs department. The palace of the governors state history museum located in Santa Fe shall be operated as a division of the cultural affairs department under the imprimatur of the museum of New Mexico. The museum of New Mexico board of regents shall exercise trusteeship over the palace of the governors state history museum.

B. The director of the division shall meet the following minimum qualifications:

(1) hold a bachelor's or higher degree in a discipline related to the function of the division; and

(2) have significant experience in the management and operation of an organization similar to the division.

C. The director shall be appointed by the secretary of cultural affairs from a list of no less than three names provided by the museum of New Mexico board of regents.

Chapter 25 Section 15 Laws 2004

Section 15. MUSEUM OF INTERNATIONAL FOLK ART DIVISION CREATED--LOCATION--BOARD OF REGENTS.--

A. The "museum of international folk art division" is created in the cultural affairs department. The museum of international folk art located in Santa Fe shall be operated as a division of the cultural affairs department under the imprimatur of the museum of New Mexico. The museum of New Mexico board of regents shall exercise trusteeship over the museum of international folk art.

B. The director of the division shall meet the following minimum qualifications:

(1) hold a bachelor's or higher degree in a discipline related to the function of the division; and

(2) have significant experience in the management and operation of an organization similar to the division.

C. The director shall be appointed by the secretary of cultural affairs from a list of no less than three names provided by the museum of New Mexico board of regents.

Chapter 25 Section 16 Laws 2004

Section 16. MUSEUM OF INDIAN ARTS AND CULTURE DIVISION CREATED--LOCATION--BOARD OF REGENTS.--

A. The "museum of Indian arts and culture division" is created in the cultural affairs department. The museum of Indian arts and culture located in Santa Fe shall be operated as a division of the cultural affairs department under the imprimatur of the museum of New Mexico. The museum of New Mexico board of regents shall exercise trusteeship over the museum of Indian arts and culture.

B. The director of the division shall meet the following minimum qualifications:

(1) hold a bachelor's or higher degree in a discipline related to the function of the division; and

(2) have significant experience in the management and operation of an organization similar to the division.

C. The director shall be appointed by the secretary of cultural affairs from a list of no less than three names provided by the museum of New Mexico board of regents.

Chapter 25 Section 17 Laws 2004

Section 17. STATE MONUMENTS DIVISION CREATED--BOARD OF REGENTS.--

A. The "state monuments division" is created in the cultural affairs department. The division shall manage the state's monuments, including:

(1) Coronado state monument;

(2) Jemez state monument;

(3) Fort Selden state monument;

(4) Fort Sumner state monument;

(5) Lincoln state monument;

(6) el camino real international heritage center; and

(7) The Taylor Reynolds Barela Mesilla state monument.

B. The state monuments shall operate under the imprimatur of the museum of New Mexico. The museum of New Mexico board of regents shall exercise trusteeship over the state monuments.

C. The director of the division shall meet the following minimum qualifications:

(1) hold a bachelor's or higher degree in a discipline related to the function of the division; and

(2) have significant experience in the management and operation of an organization similar to the division.

D. The director shall be appointed by the secretary of cultural affairs from a list of no less than three names provided by the museum of New Mexico board of regents.

Chapter 25 Section 18 Laws 2004

Section 18. ARCHAEOLOGICAL SERVICES DIVISION CREATED--BOARD OF REGENTS.--

A. The "archaeological services division" is created in the cultural affairs department. The division shall be operated as a division of the cultural affairs department under the imprimatur of the museum of New Mexico.

B. The museum of New Mexico board of regents shall exercise trusteeship over the archaeological services division.

C. The director of the division shall meet the following minimum qualifications:

(1) hold a bachelor's or higher degree in a discipline related to the function of the division; and

(2) have significant experience in the management and operation of an organization similar to the division.

D. The director shall be appointed by the secretary of cultural affairs from a list of no less than three names provided by the museum of New Mexico board of regents.

Chapter 25 Section 19 Laws 2004

Section 19. Section 18-3-1 NMSA 1978 (being Laws 1975, Chapter 264, Section 1, as amended) is amended to read:

"18-3-1. MUSEUM OF NEW MEXICO ESTABLISHED--LOCATION--PROPERTY.--

A. The "museum of New Mexico" is established. All properties, real or personal, now held for museum purposes and all properties, real or personal, which may be acquired for museum purposes at any time in the future shall be under the control of the museum board of regents of the museum of New Mexico.

B. The museum of New Mexico consists of:

- (1) the palace of the governors state history museum;
- (2) the museum of fine art;
- (3) the museum of Indian arts and culture;
- (4) the museum of international folk art;
- (5) archaeological services; and
- (6) the state monuments:
 - (a) Coronado state monument;
 - (b) Jemez state monument;
 - (c) Fort Selden state monument;
 - (d) Fort Sumner state monument;
 - (e) Lincoln state monument;
 - (f) el camino real international heritage center; and
 - (g) The Taylor Reynolds Barela Mesilla state monument."

Chapter 25 Section 20 Laws 2004

Section 20. Section 18-3-8 NMSA 1978 (being Laws 1949, Chapter 74, Section 1, as amended) is amended to read:

"18-3-8. LABORATORY OF ANTHROPOLOGY--ACCEPTANCE OF DEED AND TITLE.-
-The state of New Mexico accepts the deed and bill of sale and the title of the laboratory of anthropology building and land described in the deed dated September 30, 1947 and directs that the property become part of the museum of New Mexico and be controlled and administered by the cultural affairs department."

Chapter 25 Section 21 Laws 2004

Section 21. Section 18-3A-3 NMSA 1978 (being Laws 1980, Chapter 128, Section 3, as amended) is amended to read:

"18-3A-3. DEFINITIONS.--As used in the Natural History and Science Museum Act:

A. "board" means the board of trustees of the New Mexico museum of natural history and science;

B. "director" means the director of the division;

C. "division" means the natural history and science museum division of the cultural affairs department;

D. "museum" means the New Mexico museum of natural history and science;

E. "natural history" means that which pertains to the earth and its life, including but not limited to the fields of biology, geology and related life sciences; and

F. "physical science" means that which pertains to mathematics, physics, chemistry, astronomy and related sciences and technologies."

Chapter 25 Section 22 Laws 2004

Section 22. Section 18-3A-4 NMSA 1978 (being Laws 1980, Chapter 128, Section 4, as amended) is amended to read:

"18-3A-4. NATURAL HISTORY AND SCIENCE MUSEUM DIVISION--CREATION--LOCATION--PROPERTY.--

A. The "natural history and science museum division" is created within the cultural affairs department. The principal facility of this division is the "New Mexico museum of natural history and science" located in Albuquerque. The site shall be held in the name of the state.

B. All property, real or personal, now held or subsequently acquired for the operation of the museum shall be under the control and authority of the board.

C. Funds or other property received by gift, endowment or legacy shall remain under the control of the board and shall, upon acceptance, be employed for the purpose specified."

Chapter 25 Section 23 Laws 2004

Section 23. Section 18-3A-7 NMSA 1978 (being Laws 1987, Chapter 38, Section 5) is amended to read:

"18-3A-7. BOARD--POWERS AND DUTIES.--The board shall:

A. exercise trusteeship over the collections of the museum;

B. accept and hold title to all property for museum use;

C. review annually the performance of the director and report its findings to the secretary of cultural affairs;

D. enter into agreements or contracts with private or public organizations, agencies or individuals for the purpose of obtaining real or personal property for museum use;

E. authorize the director to solicit and receive funds or property of any nature for the development of the museum, its collections and its programs;

F. adopt such rules as may be necessary to carry out the provisions of this section; and

G. establish museum policy and determine the mission and direct the development of the institution subject to the decision of the secretary of cultural affairs in event of conflict between the board and the cultural affairs department."

Chapter 25 Section 24 Laws 2004

Section 24. Section 18-4-6 NMSA 1978 (being Laws 1949, Chapter 138, Section 5, as amended) is amended to read:

"18-4-6. LINCOLN MONUMENT--STATE MONUMENTS DIVISION--POWERS AND DUTIES.--The state monuments division of the cultural affairs department shall be entrusted with the protection and preservation of the old Lincoln county courthouse. The state monuments division shall maintain and operate the monument as a memorial and state museum of old Lincoln county, shall have power to acquire and hold real estate in the name of the state and to act in cooperation with the federal government or any of its agencies in preserving the monument and shall have power to accept gifts, grants and donations from any person, firm, corporation, agency or any group of persons for the collections of the museum or the maintenance and operation of the monument."

Chapter 25 Section 25 Laws 2004

Section 25. Section 18-5-2 NMSA 1978 (being Laws 1978, Chapter 70, Section 1, as amended) is amended to read:

"18-5-2. DEFINITIONS.--As used in Chapter 18, Article 5 NMSA 1978:

A. "commission" means the New Mexico arts commission;

B. "creative arts" means the act of writing, composing or designating and executing literature, including poetry; drama; music, including opera and choral works; ballet and dance; painting; sculpturing; graphic arts; photography; crafts; architecture; and films and television;

C. "director" means the executive head of the division;

D. "division" means the arts division of the cultural affairs department; and

E. "interpretative arts" means the act of interpreting the creative arts, including designing, publishing, printing and collecting of books; the producing, directing and performing of dramas; the performing of music and the producing, directing and performing of operas and choral works; the producing, directing and performing of ballet and dance; the conservation of architecture; and the producing, directing and performing of films and television."

Chapter 25 Section 26 Laws 2004

Section 26. Section 18-5-6 NMSA 1978 (being Laws 1978, Chapter 70, Section 5, as amended) is amended to read:

"18-5-6. DIVISION--CREATION--DIRECTOR--APPOINTMENT.--

A. The "arts division" is created within the cultural affairs department.

B. Subject to the authority of the secretary of cultural affairs, the administrative and executive head of the arts division is the "director" of the arts division. The director shall be hired by the secretary from a list of three to five names supplied by the commission."

Chapter 25 Section 27 Laws 2004

Section 27. Section 18-6-1 NMSA 1978 (being Laws 1969, Chapter 223, Section 1, as amended) is amended to read:

"18-6-1. SHORT TITLE.--Sections 18-6-1 through 18-6-17 NMSA 1978 may be cited as the "Cultural Properties Act"."

Chapter 25 Section 28 Laws 2004

Section 28. Section 18-6-6 NMSA 1978 (being Laws 1969, Chapter 223, Section 6, as amended) is amended to read:

"18-6-6. CULTURAL AFFAIRS DEPARTMENT--POWERS AND DUTIES RELATING TO THE CULTURAL PROPERTIES ACT.--

A. The cultural affairs department is responsible for administering, developing and maintaining all registered cultural properties in its ownership or custody.

B. Unless other locations are deemed more appropriate by the committee, in consultation with the museum of New Mexico, because of the nature of the property involved, the cultural affairs department shall be the depository for all collections made under the provisions of the Cultural Properties Act and shall make available material from such collections to museums in and out of the state on the request of the governing bodies of those museums when, in the opinion of the department, such use is appropriate and when arrangements are made for the safe custodianship and public exhibition of the material in accordance with department rules. The museum of New Mexico shall maintain a record of the location of all such collections.

C. The cultural affairs department may seek and accept gifts, donations and grants, subject to the provisions of Subsection B of Section 18-6-7 NMSA 1978, to be used to acquire, preserve or restore registered cultural properties.

D. The cultural affairs department may acquire by gift, purchase or, if no other means of acquisition are available, condemnation any cultural property or interest therein sufficient to preserve such property. Cultural properties so acquired shall be administered by the department or other appropriate state agencies in accordance with Subsections A and B of this section.

E. The cultural affairs department may enter into agreements with the committee to provide assistance in carrying out the duties of the committee."

Chapter 25 Section 29 Laws 2004

Section 29. Section 18-6-7 NMSA 1978 (being Laws 1969, Chapter 223, Section 7, as amended) is amended to read:

"18-6-7. HISTORIC PRESERVATION DIVISION--PLANNING--FISCAL ADMINISTRATION AND COOPERATION FOR PURPOSES OF THE CULTURAL PROPERTIES ACT.--

A. The state historic preservation officer of the historic preservation division of the cultural affairs department shall, with the concurrence of the committee, prepare a long-range plan for the preservation of cultural properties, including but not limited to the identification, acquisition, restoration and protection of historic and cultural properties and the maintenance and expansion of statewide historic and prehistoric site data bases.

B. The historic preservation division shall administer funds that are received, controlled and disbursed for the purposes of the Cultural Properties Act, unless such funds are specifically granted or appropriated to another agency.

C. Consistent with the Cultural Properties Act, the historic preservation division shall cooperate in all matters with the committee and other divisions of the cultural affairs department."

Chapter 25 Section 30 Laws 2004

Section 30. Section 18-6-8 NMSA 1978 (being Laws 1977, Chapter 246, Section 38, as amended) is amended to read:

"18-6-8. STATE HISTORIC PRESERVATION OFFICER--APPOINTMENT--QUALIFICATIONS--DUTIES.--

A. The "historic preservation division" is created within the cultural affairs department.

B. The state historic preservation officer shall be the director of the division and shall be hired by the secretary of cultural affairs with the consent of the governor. The position's qualifications shall be consistent with but not limited to the following:

(1) a graduate degree in American history, anthropology, architecture or historic preservation;

(2) at least five years of professional experience in American history, anthropology, architecture or historic preservation or any combination of these; or

(3) a substantial contribution through research and publication to the body of scholarly knowledge in the field of American history, anthropology, architecture or historic preservation or any combination of these.

C. The state historic preservation officer shall administer the Cultural Properties Act, including but not limited to being administrative head of all Cultural Properties Act functions assigned to the historic preservation division by law or executive order. In addition, the state historic preservation officer shall coordinate all duties performed by, and cooperate with, the committee, the secretary of cultural affairs and any other entities, public or private, involved with cultural properties.

D. The state historic preservation officer, in conjunction with the secretary of cultural affairs:

(1) shall provide staff to the committee;

(2) shall maintain the state register of cultural properties;

(3) may fund historic site surveys and may fund restorations;

(4) shall administer historic preservation tax benefit programs; and

(5) shall review state undertakings to determine their effect upon significant historic properties."

Chapter 25 Section 31 Laws 2004

Section 31. Section 18-6-15 NMSA 1978 (being Laws 1969, Chapter 223, Section 13, as amended) is amended to read:

"18-6-15. STATE ARCHAEOLOGIST.--The state archaeologist in the cultural affairs department is designated as "state archaeologist" for the purposes of the Cultural Properties Act. The state archaeologist shall be professionally recognized in the discipline of archaeology, shall have achieved recognition for accomplishments in his field in the American southwest and shall have a specialized knowledge of New Mexico."

Chapter 25 Section 32 Laws 2004

Section 32. Section 18-6-16 NMSA 1978 (being Laws 1978, Chapter 53, Section 1, as amended) is amended to read:

"18-6-16. PREPARATION AND SALE OF CULTURAL PROPERTIES PUBLICATIONS--REVOLVING FUND--REPORT.--The historic preservation division shall encourage and promote publications relating to cultural properties that have been prepared pursuant to the Cultural Properties Act. The historic preservation division may prepare or contract for the preparation of such publications on the condition that it receives from the sale of the publications the amount expended plus interest on that amount compounded annually at the prime lending rate quoted in the Wall Street Journal on the effective date of the contract until the expended amount is reimbursed in full to the division. All receipts from such sales shall go into a special revolving fund, which is hereby established. The historic preservation division shall adopt rules establishing guidelines and fiscal controls over the use of the revolving fund."

Chapter 25 Section 33 Laws 2004

Section 33. Section 18-6-20 NMSA 1978 (being Laws 1987, Chapter 7, Section 3) is amended to read:

"18-6-20. DEFINITIONS.--As used in the Historic Preservation Loan Act:

- A. "committee" means the cultural properties review committee;
- B. "division" means the historic preservation division of the cultural affairs department;
- C. "fund" means the historic preservation loan fund;
- D. "property owner" means the sole owner, joint owner, owner in partnership or corporate owner of a registered cultural property. As used in this subsection, the term "property owner" includes the owner of a leasehold interest in a registered cultural property, if the term of the lease is not less than nineteen years; and
- E. "registered cultural property" means a site, structure, building or object entered in the state register of cultural properties or the national register of historic places or both."

Chapter 25 Section 34 Laws 2004

Section 34. Section 18-6A-1 NMSA 1978 (being Laws 1993, Chapter 176, Section 1) is amended to read:

"18-6A-1. SHORT TITLE.-- Chapter 18, Article 6A NMSA 1978 may be cited as the "Cultural Properties Protection Act"."

Chapter 25 Section 35 Laws 2004

Section 35. Section 18-6A-2 NMSA 1978 (being Laws 1993, Chapter 176, Section 2) is amended to read:

"18-6A-2. DEFINITIONS.--As used in the Cultural Properties Protection Act:

- A. "committee" means the cultural properties review committee;
- B. "cultural property" means a structure, place, site or object having historic, archaeological, scientific, architectural or other cultural significance;
- C. "division" means the historic preservation division of the cultural affairs department;
- D. "fund" means the cultural properties restoration fund;
- E. "interpretation" means the inventory, registration, mapping and analysis of cultural properties and public educational programs designed to prevent the loss of cultural properties;
- F. "officer" means the state historic preservation officer;
- G. "preservation" means sustaining the existing form, integrity and material of a cultural property or the existing form and vegetative cover of a cultural property and may include protective maintenance or stabilization where necessary in the case of archaeological sites;
- H. "professional survey" means an archaeological or architectural survey;
- I. "protection" means safeguarding the physical condition or environment of a cultural property from deterioration or damage caused by weather or other natural, animal or human intrusions;
- J. "restoration" means recovering the general historic appearance of a cultural property or the form and details of an object or structure by removing incompatible natural or human-caused accretions and replacing missing elements as appropriate;
- K. "stabilization" means reestablishing the structural stability or weather-resistant condition of a cultural property or arresting deterioration that may lead to structural failure;
- L. "state agency" means a department, agency, institution or political subdivision of the state; and
- M. "state land" means property owned, controlled or operated by a state agency."

Chapter 25 Section 36 Laws 2004

Section 36. Section 18-7-1 NMSA 1978 (being Laws 1978, Chapter 72, Section 1, as amended by Laws 2001, Chapter 275, Section 2 and by Laws 2001, Chapter 278, Section 2) is amended to read:

"18-7-1. MUSEUM OF SPACE HISTORY DIVISION--CREATION.-- The "museum of space history division" is created within the cultural affairs department. The principal facility of the division is the "museum of space history" located in Alamogordo. The site shall be held in the name of the state."

Chapter 25 Section 37 Laws 2004

Section 37. Section 18-7-3 NMSA 1978 (being Laws 1978, Chapter 72, Section 3, as amended by Laws 2001, Chapter 275, Section 4 and by Laws 2001, Chapter 278, Section 4) is amended to read:

"18-7-3. COMMISSION--POWERS--DUTIES.--The museum of space history commission shall construct, maintain and operate the museum of space history for the benefit of the people of New Mexico, the nation and the world as an educational project interpreting man's conquest of space. The director of the division, under the supervision of the commission, shall:

A. collect and preserve objects relating to the history of rocketry, space flight, astronomy and related fields;

B. conduct research programs necessary to document the historical, scientific and technological advances of rocketry, space flight, astronomy and related fields;

C. disseminate the results of division research efforts through exhibits, public programs, publications and other methods deemed appropriate by the commission;

D. establish educational programs relating to space;

E. purchase supplies and necessary equipment and tools;

F. accept for the museum any federal matching funds or grants available for this project and related programs;

G. accept donations and bequests from individuals and entities for the museum and related programs;

H. acquire real and personal property in the name of the state for the museum;

I. employ and discharge personnel necessary for the operation of the museum;

J. prepare budgets for operation and capital improvements;

K. assume other duties and responsibilities as deemed necessary by the commission;

L. assume responsibility for new and related facilities as required; and

M. subject to the provisions of Section 18-7-3.1 NMSA 1978, impose admission fees to the museum facilities and programs."

Chapter 25 Section 38 Laws 2004

Section 38. Section 18-7-4 NMSA 1978 (being Laws 1978, Chapter 72, Section 4, as amended by Laws 2001, Chapter 275, Section 5 and by Laws 2001, Chapter 278, Section 5) is amended to read:

"18-7-4. DIRECTOR--EMPLOYMENT.--The director of the museum of space history division shall be hired by the secretary of cultural affairs."

Chapter 25 Section 39 Laws 2004

Section 39. Section 18-8-3 NMSA 1978 (being Laws 1989, Chapter 13, Section 3) is amended to read:

"18-8-3. DEFINITIONS.--As used in the New Mexico Prehistoric and Historic Sites Preservation Act:

A. "corporation" means a nonprofit corporation, formally recognized as tax exempt under Section 501(c)3 of the Internal Revenue Code of 1986, whose declared purposes include the investigation, preservation or conservation of significant prehistoric or historic sites;

B. "division" means the historic preservation division of the cultural affairs department; and

C. "significant prehistoric or historic sites" means properties listed in the state register of cultural properties or national register of historic places."

Chapter 25 Section 40 Laws 2004

Section 40. Section 18-11-1 NMSA 1978 (being Laws 1991, Chapter 48, Section 1) is amended to read:

"18-11-1. SHORT TITLE.--Chapter 18, Article 11 NMSA 1978 may be cited as the "Farm and Ranch Heritage Museum Act"."

Chapter 25 Section 41 Laws 2004

Section 41. Section 18-11-2 NMSA 1978 (being Laws 1991, Chapter 48, Section 2) is amended to read:

"18-11-2. DECLARATION AND PURPOSE OF ACT.--The legislature declares that the farming and ranching industry of the state has produced a unique common heritage of which all persons should receive knowledge and benefit. The purpose of the Farm and Ranch Heritage Museum Act is to create a farm and ranch heritage museum, which shall collect, preserve, study and display materials representative of the farming and ranching of the state and region and develop and maintain exhibits and programs of an educational nature for the benefit of the citizens of New Mexico and visitors to the state."

Chapter 25 Section 42 Laws 2004

Section 42. Section 18-11-3 NMSA 1978 (being Laws 1991, Chapter 48, Section 3) is amended to read:

"18-11-3. DEFINITIONS.--As used in the Farm and Ranch Heritage Museum Act:

- A. "board" means the board of the farm and ranch heritage museum;
- B. "director" means the director of the division;
- C. "division" means the farm and ranch heritage museum division of the cultural affairs department;
- D. "farm and ranch" means that which pertains to the field of agriculture and the various industries that affect agriculture, including but not limited to agronomy, livestock management, veterinary medicine, agricultural nutrition and other related agricultural businesses and sciences; and
- E. "museum" means the principal facility of the division, including all real and personal property of the division."

Chapter 25 Section 43 Laws 2004

Section 43. Section 18-11-4 NMSA 1978 (being Laws 1991, Chapter 48, Section 4) is amended to read:

"18-11-4. DIVISION CREATED--OPERATION--LOCATION--PROPERTY.--

- A. The "farm and ranch heritage museum division" is created within the cultural affairs department.
- B. The "farm and ranch heritage museum" shall be located on the campus of New Mexico state university in Dona Ana county.
- C. All property, real or personal, now held or subsequently acquired for the operation of the museum shall be under the control and authority of the cultural affairs department.
- D. Funds or other property received by gift, endowment or legacy shall remain under the control of the cultural affairs department and shall, upon acceptance, be employed for the purpose specified."

Chapter 25 Section 44 Laws 2004

Section 44. Section 18-11-5 NMSA 1978 (being Laws 1991, Chapter 48, Section 5) is amended to read:

"18-11-5. BOARD CREATED--APPOINTMENT--TERMS--OFFICERS.--

A. The "board of the farm and ranch heritage museum" is created.

B. The board shall consist of one nonvoting member and eleven voting members who are residents of New Mexico, as follows:

(1) eight members shall be appointed by the governor with the advice and consent of the senate. Five of those eight members shall be farmers or ranchers and three members shall be from the general public. The five farmer and rancher members of the original board shall be appointed from a list of eight names submitted by the board of directors of the New Mexico farm and ranch heritage institute foundation, incorporated, from a list of persons recommended by farm and ranch organizations. When a vacancy occurs in any of the five farmer and rancher positions, two names shall be submitted to the governor by the board for each vacancy from a list of persons recommended by farm and ranch organizations. No more than four of the eight appointed members shall be from the same political party. In making these appointments, due consideration shall be given to the distribution of places of residence and to individual interests and backgrounds in farming and ranching. Initially, two members shall be appointed for terms of two years, three members shall be appointed for terms of three years and three members shall be appointed for terms of four years. Thereafter, members of the board shall be appointed for terms of four years or less so that the staggered expiration dates are maintained;

(2) the following shall have permanent seats on the board:

(a) the director of the New Mexico department of agriculture or the director's designee;

(b) the dean of the college of agriculture and home economics of New Mexico state university or the dean's designee; and

(c) the secretary of cultural affairs or the secretary's designee; and

(3) the director shall be a nonvoting member of the board.

C. A member of the board shall not be removed during his term except for misconduct, incompetence, neglect of duty or malfeasance in office. No removal shall be made without prior approval of the senate.

D. The chairman of the board and other officers, as deemed necessary by the board, shall be elected by the board annually at its first scheduled meeting after July 1."

Chapter 25 Section 45 Laws 2004

Section 45. Section 18-11-7 NMSA 1978 (being Laws 1991, Chapter 48, Section 7) is amended to read:

"18-11-7. BOARD--POWERS AND DUTIES.--The board shall:

A. establish museum policy and determine the mission and direct the development of the museum subject to the approval of the secretary of cultural affairs;

B. adopt rules that may be necessary to carry out the provisions of this section;

C. exercise trusteeship over the collections of the museum;

D. accept and hold title to all property for museum use;

E. approve contracts or agreements that the division may enter into with private or public organizations, institutions, agencies or individuals to carry out the purposes of the Farm and Ranch Heritage Museum Act;

F. authorize the director to solicit and receive funds or property of any nature for the development of the museum, its collections and its programs; and

G. review annually the performance of the director and report its findings to the secretary of cultural affairs."

Chapter 25 Section 46 Laws 2004

Section 46. Section 18-11-9 NMSA 1978 (being Laws 1991, Chapter 48, Section 9) is amended to read:

"18-11-9. DIRECTOR--POWERS AND DUTIES.--Consistent with the policies agreed to by the board and the secretary of cultural affairs, the director:

A. shall be responsible for the administration and operation of the museum in accordance with the applicable statutes and rules;

B. shall develop exhibits and programs of an educational nature for the benefit of the public and in particular the students of schools of the state;

C. shall acquire, as authorized by the board, in the name of the state, through donation or other means, both real and personal property, including artifacts, collections and related materials appropriate to a farm and ranch museum and shall direct field and laboratory research as is appropriate to render the collections beneficial to the scientific community and to the public;

D. may solicit and receive funds or property of any nature, including federal funds and public and private grants, for the development of the museum, its collections or its programs;

E. may enter into contracts with public or private organizations, individuals or agencies for the performance of services related to the location, preservation, development, study or salvage of historical agricultural sites or materials;

F. shall cooperate with institutions of higher learning and other agencies and political subdivisions of municipal, state and federal governments to establish, maintain and extend the programs of the museum;

G. shall employ and discharge personnel necessary for the operation of the museum in accordance with the provisions set forth in the Personnel Act;

H. shall assume responsibility for new and related facilities as required by the division;

I. may, as authorized by the board, lend collections or materials to qualified institutions and agencies for purposes of exhibition and study and borrow collections or materials from other institutions and agencies for like purposes;

J. shall impose and collect admission fees and conduct such retail sales as are normal for the operation of the museum;

K. may publish such journals, books, reports and other materials as are appropriate to the operation of the museum; and

L. shall perform such other appropriate duties as may be delegated by the board or as may be provided by law."

Chapter 25 Section 47 Laws 2004

Section 47. Section 18-12-2 NMSA 1978 (being Laws 1993, Chapter 42, Section 2, as amended) is amended to read:

"18-12-2. DEFINITIONS.--As used in the National Hispanic Cultural Center Act:

A. "board" means the board of directors of the center;

B. "center" means the national Hispanic cultural center;

C. "division" means the Hispanic cultural division of the cultural affairs department; and

D. "director" means the director of the division."

Chapter 25 Section 48 Laws 2004

Section 48. Section 18-12-3 NMSA 1978 (being Laws 1993, Chapter 42, Section 3, as amended) is amended to read:

"18-12-3. HISPANIC CULTURAL DIVISION--CREATION--PROPERTY.--

A. The "Hispanic cultural division" is created within the cultural affairs department. The principal facility of this division shall be known as the "national Hispanic cultural center".

B. All property, real or personal, now held or subsequently acquired for the operation of the center shall be under the control and authority of the board.

C. Funds or other property received by gift, endowment or legacy shall remain under the control of the board and shall, upon acceptance, be employed for the purpose specified."

Chapter 25 Section 49 Laws 2004

Section 49. Section 18-12-5 NMSA 1978 (being Laws 1993, Chapter 42, Section 5) is amended to read:

"18-12-5. BOARD--POWERS AND DUTIES.--The board shall:

A. exercise trusteeship over the collections of the center;

B. accept and hold title to all property for the center's use;

C. review annually the performance of the director and report its findings to the secretary of cultural affairs;

D. enter into agreements or contracts with private or public organizations, agencies or individuals for the purpose of obtaining real or personal property for the center's use;

E. authorize the director to solicit and receive funds or property of any nature for the development of the center, its collections and its programs;

F. adopt such rules as may be necessary to carry out the provisions of the National Hispanic Cultural Center Act; and

G. establish policy, determine the mission and direct the development of the center."

Chapter 25 Section 50 Laws 2004

Section 50. Section 18-12-7 NMSA 1978 (being Laws 1993, Chapter 42, Section 7) is amended to read:

"18-12-7. DIRECTOR--POWERS AND DUTIES.--Subject to the policies agreed to by the board, the director:

A. shall be responsible for the operation of the center, in accordance with all appropriate statutes and rules;

B. shall develop exhibits and programs displaying Hispanic culture, arts and humanities for the benefit of the public and with particular concern for the interests of the schools of the state;

C. shall acquire by donation or other means of acquisition collections and related materials appropriate to an Hispanic cultural center and shall direct research as is appropriate to render the collections of benefit to the public;

D. shall employ such professional staff and other employees as are necessary to the operation of the center in accordance with the provisions of the Personnel Act;

E. may solicit and receive funds or property of any nature for the development of the center;

F. may enter into contracts with public or private organizations, individuals or agencies for the performance of services related to the location, preservation, development, study or salvage of Hispanic cultural materials;

G. shall cooperate with institutions of higher education and other agencies and political subdivisions of municipal, state and federal governments to establish, maintain and extend the programs of the center;

H. may, as authorized by the board, lend collection materials to qualified institutions and agencies for purposes of exhibition and study and borrow collection materials from other institutions and agencies for the same purpose;

I. shall impose and collect admission fees and conduct retail sales as are normal for the operation of the center;

J. may publish journals, books, reports and other materials as are appropriate to the operation of the center; and

K. shall perform other appropriate duties as may be delegated by the governor, the secretary of cultural affairs or the board or as may be provided by law."

Chapter 25 Section 51 Laws 2004

Section 51. TEMPORARY PROVISION--TRANSFER OF FUNCTIONS, PERSONNEL, PROPERTY, CONTRACTS AND REFERENCES IN LAW.--

A. The transfer of functions, personnel, appropriations, money, records, equipment, supplies, other property and contractual obligations of the office of cultural affairs to the cultural affairs department pursuant to executive order issued in accordance with Laws 2003, Chapter 403 is approved.

B. All references in law to the office of cultural affairs shall be deemed to be references to the cultural affairs department.

Chapter 25 Section 52 Laws 2004

Section 52. TEMPORARY PROVISION--RECOMPILATION.--Section 18-3-8 NMSA 1978 (being Laws 1949, Chapter 74, Section 1, as amended) is recompiled into the Cultural Affairs Department Act.

Chapter 25 Section 53 Laws 2004

Section 53. REPEAL.--Sections 9-6-6 through 9-6-11, 18-3-4, 18-3-5 and 18-4-1 through 18-4-5 NMSA 1978 (being Laws 1977, Chapter 247, Section 6, Laws 1980, Chapter 151, Sections 52 through 56, Laws 1978, Chapter 164, Sections 3 and 4, Laws 1949, Chapter 138, Sections 1 through 4 and Laws 1977, Chapter 246, Section 22, as amended) are repealed.

House Bill 92, aa
Approved February 28, 2004

LAWS 2004, CHAPTER 26

AN ACT

RELATING TO LIVESTOCK; INCREASING FEE LIMITS FOR THE SUPPORT OF THE NEW MEXICO LIVESTOCK BOARD.

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

Chapter 26 Section 1 Laws 2004

Section 1. Section 77-2-29 NMSA 1978 (being Laws 1981, Chapter 357, Section 2, as amended) is amended to read:

"77-2-29. FEES.--The following fees shall be fixed by the board for services rendered pursuant to the provisions of The Livestock Code:

A. an inspection or permit fee not to exceed sixteen cents (\$.16) per head to be charged for the importation or exportation of sheep and goats pursuant to Section 77-8-3 NMSA 1978 and a service charge in an amount not to exceed ten dollars (\$10.00) for each inspection request; provided that the board shall not increase the inspection fee more than four cents (\$.04) in any one fiscal year;

B. a fee for recording a transfer of a brand pursuant to Section 77-2-7.1 NMSA 1978 in an amount not to exceed one hundred dollars (\$100);

C. a fee for recording a brand or researching a brand pursuant to Section 77-2-7.4 NMSA 1978 in an amount not to exceed one hundred dollars (\$100);

D. a fee for additional copies of certified copies of brands pursuant to Section 77-2-7.4 NMSA 1978 in an amount not to exceed ten dollars (\$10.00) per copy;

E. a fee for the recording of a holding brand pursuant to Section 77-2-7.9 NMSA 1978 in an amount not to exceed one hundred dollars (\$100), which recording shall be valid for one year from the date of recording, and an additional fee in an amount not to exceed one hundred dollars (\$100) for each annual renewal;

F. a fee for the rerecording of brands pursuant to Section 77-2-7.12 NMSA 1978 in an amount not to exceed one hundred dollars (\$100);

G. a fee for the inspection of livestock pursuant to Section 77-9-38 or 77-10-4 NMSA 1978 in an amount not to exceed fifty cents (\$.50) per head and a service charge in an amount not to exceed ten dollars (\$10.00) for each inspection request; provided that the board may not increase the inspection fee more than ten cents (\$.10) in any one fiscal year;

H. a fee for the inspection of hides pursuant to Section 77-9-54 NMSA 1978 in an amount not to exceed fifty cents (\$.50) per hide and a service charge in an amount not to exceed ten dollars (\$10.00) for each inspection request; provided that the board may not increase the inspection fee more than ten cents (\$.10) in any one fiscal year;

I. a fee for the handling of the proceeds of the sale of an estray pursuant to Section 77-13-6 NMSA 1978 in an amount not to exceed ten dollars (\$10.00);

J. a fee for the impoundment of trespass livestock pursuant to Section 77-14-36 NMSA 1978 in an amount not to exceed ten dollars (\$10.00) per head per day and a reasonable charge for the moving of trespass livestock pursuant to Section 77-14-36 NMSA 1978 to be set by the board;

K. a fee for the licensing of a livestock auction market pursuant to Section 77-10-2 NMSA 1978 in an amount not to exceed twenty-five dollars (\$25.00);

L. a fee for issuing a transportation permit pursuant to Section 77-9-42 NMSA 1978 in an amount not to exceed fifty dollars (\$50.00);

M. a fee for the licensing of a cattle or sheep rest station pursuant to Section 77-9A-2 NMSA 1978 in an amount not to exceed twenty-five dollars (\$25.00); and

N. a fee for issuing a certificate of brand exemption pursuant to Section 77-8-22 or 77-9-3 NMSA 1978 in an amount not to exceed one hundred dollars (\$100)."

Chapter 26 Section 2 Laws 2004

Section 2. Section 77-17-2 NMSA 1978 (being Laws 1939, Chapter 115, Section 2, as amended) is amended to read:

"77-17-2. LICENSES--BUTCHER OR SLAUGHTERER--DEALER IN FRESH MEAT OR LIVESTOCK OR POULTRY MEAT PRODUCTS OR MEAT FROM OTHER BIRDS AND

ANIMALS USED FOR HUMAN CONSUMPTION--COLD STORAGE LOCKER--RENDERING PLANT.--

A. A person carrying on or desiring to carry on the business of butcher or slaughterer of livestock used for human consumption shall procure a license from the board prior to carrying on the business and shall pay a yearly license fee not to exceed one hundred dollars (\$100).

B. In addition, such person may be charged reasonable fees for meat inspection service over and above the inspector's normal working assignment under the rules of the board pertaining to meat inspection.

C. Application for licensure shall be made upon a form prescribed by the board and shall be accompanied by the amount of the license fee provided in this section. The license fee shall not be prorated on account of the applicant doing business for less than a full calendar year, and the license renewal fee in the same amount shall be paid for each calendar year in which any person engages in the business and be paid at the time prescribed by rules of the board.

D. A person carrying on or desiring to carry on the business of selling or dealing in the fresh meat or meat products of livestock used for human consumption or livestock or poultry meat products or manufacturing or processing of meat or poultry products or operating a rendering plant or operating a cold storage locker plant in which cold storage lockers are rented or leased to other persons shall obtain a license to engage in the business from the board after making application upon forms prescribed by the board and upon payment of an annual license fee in an amount set by the board not to exceed one hundred dollars (\$100). Annual renewal fees are payable at times prescribed by rule of the board. No bond or bond filing fee is required for any person licensed pursuant to this subsection.

E. Licenses provided for in this section shall not be issued to a person who is not meeting the requirements for facilities and product handling provided for in the federal and state meat inspection acts and United States department of agriculture food safety inspection service and board rules. For good cause shown, the board may, after notice to the holder of a license provided for in this section and after a reasonable hearing, revoke a license."

House Bill 205
Approved February 28, 2004

LAWS 2004, CHAPTER 27

AN ACT

RELATING TO EDUCATION; CREATING THE PUBLIC EDUCATION DEPARTMENT;
CREATING THE PUBLIC EDUCATION COMMISSION; PROVIDING POWERS AND DUTIES;
ENACTING THE PUBLIC EDUCATION DEPARTMENT ACT; REMOVING LIBRARIANS FROM
THE DEFINITION OF INSTRUCTIONAL SUPPORT PROVIDER; AMENDING, REPEALING,
ENACTING AND RECOMPILING SECTIONS OF THE NMSA 1978.

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

Chapter 27 Section 1 Laws 2004

Section 1. SHORT TITLE.--Sections 1 through 12 of this act may be cited as the "Public Education Department Act".

Chapter 27 Section 2 Laws 2004

Section 2. PURPOSE.--The purpose of the Public Education Department Act is to establish a single, unified department to administer laws and exercise functions formerly administered and exercised by the state board of education and the state department of public education.

Chapter 27 Section 3 Laws 2004

Section 3. DEFINITIONS.--As used in the Public Education Department Act:

- A. "commission" means the public education commission;
- B. "department" means the public education department; and
- C. "secretary" means the secretary of public education.

Chapter 27 Section 4 Laws 2004

Section 4. DEPARTMENT CREATED.--The "public education department" is created in the executive branch. The department is a cabinet department. The secretary may organize the department and divisions of the department and may transfer or merge functions between divisions and bureaus in the interest of efficiency and economy. The secretary shall make recommendations to the first session of the forty-seventh legislature on the statutory organization of the department, and until that time, references in law to the Indian education division, the vocational education division, the vocational rehabilitation division, the instructional material bureau or other statutorily created divisions and bureaus shall be deemed to be references to the appropriate organizational unit to which the secretary has assigned those statutory duties.

Chapter 27 Section 5 Laws 2004

Section 5. SECRETARY--APPOINTMENT.--

- A. The administrative head of the department is the "secretary of public education", who shall be appointed by the governor with the consent of the senate and who shall serve in the executive cabinet.
- B. An appointed secretary shall serve and have all of the duties, responsibilities and authority of that office during the period of time prior to final action by the senate confirming or rejecting his appointment.

Chapter 27 Section 6 Laws 2004

Section 6. DIVISION DIRECTORS.--The secretary shall appoint, with the approval of the governor, directors of the divisions established within the department. Division directors are exempt from the Personnel Act.

Chapter 27 Section 7 Laws 2004

Section 7. BUREAU CHIEFS.--The secretary may establish within each division of the department such bureaus as he deems necessary to carry out the provisions of the Public Education Department Act. He shall employ a chief to be the administrative head of each bureau. The chiefs and all subsidiary employees of the department shall be covered by the Personnel Act.

Chapter 27 Section 8 Laws 2004

Section 8. SECRETARY--DUTIES AND GENERAL POWERS.--

A. The secretary 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 he or the department is charged.

B. To perform his duties, the secretary has every power expressly enumerated in the law, whether granted to the secretary, the department or any division of the department, except when any division is explicitly exempted from the secretary's power by statute. In accordance with these provisions, the secretary shall:

(1) except as otherwise provided in the Public Education Department Act or the Public School Code, exercise general supervisory and appointing power over all department employees, subject to applicable personnel laws and rules;

(2) delegate power to subordinates as he deems necessary and appropriate, clearly delineating such delegated power and the limitations to that power;

(3) organize the department into organizational units as necessary to enable it to function most efficiently, subject to any provisions of law requiring or establishing specific organizational units;

(4) within the limitations of available appropriations and applicable laws, employ and fix the compensation of those persons necessary to discharge his duties;

(5) take administrative action by issuing orders and instructions, not inconsistent with law, to ensure implementation of and compliance with the provisions of law for which administration or execution he is responsible and to enforce those orders and instructions by appropriate administrative action in the courts;

(6) conduct research and studies that will improve the operation of the department and the provision of services to the citizens of the state;

(7) provide courses of instruction and practical training for employees of the department and other persons involved in the administration of programs with the objectives of improving the operations and efficiency of administration and of promoting comprehensive, coordinated and culturally sensitive services that address the education of the whole child;

(8) prepare an annual budget for the department; and

(9) provide cooperation, at the request of administratively attached agencies and adjunct agencies, in order to:

(a) minimize or eliminate duplication of services and jurisdictional conflicts;

(b) coordinate activities and resolve problems of mutual concern; and

(c) resolve by agreement the manner and extent to which the department shall provide budgeting, record keeping and related clerical assistance to administratively attached agencies.

C. The secretary may apply for and receive, with the governor's approval, in the name of the department, any public or private funds, including United States government funds, available to the department to carry out its programs, duties or services.

D. The secretary may make and adopt such reasonable and procedural rules as may be necessary to carry out the duties of the department and its divisions. No rule promulgated by the director of any division in carrying out the functions and duties of the division shall be effective until approved by the secretary. Unless otherwise provided by statute, no rule affecting any person or agency outside the department shall be adopted, amended or repealed without a public hearing on the proposed action before the secretary or a hearing officer designated by the secretary. The final public hearing on adoption, amendment or repeal of a rule shall be held in Santa Fe unless otherwise permitted by statute. Notice of the subject matter of the rule, the action proposed to be taken, the time and place of the hearing, the manner in which interested persons may present their views and the method by which copies of the proposed rule or proposed amendment or repeal of an existing rule may be obtained shall be published once at least thirty days prior to the hearing date in a newspaper of general circulation and mailed at least thirty days prior to the hearing date to all persons who have made a written request for advance notice of hearing. All rules shall be filed in accordance with the State Rules Act.

Chapter 27 Section 9 Laws 2004

Section 9. PUBLIC EDUCATION COMMISSION.--

A. The "public education commission" is created pursuant to Article 12, Section 6 of the constitution of New Mexico. The commission shall be administratively attached to the department, with administrative staff provided by the department. Additional requests for staff services shall be made through the secretary. The commission shall advise the department on policy matters and shall perform other functions as provided by law.

B. The commission shall consist of ten members elected from public education districts as provided in the decennial educational redistricting act. Members shall be entitled to receive per diem and mileage as provided in the Per Diem and Mileage Act, but shall receive no other perquisite, compensation or allowance.

C. The commission shall annually elect a chairman, vice chairman and secretary from among its membership. A majority of the members constitutes a quorum for the conduct of business. The commission shall keep a record of all proceedings of the commission.

D. The commission shall meet at the call of the chairman at least quarterly. Meetings of the commission shall be held in Santa Fe and at other sites within the state at the direction of the commission. The chairman in consultation with the secretary shall call a meeting at the request of a majority of the members. Commission members shall not vote by proxy.

E. No member of the commission shall be appointed secretary or be employed by the department on either a full- or part-time basis.

Chapter 27 Section 10 Laws 2004

Section 10. ORGANIZATIONAL UNITS OF THE DEPARTMENT--POWERS AND DUTIES SPECIFIED BY LAW--ACCESS TO INFORMATION.--Those organizational units of the department and the officers of those units specified by law shall have all of the powers and duties enumerated in the specific laws involved. However, the carrying out of those powers and duties shall be subject to the direction and supervision of the secretary, who shall retain the final decision-making authority and responsibility for the administration of any laws as provided in Subsection B of Section 8 of the Public Education Department Act. The department shall have access to all records, data and information of other state departments, agencies and institutions, including its own organizational units, not specifically held confidential by law.

Chapter 27 Section 11 Laws 2004

Section 11. ADVISORY COMMITTEES.--

A. Advisory committees may be created. "Advisory" means furnishing advice, gathering information, making recommendations and performing such other activities as may be instructed or delegated and as may be necessary to fulfill advisory functions or to comply with federal or private funding requirements and does not extend to administering a program or function or setting policy unless specified by law. Advisory committees shall be appointed in accordance with the provisions of the Executive Reorganization Act.

B. All members of advisory committees appointed under the authority of this section shall receive as their sole remuneration for services as a member those amounts authorized under the Per Diem and Mileage Act.

Chapter 27 Section 12 Laws 2004

Section 12. COOPERATION WITH THE FEDERAL GOVERNMENT--
AUTHORITY OF SECRETARY--SINGLE STATE AGENCY STATUS.--

A. The department is authorized to cooperate with the federal government in the administration of education programs in which financial or other participation by the federal government is authorized or mandated under state or federal laws, rules or orders. The secretary may enter into agreements with agencies of the federal government to implement education programs subject to availability of appropriated state funds and any provisions of state laws applicable to such agreements or participation by the state.

B. The governor or the secretary may by appropriate order designate the department or any organizational unit of the department as the single state agency for the administration of any public school program when that designation is a condition of federal financial or other participation in the program under applicable federal law, rule or order. Whether or not a federal condition exists, the governor may designate the department or any organizational unit of the department as the single state agency for the administration of any public school program. No designation of a single state agency under the authority granted in this section shall be made in contravention of state law.

Chapter 27 Section 13 Laws 2004

Section 13. Section 22-1-2 NMSA 1978 (being Laws 2003, Chapter 153, Section 3) is amended to read:

"22-1-2. DEFINITIONS.--As used in the Public School Code:

A. "adequate yearly progress" means the measure adopted by the department based on federal requirements to assess the progress that a student, a public school or school district or the state makes toward improving student achievement;

B. "commission" means the public education commission;

C. "department" means the public education department;

D. "forty-day report" means the report of qualified student membership of each school district and of those eligible to be qualified students but enrolled in a private school or a home school for the first forty days of school;

E. "home school" means the operation by the parent of a school-age person of a home study program of instruction that provides a basic academic educational program, including reading, language arts, mathematics, social studies and science;

F. "instructional support provider" means a person who is employed to support the instructional program of a school district, including educational assistant, school counselor, social worker, school nurse, speech-language pathologist, psychologist, physical therapist, occupational therapist, recreational therapist, interpreter for the deaf and diagnostician;

G. "licensed school employee" means teachers, school administrators and instructional support providers;

H. "local school board" means the policy-setting body of a school district;

I. "local superintendent" means the chief executive officer of a school district;

J. "parent" includes a guardian or other person having custody and control of a school-age person;

K. "private school" means a school, other than a home school, that offers on-site programs of instruction and that is not under the control, supervision or management of a local school board;

L. "public school" means that part of a school district that is a single attendance center in which instruction is offered by one or more teachers and is discernible as a building or group of buildings generally recognized as either an elementary, middle, junior high or high school or any combination of those and includes a charter school;

M. "school" means a supervised program of instruction designed to educate a student in a particular place, manner and subject area;

N. "school administrator" means a person licensed to administer in a school district and includes school principals and central district administrators;

O. "school-age person" means a person who is at least five years of age prior to 12:01 a.m. on September 1 of the school year and who has not received a high school diploma or its equivalent. A maximum age of twenty-one shall be used for a person who is classified as special education membership as defined in Section 22-8-2 NMSA 1978 or as a resident of a state institution;

P. "school building" means a public school, an administration building and related school structures or facilities, including teacher housing, that is owned, acquired or constructed by the school district as necessary to carry out the functions of the school district;

Q. "school bus private owner" means a person, other than a school district, the department, the state or any other political subdivision of the state, that owns a school bus;

R. "school district" means an area of land established as a political subdivision of the state for the administration of public schools and segregated geographically for taxation and bonding purposes;

S. "school employee" includes licensed and nonlicensed employees of a school district;

T. "school principal" means the chief instructional leader and administrative head of a public school;

U. "school year" means the total number of contract days offered by public schools in a school district during a period of twelve consecutive months;

V. "secretary" means the secretary of public education;

W. "state agency" or "state institution" means the New Mexico military institute, New Mexico school for the visually handicapped, New Mexico school for the deaf, New Mexico boys' school, girls' welfare home, New Mexico youth diagnostic and development center, Sequoyah adolescent treatment center, Carrie Tingley crippled children's hospital, Las Vegas medical center and any other state agency responsible for educating resident children;

X. "state educational institution" means an institution enumerated in Article 12, Section 11 of the constitution of New Mexico;

Y. "substitute teacher" means a person who holds a certificate to substitute for a teacher in the classroom;

Z. "teacher" means a person who holds a level one, two or three-A license and whose primary duty is classroom instruction or the supervision, below the school principal level, of an instructional program;

AA. "certified school instructor" means a teacher or instructional support provider;
and

BB. "certified school employee" or "certified school personnel" means a licensed school employee."

Chapter 27 Section 14 Laws 2004

Section 14. Section 22-2-1 NMSA 1978 (being Laws 1990 (1st S.S.), Chapter 9, Section 10, as amended) is amended to read:

"22-2-1. SECRETARY AND DEPARTMENT--GENERAL POWERS.--

A. The secretary is the governing authority and shall have control, management and direction of all public schools, except as otherwise provided by law.

B. The department may:

(1) adopt, promulgate and enforce rules to exercise its authority and the authority of the secretary;

(2) enter into contracts to carry out its duties;

(3) apply to the district court for an injunction, writ of mandamus or other appropriate relief to enforce the provisions of the Public School Code or rules promulgated pursuant to the Public School Code; and

(4) waive provisions of the Public School Code as authorized by law."

Chapter 27 Section 15 Laws 2004

Section 15. Section 22-2-2 NMSA 1978 (being Laws 1967, Chapter 16, Section 5, as amended by Laws 2003, Chapter 153, Section 5 and by Laws 2003, Chapter 394, Section 2) is repealed and a new Section 22-2-2 NMSA 1978 is enacted to read:

"22-2-2. DEPARTMENT--GENERAL DUTIES.--The department shall:

- A. properly and uniformly enforce the provisions of the Public School Code;
- B. determine policy for the operation of all public schools and vocational education programs in the state, including vocational programs that are part of a juvenile construction industries initiative for juveniles who are committed to the custody of the children, youth and families department;
- C. supervise all schools and school officials coming under its jurisdiction, including taking over the control and management of a public school or school district that has failed to meet requirements of law or department rules or standards, and, until such time as requirements of law, standards or rules have been met and compliance is ensured, the powers and duties of the local school board and local superintendent shall be suspended;
- D. prescribe courses of instruction to be taught in all public schools in the state, requirements for graduation and standards for all public schools, for private schools seeking state accreditation and for the educational programs conducted in state institutions other than the New Mexico military institute;
- E. provide technical assistance to local school boards and school districts;
- F. assess and evaluate public schools for accreditation purposes to determine the adequacy of student gain in standards-required subject matter, adequacy of student activities, functional feasibility of public school and school district organization, adequacy of staff preparation and other matters bearing upon the education of the students;
- G. assess and evaluate all state institutions and those private schools that desire state accreditation;
- H. enforce requirements for home schools. Upon finding that a home school is not in compliance with law, the department may order that a student attend a public school or a private school;
- I. require periodic reports on forms prescribed by it from all public schools and attendance reports from private schools;
- J. determine the qualifications for and issue licenses to teachers, instructional support providers and school administrators according to law and according to a system of classification adopted and promulgated by rules of the department;
- K. deny, suspend or revoke a license according to law for incompetency, moral turpitude or any other good and just cause;

L. approve or disapprove all rules promulgated by an association or organization attempting to regulate a public school activity and invalidate any rule in conflict with any rule promulgated by the department. The department shall require an association or organization attempting to regulate a public school activity to comply with the provisions of the Open Meetings Act and be subject to the inspection provisions of the Public Records Act. The department may require performance and financial audits of an association or organization attempting to regulate a public school activity. The department shall have no power or control over the rules or the bylaws governing the administration of the internal organization of the association or organization;

M. review decisions made by the governing board or officials of an organization or association regulating a public school activity, and any decision of the department shall be final in respect thereto;

N. require a public school under its jurisdiction that sponsors athletic programs involving sports to mandate that the participating student obtain catastrophic health and accident insurance coverage, such coverage to be offered through the school and issued by an insurance company duly licensed pursuant to the laws of New Mexico;

O. establish and maintain regional centers, at its discretion, for conducting cooperative services between public schools and school districts within and among those regions and for facilitating regulation and evaluation of school programs;

P. approve education curricula and programs offered in all two-year public post-secondary educational institutions, except those in Chapter 21, Article 12 NMSA 1978, that lead to alternative licenses for degreed persons pursuant to Section 22-10A-8 NMSA 1978 or licensure for educational assistants;

Q. withhold program approval from a college of education or teacher preparation program that fails to offer a course on teaching reading that:

(1) is based upon current scientifically based reading research;

(2) aligns with department-adopted reading standards;

(3) includes strategies and assessment measures to ensure that beginning teachers are proficient in teaching reading; and

(4) was designed after seeking input from experts in the education field;

R. annually, prior to December 1, prepare and publish a report on public and private education in the state and distribute the report to the governor and the legislature;

S. solicit input from local school boards and school districts in the formulation and implementation of department rules; and

T. report to the legislature or any of its committees as requested and report findings of any educational research study made with public money to the legislature through its appropriate interim or standing committees."

Chapter 27 Section 16 Laws 2004

Section 16. Section 22-2-2.1 NMSA 1978 (being Laws 2003, Chapter 104, Section 1) is amended to read:

"22-2-2.1. ADDITIONAL DEPARTMENT DUTIES--WAIVER OF CERTAIN REQUIREMENTS.--

A. The department shall approve all reasonable requests to waive the following for all public schools that exceed educational standards as determined by the department:

- (1) accreditation review requirements as provided in Section 22-2-2 NMSA 1978;
- (2) the length of the school day requirement as provided in Section 22-2-8.1 NMSA 1978;
- (3) the individual class load requirement as provided in Section 22-10A-20 NMSA 1978;
- (4) the subject area requirement as provided in Section 22-13-1 NMSA 1978; and
- (5) purchase of instructional material from the department-approved multiple list requirement as provided in Section 22-15-8 NMSA 1978.

B. Upon receiving a waiver request from a school that exceeds educational standards and in addition to the requirements set forth in Subsection A of this section, the department may waive:

- (1) the graduation requirement as provided in Section 22-13-1.1 NMSA 1978;
- (2) evaluation standards for school personnel; and
- (3) other requirements of the Public School Code that impede innovation in education if the waiver request is supported by the teachers at the requesting school and the requesting school's local school board.

C. Waivers granted pursuant to this section shall begin in the school year following that in which a public school exceeds educational standards and may remain in effect as long as the school continues to exceed educational standards.

D. The department shall only waive requirements that do not conflict with the federal No Child Left Behind Act of 2001 or rules adopted pursuant to that act."

Chapter 27 Section 17 Laws 2004

Section 17. A new section of Chapter 22, Article 2 NMSA 1978 is enacted to read:

"COMMISSION--DUTIES.--

A. The commission shall work with the department to develop the five-year strategic plan for public elementary and secondary education in the state. The strategic plan shall be updated at least biennially. The commission shall solicit the input of persons who have an interest in public school policy, including local school boards, school districts and school employees; home schooling associations; parent-teacher associations; educational organizations; the commission on higher education; colleges, universities and vocational schools; state agencies responsible for educating resident children; juvenile justice agencies; work force development providers; and business organizations.

B. In addition to the duty provided in Subsection A of this section, the commission shall:

(1) solicit input from local school boards, school districts and the public on policy and governance issues and report its findings and recommendations to the secretary and the legislature; and

(2) recommend to the secretary conduct and process guidelines and training curricula for local school boards."

Chapter 27 Section 18 Laws 2004

Section 18. Section 22-2-14 NMSA 1978 (being Laws 1978, Chapter 129, Section 1, as amended) is amended to read:

"22-2-14. LOCAL SCHOOL BOARDS--PUBLIC SCHOOLS--SUSPENSION--PROCEDURES.--

A. Money budgeted by a school district shall be spent first to attain and maintain the requirements for a school district as prescribed by law and by standards and rules as prescribed by the department. The department shall give written notification to a local school board, local superintendent and school principal, as applicable, of any failure to meet requirements by any part of the school district under the control of the local school board. The notice shall specify the deficiency. Instructional units or administrative functions may be disapproved for such deficiencies. The department shall disapprove instructional units or administrative functions that it determines to be detrimental to the educational process.

B. Within thirty days after receipt of the notice of failure to meet requirements, the local school board, local superintendent and school principal, as applicable, shall:

(1) comply with the specific and attendant requirements in order to remove the cause for disapproval; or

(2) submit plans satisfactory to the department to meet requirements and remove the cause for disapproval.

C. The secretary, after consultation with the commission, shall suspend from authority and responsibility a local school board, local superintendent or school principal that has had notice of disapproval and fails to comply with procedures of Subsection B of this section. The department shall act in lieu of the suspended local school board, local superintendent or school principal until the department removes the suspension.

D. To suspend a local school board, local superintendent or school principal, the secretary shall deliver to the local school board an alternative order of suspension, stating the cause for the suspension and the effective date and time the suspension will begin. The alternative order shall also contain notice of a time, date and place for a public hearing, prior to the beginning of suspension, to be held by the department, at which the local school board, local superintendent or school principal may appear and show cause why the suspension should not be put into effect. Within five days after the hearing, the secretary shall make permanent, modify or withdraw the alternative order.

E. The secretary may suspend a local school board, local superintendent or school principal when the local school board, local superintendent or school principal has been notified of disapproval and when the department has sufficient reason to believe that the educational process in the school district or public school has been severely impaired or halted as a result of deficiencies so severe as to warrant disapproved status before a public hearing can be held.

F. The department, while acting in lieu of a suspended local school board, local superintendent or school principal, shall execute all the legal authority of the local school board, local superintendent or school principal and assume all the responsibilities of the local school board, local superintendent or school principal.

G. The provisions of this section shall be invoked at any time the secretary, after consultation with the commission, finds the school district or public school has failed to attain and maintain the requirements of law or department standards and rules.

H. The commission shall consult with the secretary and may recommend alternative actions for the secretary's consideration.

I. A local school board, local superintendent or school principal aggrieved by a decision of the secretary may appeal to the district court pursuant to the provisions of Section 39-3-1.1 NMSA 1978."

Chapter 27 Section 19 Laws 2004

Section 19. Section 22-2C-11 NMSA 1978 (being Laws 2003, Chapter 153, Section 20) is amended to read:

"22-2C-11. ASSESSMENT AND ACCOUNTABILITY SYSTEM REPORTING--PARENT SURVEY--DATA SYSTEM--FISCAL INFORMATION.--

A. The department shall:

(1) issue a state identification number for each public school student for use in the accountability data system;

(2) adopt the format for reporting individual student assessments to parents. The student assessments shall report each student's progress and academic needs as measured against state standards; and

(3) adopt the format for reporting annual yearly progress of public schools, school districts and the department. If the department has adopted a state improving schools program, the annual accountability report shall include the results of that program for each public school. The annual accountability report format shall be clear, concise and understandable to parents and the general public. All annual accountability reports shall ensure that the privacy of individual students is protected.

B. Local school boards may establish additional indicators through which to measure the school district's performance in areas other than adequate yearly progress.

C. The school district's annual accountability report shall include a report of graduation rates for each public high school in the school district. As part of the graduation rate data, the school district shall indicate contributing factors to nongraduation such as transfer out of the school district, pregnancy, dropout and other factors as known.

D. The school district's annual accountability report shall include the results of a survey of parents' views of the quality of their children's school. The survey shall be conducted each year in time to include the results in the annual accountability report. The survey shall compile the results of a written questionnaire that shall be sent home with the students to be given to their parents. The survey may be completed anonymously. The survey shall be no more than one page, shall be clearly and concisely written and shall include not more than twenty questions that shall be answered with options of a simple sliding scale ranging from "strongly agree" to "strongly disagree" and shall include the optional response "don't know". The survey shall also include a request for optional written comments, which may be written on the back of the questionnaire form. The questionnaire shall include questions in the following areas:

(1) parent-teacher-school relationship and communication;

(2) quality of educational and extracurricular programs;

(3) instructional practices and techniques;

(4) resources;

(5) school employees, including the school principal; and

(6) parents' views of teaching staff expectations for the students.

E. The department shall develop no more than ten of the survey questions, which shall be reviewed by the legislative education study committee prior to implementation. No more than five survey questions shall be developed by the local school board, and no more than five survey questions shall be developed by the staffs of each public school; provided that at least

one-half of those questions shall be developed by teachers rather than school administrators, in order to gather information that is specific to the particular community surveyed. The questionnaires shall indicate the public school site and shall be tabulated by the department within thirty days of receipt and shall be returned to the respective schools to be disseminated to all parents.

F. The school district's annual accountability report shall be adopted by the local school board, may be published no later than November 15 of each year and may be published at least once each school year in a newspaper of general circulation in the county where the school district is located. In publication, the report shall be titled "The School District Report Card" and disseminated in accordance with guidelines established by the department to ensure effective communication with parents, students, educators, local policymakers and business and community organizations.

G. The annual accountability report shall include the names of those local school board members who failed to attend annual mandatory training.

H. The annual accountability report shall include data on expenditures for central office administration and expenditures for the public schools of the school district.

I. The department shall create an accountability data system through which data from each public school and each school district may be compiled and reviewed. The department shall provide the resources to train school district personnel in the use of the accountability data system.

J. The department shall verify data submitted by the school districts.

K. At the end of fiscal year 2005, after the budget approval cycle, the department shall produce a report to the legislature that shows for all school districts using performance-based program budgeting the relationship between that portion of a school district's program cost generated by each public school in the school district and the budgeted expenditures for each public school in the school district as reported in the district's performance-based program budget. At the end of fiscal year 2006 and subsequent fiscal years, after the budget approval cycle, the department shall report on this relationship in all public schools in all school districts in the state.

L. When all public schools are participating in performance-based budgeting, the department shall recommend annually to the legislature for inclusion in the general appropriation act the maximum percentage of appropriations that may be expended in each school district for central office administration.

M. The department shall disseminate its statewide accountability report to school districts; the governor, legislators and other policymakers; and business and economic development organizations."

Chapter 27 Section 20 Laws 2004

Section 20. Section 22-5-4 NMSA 1978 (being Laws 1967, Chapter 16, Section 28, as amended) is amended to read:

"22-5-4. LOCAL SCHOOL BOARDS--POWERS--DUTIES.--A local school board shall have the following powers or duties:

A. subject to the rules of the department, develop educational policies for the school district;

B. employ a local superintendent for the school district and fix his salary;

C. review and approve the school district budget;

D. acquire, lease and dispose of property;

E. have the capacity to sue and be sued;

F. acquire property by eminent domain pursuant to the procedures provided in the Eminent Domain Code;

G. issue general obligation bonds of the school district;

H. provide for the repair of and maintain all property belonging to the school district;

I. for good cause and upon order of the district court, subpoena witnesses and documents in connection with a hearing concerning any powers or duties of the local school board;

J. except for expenditures for salaries, contract for the expenditure of money according to the provisions of the Procurement Code;

K. adopt rules pertaining to the administration of all powers or duties of the local school board;

L. accept or reject any charitable gift, grant, devise or

bequest. The particular gift, grant, devise or bequest accepted shall be considered an asset of the school district or the public school to which it is given;

M. offer and, upon compliance with the conditions of such offer, pay rewards for information leading to the arrest and conviction or other appropriate disciplinary disposition by the courts or juvenile authorities of offenders in case of theft, defacement or destruction of school district property. All such rewards shall be paid from school district funds in accordance with rules promulgated by the department; and

N. give prior approval for any educational program in a public school in the school district that is to be conducted, sponsored, carried on or caused to be carried on by a private organization or agency."

Chapter 27 Section 21 Laws 2004

Section 21. Section 22-8-2 NMSA 1978 (being Laws 1978, Chapter 128, Section 3, as amended) is amended to read:

"22-8-2. DEFINITIONS.--As used in the Public School Finance Act:

A. "ADM" or "MEM" means membership;

B. "membership" means the total enrollment of qualified students on the current roll of a class or school on a specified day. The current roll is established by the addition of original entries and reentries minus withdrawals. Withdrawals of students, in addition to students formally withdrawn from the public school, include students absent from the public school for as many as ten consecutive school days;

C. "basic program ADM" or "basic program MEM" means the MEM of qualified students but excludes the full-time-equivalent MEM in early childhood education and three- and four-year-old students receiving special education services;

D. "cost differential factor" is the numerical expression of the ratio of the cost of a particular segment of the school program to the cost of the basic program in grades four through six;

E. "department" or "division" means the public education department;

F. "early childhood education ADM" or "early childhood education MEM" means the full-time-equivalent MEM of students attending approved early childhood education programs;

G. "full-time-equivalent ADM" or "full-time-equivalent MEM" is that membership calculated by applying to the MEM in an approved public school program the ratio of the number of hours per school day devoted to the program to six hours or the number of hours per school week devoted to the program to thirty hours;

H. "operating budget" means the annual financial plan required to be submitted by a local school board;

I. "program cost" is the product of the total number of program units to which a school district is entitled multiplied by the dollar value per program unit established by the legislature;

J. "program element" is that component of a public school system to which a cost differential factor is applied to determine the number of program units to which a school district is entitled, including but not limited to MEM, full-time-equivalent MEM, teacher, classroom or public school;

K. "program unit" is the product of the program element multiplied by the applicable cost differential factor;

L. "public money" or "public funds" means all money from public or private sources received by a local school board or officer or employee of a local school board for public use;

M. "qualified student" means a public school student who:

(1) has not graduated from high school;

(2) is regularly enrolled in one-half or more of the minimum course requirements approved by the department for public school students; and

(3) is at least five years of age prior to 12:01 a.m. on September 1 of the school year; or

(4) is at least three years of age at any time during the school year and is receiving special education services pursuant to rules of the department; or

(5) has not reached his twenty-second birthday on the first day of the school year and is receiving special education services pursuant to rules of the department; and

N. "state superintendent" means the secretary of public education or his designee."

Chapter 27 Section 22 Laws 2004

Section 22. Section 22-9-2 NMSA 1978 (being Laws 1967, Chapter 16, Section 102) is amended to read:

"22-9-2. FEDERAL AID TO EDUCATION--STATE EDUCATIONAL AGENCY.--The department shall be the sole educational agency of the state for the administration or for the supervision of the administration of any state plan established or funds received by the state by virtue of any federal statute relating to aid for education, school construction or school lunch programs, except as is provided in Section 21-1-26 NMSA 1978 and as may otherwise be provided by law."

Chapter 27 Section 23 Laws 2004

Section 23. Section 22-9-3 NMSA 1978 (being Laws 1967, Chapter 16, Section 103) is amended to read:

"22-9-3. STATE EDUCATIONAL AGENCY--POWERS--DUTIES.--Whenever the department is the sole educational agency of the state pursuant to the provisions of Section 22-9-2 NMSA 1978, it may:

A. enter into an agreement with the proper federal agency to procure for the state the benefits of the federal statute;

B. establish a state plan, if required by the federal statute, which meets the requirements of the federal statute to qualify the state for the benefits of the federal statute;

C. provide for reports to be made to the federal agency as may be required;

D. provide for reports to be made to the department or its representative from agencies receiving federal funds;

E. make surveys and studies in cooperation with other agencies to determine the needs of the state in the areas where the federal funds are to be applied;

F. establish standards to which agencies must conform in receiving federal funds; and

G. give technical advice and assistance to any local educational agency in connection with that agency obtaining federal funds."

Chapter 27 Section 24 Laws 2004

Section 24. Section 22-10A-17 NMSA 1978 (being Laws 2003, Chapter 153, Section 48) is amended to read:

"22-10A-17. INSTRUCTIONAL SUPPORT PROVIDER LICENSES.--

A. The department shall license instructional support providers, including educational assistants, school counselors, school social workers, school nurses, speech-language pathologists, psychologists, physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, recreational therapists, interpreters for the deaf, diagnosticians and other service providers. The department may provide a professional licensing framework in which licensees can advance in their careers through the demonstration of increased competencies and the undertaking of increased duties.

B. The department shall provide by rule for the requirements for licensure of types of instructional support providers. If an instructional support provider practices a licensed profession, he shall provide evidence satisfactory to the department that he holds a current, unsuspended license in the profession for which he is applying to provide instructional support services. The instructional support provider shall notify the school district and department immediately if his professional license is suspended, revoked or denied. Suspension, revocation or denial of a professional license shall be just cause for discharge or termination and suspension, revocation or denial of the instructional support provider license."

Chapter 27 Section 25 Laws 2004

Section 25. A new section of Chapter 22, Article 10A NMSA 1978 is enacted to read:

"PROFESSIONAL DEVELOPMENT--SYSTEMIC FRAMEWORK--REQUIREMENTS--DEPARTMENT DUTIES.--

A. The department shall develop a systemic framework for professional development that provides training to ensure quality teachers, school principals and instructional support providers and that improves and enhances student achievement. The department shall work with licensed school employees, the commission on higher education and institutions of higher education to establish the framework.

B. The framework shall include:

(1) the criteria for school districts to apply for professional development funds, including an evaluation component that will be used by the department in approving school district professional development plans; and

(2) guidelines for developing extensive professional development activities for school districts that:

(a) improve teachers' knowledge of the subjects they teach and the ability to teach those subjects to all of their students;

(b) are an integral part of the public school and school district plans for improving student achievement;

(c) provide teachers, school administrators and instructional support providers with the strategies, support, knowledge and skills to help all students meet New Mexico academic standards;

(d) are high quality, sustained, intensive and focused on the classroom; and

(e) are developed and evaluated regularly with extensive participation of school employees and parents."

Chapter 27 Section 26 Laws 2004

Section 26. Section 22-11-2 NMSA 1978 (being Laws 1967, Chapter 16, Section 126, as amended) is amended to read:

"22-11-2. DEFINITIONS.--As used in the Educational Retirement Act:

A. "member" means an employee, except for a participant or a retired member, coming within the provisions of the Educational Retirement Act;

B. "regular member" means:

(1) a person regularly employed as a teaching, nursing or administrative employee of a state educational institution, except for:

(a) a participant; or

(b) all employees of a general hospital or outpatient clinics thereof operated by a state educational institution named in Article 12, Section 11 of the constitution of New Mexico;

(2) a person regularly employed as a teaching, nursing or administrative employee of a junior college or community college created pursuant to Chapter 21, Article 13 NMSA 1978, except for a participant;

(3) a person regularly employed as a teaching, nursing or administrative employee of a technical and vocational institute created pursuant to the Technical and Vocational Institute Act, except for a participant;

(4) a person regularly employed as a teaching, nursing or administrative employee of the New Mexico boys' school, the New Mexico girls' school, the Los Lunas medical center or a school district or as a licensed school employee of a state institution or agency providing an educational program and holding a license issued by the department, except for a participant;

(5) a person regularly employed by the department holding a license issued by the department at the time of commencement of such employment;

(6) a member classified as a regular member in accordance with the rules of the board;

(7) a person regularly employed by the New Mexico activities association holding a license issued by the department at the time of commencement of such employment;
or

(8) a person regularly employed by a regional education cooperative holding a license issued by the department at the time of commencement of such employment;

C. "provisional member" means a person not eligible to be a regular member but who is employed by a local administrative unit designated in Subsection B of this section; provided, however, that employees of a general hospital or outpatient clinics thereof operated by a state educational institution named in Article 12, Section 11 of the constitution of New Mexico are not provisional members;

D. "local administrative unit" means an employing agency however constituted that is directly responsible for the payment of compensation for the employment of members or participants;

E. "beneficiary" means a person having an insurable interest in the life of a member or a participant designated by written instrument duly executed by the member or participant and filed with the director to receive a benefit pursuant to the Educational Retirement Act that may be received by someone other than the member or participant;

F. "employment" means employment by a local administrative unit that qualifies a person to be a member or participant;

G. "service employment" means employment that qualifies a person to be a regular member;

H. "provisional service employment" means employment that qualifies a person to be a provisional member;

I. "prior employment" means employment performed prior to the effective date of the Educational Retirement Act that would be service employment or provisional service employment if performed thereafter;

J. "service credit" means that period of time with which a member is accredited for the purpose of determining his eligibility for and computation of retirement or disability benefits;

K. "earned service credit" means that period of time during which a member was engaged in employment or prior employment with which he is accredited for the purpose of determining his eligibility for retirement or disability benefits;

L. "allowed service credit" means that period of time during which a member has performed certain nonservice employment with which he may be accredited, as provided in the Educational Retirement Act, for the purpose of computing retirement or disability benefits;

M. "retirement benefit" means an annuity paid monthly to members whose employment has been terminated by reason of their age;

N. "disability benefit" means an annuity paid monthly to members whose employment has been terminated by reason of a disability;

O. "board" means the educational retirement board;

P. "fund" means the educational retirement fund;

Q. "director" means the educational retirement director;

R. "medical authority" means a medical doctor within the state or as provided in Subsection D of Section 22-11-36 NMSA 1978 either designated or employed by the board to examine and report on the physical condition of applicants for or recipients of disability benefits;

S. "actuary" means a person trained and regularly engaged in the occupation of calculating present and projected monetary assets and liabilities under annuity or insurance programs;

T. "actuarial equivalent" means a sum paid as a current or deferred benefit that is equal in value to a regular benefit, computed upon the basis of interest rates and mortality tables;

U. "contributory employment" means employment for which contributions have been made by both a member and a local administrative unit pursuant to the Educational Retirement Act;

V. "qualifying state educational institution" means the university of New Mexico, New Mexico state university, New Mexico institute of mining and technology, New Mexico highlands university, eastern New Mexico university, western New Mexico university, Albuquerque technical-vocational institute, Clovis community college, Luna vocational-technical institute, Mesa technical college, New Mexico junior college, northern New Mexico state school, San Juan college and Santa Fe community college;

W. "participant" means:

(1) a person regularly employed as a faculty or professional employee of the university of New Mexico, New Mexico state university, New Mexico institute of mining and technology, New Mexico highlands university, eastern New Mexico university or western New Mexico university who first becomes employed with such an educational institution on or after July 1, 1991, or a person regularly employed as a faculty or professional employee of the Albuquerque technical-vocational institute, Clovis community college, Luna vocational-technical institute, Mesa technical college, New Mexico junior college, northern New Mexico state school, San Juan college or Santa Fe community college who is first employed by the institution on or after July 1, 1999 and who elects, pursuant to Section 22-11-47 NMSA 1978, to participate in the alternative retirement plan; and

(2) a person regularly employed who performs research or other services pursuant to a contract between a qualifying state educational institution and the United States government or any of its agencies who elects, pursuant to Section 22-11-47 NMSA 1978, to participate in the alternative retirement plan, provided that the research or other services are performed outside the state;

X. "salary" means the compensation or wages paid to a member or participant by any local administrative unit for services rendered. "Salary" includes payments made for annual or sick leave and payments for additional service provided to related activities, but does not include payments for sick leave not taken unless the payment for the unused sick leave is made through continuation of the member on the regular payroll for the period represented by that payment and does not include allowances or reimbursements for travel, housing, food, equipment or similar items;

Y. "alternative retirement plan" means the retirement plan provided for in Sections 22-11-47 through 22-11-52 NMSA 1978; and

Z. "retired member" means a person whose employment has been terminated by reason of age and who is receiving or is eligible to receive retirement benefits."

Chapter 27 Section 27 Laws 2004

Section 27. TEMPORARY PROVISION--TRANSFERS--STATUTORY REFERENCES.--

A. All appropriations, money, personnel, records, files, furniture, equipment, supplies and other property of the state department of public education are transferred to the public education department.

B. All contractual obligations of the state department of public education shall be binding on the public education department.

C. All references in law to the state board of education

shall be deemed to be references to the public education department. All references to the state department of public education or the department of education shall be deemed to be references to the public education department. All references in law to the state superintendent or the superintendent of public instruction shall be deemed to be references to the secretary of public education.

Chapter 27 Section 28 Laws 2004

Section 28. TEMPORARY PROVISION--RECOMPILATION.--Sections 22-8-30.1 and 22-8-30.2 NMSA 1978 (being Laws 1995, Chapter 56, Sections 1 and 2, as amended) are recompiled into Chapter 21 NMSA 1978.

Chapter 27 Section 29 Laws 2004

Section 29. REPEAL.--

A. Laws 2003, Chapter 143 is repealed.

B. Sections 22-1-6.1 and 22-2-3 through 22-2-6 NMSA 1978 (being Laws 2003, Chapter 18, Section 1 and Laws 1967, Chapter 16, Sections 6 through 9, as amended) are repealed.

C. Section 22-2-15 NMSA 1978 (being Laws 1978, Chapter 129, Section 2, as amended) is repealed.

House Bill 96, aa
Approved March 1, 2004

LAWS 2004, CHAPTER 28

AN ACT

RELATING TO COMPULSORY SCHOOL ATTENDANCE; PROVIDING FOR EARLY IDENTIFICATION OF UNEXCUSED ABSENCES AND TRUANCY; PROVIDING FOR ENFORCEMENT OF HABITUAL TRUANCY; PROVIDING FOR THE SUSPENSION OF AN HABITUAL TRUANT'S DRIVER'S LICENSE; PROVIDING PENALTIES.

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

Chapter 28 Section 1 Laws 2004

Section 1. A new section of the Compulsory School Attendance Law is enacted to read:

"UNEXCUSED ABSENCES AND TRUANCY--ATTENDANCE POLICIES.--

A. As used in this section and Sections 22-12-7 and 22-12-8 NMSA 1978:

(1) "habitual truant" means a student who has accumulated the equivalent of ten or more unexcused absences within a school year;

(2) "truant" means a student who has accumulated five unexcused absences within any twenty-day period; and

(3) "unexcused absence" means an absence from school or a class for which the student does not have an allowable excuse pursuant to the Compulsory School Attendance Law or rules of the local school board or governing authority of a private school.

B. Each school district shall maintain an attendance policy that:

(1) provides for early identification of students with unexcused absences, truants and habitual truants and provides intervention strategies that focus on keeping truants in an educational setting and prohibit out-of-school suspension and expulsion as the punishment for truancy; and

(2) requires that class attendance be taken for every instructional day in every public school or school program in the district.

C. School districts shall report truancy and habitual truancy rates to the department in a form and at such times as the department determines."

Chapter 28 Section 2 Laws 2004

Section 2. Section 22-12-2 NMSA 1978 (being Laws 1967, Chapter 16, Section 170, as amended) is amended to read:

"22-12-2. COMPULSORY SCHOOL ATTENDANCE--RESPONSIBILITY.--

A. Any qualified student and any person who because of his age is eligible to become a qualified student as defined by the Public School Finance Act until attaining the age of majority shall attend a public school, a private school, a home school or a state institution. A person shall be excused from this requirement if:

(1) the person is specifically exempted by law from the provisions of this section;

(2) the person has graduated from a high school;

(3) the person is at least seventeen years of age and has been excused by the local school board or its authorized representative upon a finding that the person will be employed in a gainful trade or occupation or engaged in an alternative form of education sufficient for the person's educational needs and the parent, guardian or other person having custody and control consents; or

(4) with consent of the parent of the person to be excused, the person is excused from the provisions of this section by the superintendent of schools of the school district in which the person is a resident and the person is under eight years of age.

B. A person subject to the provisions of the Compulsory School Attendance Law shall attend school for at least the length of time of the school year that is established in the school district in which the person is a resident.

C. Any parent of a person subject to the provisions of the Compulsory School Attendance Law is responsible for the school attendance of that person.

D. Each local school board and each governing authority of a private school shall enforce the provisions of the Compulsory School Attendance Law for students enrolled in their respective schools."

Chapter 28 Section 3 Laws 2004

Section 3. Section 22-12-7 NMSA 1978 (being Laws 1967, Chapter 16, Section 175, as amended) is amended to read:

"22-12-7. ENFORCEMENT OF ATTENDANCE LAW--HABITUAL TRUANTS--PENALTY.--

A. Each local school board and each governing authority of a private school shall initiate the enforcement of the provisions of the Compulsory School Attendance Law for students enrolled in their respective schools.

B. To initiate enforcement of the provisions of the Compulsory School Attendance Law against an habitual truant, a local school board or governing authority of a private school or its authorized representatives shall give written notice of the habitual truancy by certified mail to or by personal service on the parent of the student subject to and in noncompliance with the provisions of the Compulsory School Attendance Law.

C. If unexcused absences continue after written notice of habitual truancy as provided in Subsection B of this section has occurred, the student shall be reported to the probation services office of the judicial district where the student resides for an investigation as to whether the student shall be considered to be a neglected child or a child in a family in need of services because of habitual truancy and thus subject to the provisions of the Children's Code. In addition to any other disposition, the children's court may order the habitual truant's driving privileges to be suspended for a specified time not to exceed ninety days on the first finding of habitual truancy and not to exceed one year for a subsequent finding of habitual truancy.

D. If, after review by the juvenile probation office where the student resides, a determination and finding is made that the habitual truancy by the student may have been caused by the parent of the student, then the matter will be referred by the juvenile probation office to the district attorney's office or any law enforcement agency having jurisdiction for appropriate investigation and filing of charges allowed under the Compulsory School Attendance Law. Charges against the parent may be filed in metropolitan court, magistrate court or district court.

E. A parent of the student who, after receiving written notice as provided in Subsection B of this section and after the matter has been reviewed in accordance with Subsection D of this section, knowingly allows the student to continue to violate the Compulsory School Attendance Law shall be guilty of a petty misdemeanor. Upon the first conviction, a fine of not less than twenty-five dollars (\$25.00) or more than one hundred dollars (\$100) may be imposed, or the parent of the student may be ordered to perform community service. If violations of the Compulsory School Attendance Law continue, upon the second and subsequent convictions, the parent of the student who knowingly allows the student to continue to violate the Compulsory School Attendance Law shall be guilty of a petty misdemeanor and shall be subject to a fine of not more than five hundred dollars (\$500) or imprisonment for a definite term not to exceed six months or both.

F. The provisions of this section shall apply beginning July 1, 2004."

Chapter 28 Section 4 Laws 2004

Section 4. Section 22-12-8 NMSA 1978 (being Laws 1985, Chapter 104, Section 1) is amended to read:

"22-12-8. EARLY IDENTIFICATION--UNEXCUSED ABSENCES AND TRUANCY.-- Notwithstanding the provisions of Section 22-12-7 NMSA 1978, if a student is truant, the school district shall contact the student's parent to inform the parent that the student is truant and to discuss possible interventions. The provisions of this section do not apply to any absence if the parent has contacted the school to explain the absence."

HJC/House Bill 106, aa
Approved March 1, 2004

LAWS 2004, CHAPTER 29

AN ACT

RELATING TO EDUCATION; ESTABLISHING REQUIREMENTS FOR HIGH SCHOOL GRADUATION AND STUDENT CURRICULUM PLANS.

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

Chapter 29 Section 1 Laws 2004

Section 1. Section 22-13-1.1 NMSA 1978 (being Laws 1986, Chapter 33, Section 5, as amended) is amended to read:

"22-13-1.1. GRADUATION REQUIREMENTS.--

A. At the end of grades eight through eleven, each student shall prepare an interim next-step plan that sets forth the coursework for the grades remaining until high school graduation. Each year's plan shall explain any differences from previous interim next-step plans, shall be filed with the principal of the student's high school and shall be signed by the student, the student's parent or guardian and the student's guidance counselor or other school official charged with coursework planning for the student.

B. Each student must complete a final next-step plan during the senior year and prior to graduation. The plan shall be filed with the principal of the student's high school and shall be signed by the student, the student's parent or guardian and the student's guidance counselor or other school official charged with coursework planning for the student.

C. An individualized education program that meets the requirements of Subsections A and B of this section and that meets all applicable transition and procedural requirements of the federal Individuals with Disabilities Education Act for a student with a disability shall satisfy the next-step plan requirements of this section for that student.

D. A local school board shall ensure that each high school student has the opportunity to develop a next-step plan and is reasonably informed about:

(1) curricular and course options;

(2) opportunities available that lead to different post-high-school options;

and

(3) alternative opportunities available if the student does not finish a planned curriculum.

E. The secretary of public education shall:

(1) establish specific accountability standards for administrators, counselors, teachers and school district staff to ensure that every student has the opportunity to develop a next-step plan;

(2) promulgate rules for accredited private schools in order to ensure substantial compliance with the provisions of this section;

(3) monitor compliance with the requirements of this section; and

(4) compile such information as is necessary to evaluate the success of next-step plans and report annually, by December 15, to the legislative education study committee and the governor.

F. Successful completion of a minimum of twenty-three units aligned to the state academic content and performance standards shall be required for graduation. These units shall be as follows:

- (1) four units in English, with major emphasis on grammar and literature;
- (2) three units in mathematics, at least one of which is equivalent to the algebra 1 level or higher;
- (3) two units in science, one of which shall have a laboratory component; provided, however, that with students entering the ninth grade beginning in the 2005-2006 school year, three units in science shall be required, one of which shall have a laboratory component;
- (4) three units in social science, which shall include United States history and geography, world history and geography and government and economics;
- (5) one unit in physical education or other physical activity;
- (6) one unit in communication skills or business education, with a major emphasis on writing and speaking and that may include a language other than English; and
- (7) nine elective units and eight elective units for students entering the ninth grade in the 2005-2006 school year that meet state board content and performance standards. Student service learning shall be offered as an elective.

G. The department shall establish a procedure for students to be awarded credit through completion of specified career technical education courses for certain graduation requirements.

H. Final examinations shall be administered to all students in all classes offered for credit.

I. A student shall not receive a high school diploma who has not passed a state graduation examination in the subject areas of reading, English, math, writing, science and social science. The state graduation examination on social science shall include a section on the constitution of the United States and the constitution of New Mexico. If a student exits from the school system at the end of grade twelve without having passed a state graduation examination, he shall receive an appropriate state certificate indicating the number of credits earned and the grade completed. If within five years after a student exits from the school system he takes and passes the state graduation examination, he may receive a high school diploma.

J. As used in this section:

- (1) "final next-step plan" means a next-step plan that shows that the student has committed or intends to commit in the near future to a four-year college or university, a two-year college, a trade or vocational program, an internship or apprenticeship, military service or a job;

(2) "interim next-step plan" means an annual next-step plan in which the student specifies post-high-school goals and sets forth the coursework that will allow the student to achieve those goals; and

(3) "next-step plan" means an annual personal written plan of studies developed by a student in a public school or other state-supported school or institution in consultation with the student's parent or guardian and school counselor or other school official charged with coursework planning for the student.

K. The secretary of public education may establish a policy to provide for administrative interpretations to clarify curricular and testing provisions of the Public School Code."

Chapter 29 Section 2 Laws 2004

Section 2. REPEAL.--Section 22-2-8.12 NMSA 1978 (being Laws 2003, Chapter 159, Section 1) is repealed.

Chapter 29 Section 3 Laws 2004

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2004.

House Bill 522, aa
Approved March 1, 2004

LAWS 2004, CHAPTER 30

AN ACT

RELATING TO SCHOOL PERSONNEL; PROVIDING A CAREER LICENSING FRAMEWORK FOR EDUCATIONAL ASSISTANTS; PROVIDING FOR MINIMUM SALARIES OF EDUCATIONAL ASSISTANTS.

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

Chapter 30 Section 1 Laws 2004

Section 1. A new section of the School Personnel Act is enacted to read:

"EDUCATIONAL ASSISTANTS--LICENSING FRAMEWORK--QUALIFICATIONS--MINIMUM SALARIES.--

A. All persons who perform services as educational assistants in public schools or in those special state-supported schools within state agencies must hold valid, educational assistants licensure issued by the public education department. Educational assistants shall be assigned, and serve as assistants, to school staff duly licensed by the public education

department. While there may be brief periods when educational assistants are alone with and in control of a classroom of students, their primary use shall be to work alongside or under the direct supervision of duly licensed staff.

B. The public education department will, through appropriate rules, institute a licensure system for educational assistants. The highest level of license must ensure that educational assistants who hold that level of licensure meet the standard for paraprofessionals established in federal statute and regulation for employment in a Title 1 program. Educational assistants hired on or after January 8, 2002, who provide instructional support in a Title 1 program, must meet the qualifications for the highest level of licensure on the effective date of this statute. Paraprofessionals hired prior to January 8, 2002, must meet the qualifications for the highest level of licensure by January 8, 2006.

C. The minimum annual salary for licensed educational assistants shall be twelve thousand dollars (\$12,000) effective in the 2004-2005 school year.

D. The minimum salaries specified in Subsection C of this section may be adjusted in accordance with appropriations for that purpose in each school year as established by the secretary of public education.

E. School districts shall initiate the implementation of a career salary framework that supports the licensure system in public education department rules in fiscal year 2005."

Chapter 30 Section 2 Laws 2004

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2004.

HEC/House Bill 304, aa
Approved March 1, 2004

LAWS 2004, CHAPTER 31

AN ACT

RELATING TO PUBLIC SCHOOLS; CHANGING THE WRITING TEST FOR CERTAIN GRADES.

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

Chapter 31 Section 1 Laws 2004

Section 1. Section 22-2C-4 NMSA 1978 (being Laws 2003, Chapter 153, Section 13) is amended to read:

"22-2C-4. STATEWIDE ASSESSMENT AND ACCOUNTABILITY SYSTEM--
INDICATORS--REQUIRED TESTS--ALTERNATIVE TESTS--LIMITS ON ALTERNATIVES TO
ENGLISH LANGUAGE READING TEST.--

A. The department shall establish a statewide assessment and accountability system that is aligned with the state academic content and performance standards and that measures adequate yearly progress for each student, public school and school district. Adequate yearly progress shall be determined primarily by student academic achievement, as demonstrated by statewide standards-based academic performance tests; however, the department may include other indicators of adequate yearly progress, including graduation rates for high schools and attendance for elementary and middle schools.

B. The academic assessment program for adequate yearly progress shall test student achievement as follows by the school year indicated:

(1) for grades kindergarten through two, diagnostic and standards-based tests on reading that include phonemic awareness, phonics and comprehension by the 2003-2004 school year;

(2) for grades three through nine and for grade eleven, standards-based academic performance tests in mathematics, reading and language arts and social studies by the 2005-2006 school year; provided that testing in ninth grade and testing in social studies shall not occur until the legislature has provided funding for test development and implementation;

(3) for grades three through nine, standards-based academic performance writing assessment with the writing assessment scoring criteria applied to the extended response writing portions of the language arts criterion-referenced tests by the 2005-2006 school year; and

(4) for one of grades three through five and six through nine and for grade eleven, standards-based academic performance tests in science by the 2007-2008 school year.

C. The department shall involve appropriate licensed school employees in the development of the standards-based academic performance tests.

D. All students shall participate in the academic assessment program. The department shall adopt standards for reasonable accommodations in academic testing for students with disabilities and limited English proficiency, including when and how accommodations may be applied. The legislative education study committee shall review the standards prior to adoption by the department.

E. Students who have been determined to be limited English proficient may be allowed to take the standards-based academic performance test in their primary language. A student who has attended school for three consecutive years in the United States shall participate in the English language reading test unless granted a waiver by the department based on criteria established by the department. An English language reading test waiver may be granted only for a maximum of two additional years and only on a case-by-case basis."

Senate Bill 138, aa
Approved March 1, 2004

LAWS 2004, CHAPTER 32

AN ACT

RELATING TO EDUCATION; PROVIDING FOR ACCOUNTABILITY IN BILINGUAL MULTICULTURAL EDUCATION PROGRAMS; SPECIFYING THE PERMISSIBLE USES OF BILINGUAL MULTICULTURAL EDUCATION PROGRAM FUNDS; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Chapter 32 Section 1 Laws 2004

Section 1. Section 22-23-1 NMSA 1978 (being Laws 1973, Chapter 285, Section 1) is amended to read:

"22-23-1. SHORT TITLE.--Chapter 22, Article 23 NMSA 1978 may be cited as the "Bilingual Multicultural Education Act"."

Chapter 32 Section 2 Laws 2004

Section 2. A new section of the Bilingual Multicultural Education Act, Section 22-23-1.1 NMSA 1978, is enacted to read:

"22-23-1.1. LEGISLATIVE FINDINGS.--The legislature finds that:

A. while state and federal combined funding for New Mexico's bilingual multicultural education programs was forty-one million dollars (\$41,000,000) in 2003, the funds do not directly support bilingual multicultural education program instruction;

B. the state's bilingual multicultural education program goals are for all students, including English language learners, to:

(1) become bilingual and biliterate in English and a second language, including Spanish, a Native American language, where a written form exists and there is tribal approval, or another language; and

(2) meet state academic content standards and benchmarks in all subject areas;

C. districts do not fully understand how to properly assess, place and monitor students in bilingual multicultural education programs so that the students may become academically successful;

D. because inaccurate reporting on student participation in bilingual multicultural education programs has a direct impact on state and federal funding, accountability measures are necessary to track bilingual multicultural education program funds;

E. the federal No Child Left Behind Act of 2001 does not preclude using state funds for bilingual multicultural education programs;

F. Article 12, Section 8 of the constitution of New Mexico recognizes the value of bilingualism as an educational tool;

G. professional development is needed for district employees, including teachers, teacher assistants, principals, bilingual directors or coordinators, associate superintendents, superintendents and financial officers in the areas of:

(1) research-based bilingual multicultural education programs and implications for instruction;

(2) best practices of English as a second language, English language development and bilingual multicultural education programs; and

(3) classroom assessments that support academic and language development;

H. parents in conjunction with teachers and other district employees shall be empowered to decide what type of bilingual multicultural education program works best for their children and their community. Districts shall also provide parents with appropriate training in English or in the home or heritage language to help their children succeed in school;

I. because research has shown that it takes five to seven years to acquire academic proficiency in a second language, priority should be given to programs that adequately support a child's linguistic development. The state shall, therefore, fund bilingual multicultural education programs for students in grades kindergarten through three before funding bilingual multicultural education programs at higher grade levels;

J. a standardized curriculum, including instructional materials with scope and sequence, is necessary to ensure that the bilingual multicultural education program is consistent and building on the language skills the students have previously learned. The instructional materials for Native American bilingual multicultural education programs shall be written, when permitted by the Indian nation, tribe or pueblo, and if written materials are not available, an oral standardized curriculum shall be implemented;

K. equitable and culturally relevant learning environments, educational opportunities and culturally relevant instructional materials for all students participating in the program. For Native American students enrolled in public schools, equitable and culturally relevant learning environments, educational opportunities and culturally relevant instructional materials are required to satisfy a goal of the Indian Education Act; and

L. the Bilingual Multicultural Education Act will ensure equal education opportunities for students in New Mexico. Cognitive and affective development of the students is encouraged by:

(1) using the cultural and linguistic backgrounds of the students in a bilingual multicultural education program;

(2) providing students with opportunities to expand their conceptual and linguistic abilities and potentials in a successful and positive manner; and

(3) teaching students to appreciate the value and beauty of different languages and cultures."

Chapter 32 Section 3 Laws 2004

Section 3. Section 22-23-2 NMSA 1978 (being Laws 1973, Chapter 285, Section 2) is repealed and a new Section 22-23-2 NMSA 1978 is enacted to read:

"22-23-2. DEFINITIONS.--As used in the Bilingual Multicultural Education Act:

A. "bilingual multicultural education program" means a program using two languages, including English and the home or heritage language, as a medium of instruction in the teaching and learning process;

B. "culturally and linguistically different" means students who are of a different cultural background than mainstream United States culture and whose home or heritage language, inherited from the student's family, tribe or country of origin, is a language other than English;

C. "department" means the public education department;

D. "district" means a public school or any combination of public schools in a district;

E. "English language learner" means a student whose first or heritage language is not English and who is unable to read, write, speak or understand English at a level comparable to grade level English proficient peers and native English speakers;

F. "heritage language" means a language other than English that is inherited from a family, tribe, community or country of origin;

G. "home language" means a language other than English that is the primary or heritage language spoken at home or in the community;

H. "school board" means a local school board; and

I. "standardized curriculum" means a district curriculum that is aligned with the state academic content standards, benchmarks and performance standards."

Chapter 32 Section 4 Laws 2004

Section 4. Section 22-23-4 NMSA 1978 (being Laws 1973, Chapter 285, Section 4) is amended to read:

"22-23-4. DEPARTMENT--POWERS--DUTIES.--

A. The department shall issue rules for the development and implementation of bilingual multicultural education programs.

B. The department shall administer and enforce the provisions of the Bilingual Multicultural Education Act.

C. The department shall assist school boards in developing and evaluating bilingual multicultural education programs.

D. In the development, implementation and administration of the bilingual multicultural education programs, the department shall give preference to New Mexico residents who have received specialized training in bilingual education when hiring personnel."

Chapter 32 Section 5 Laws 2004

Section 5. Section 22-23-5 NMSA 1978 (being Laws 1973, Chapter 285, Section 5, as amended) is amended to read:

"22-23-5. BILINGUAL MULTICULTURAL EDUCATION PROGRAM PLAN--EVALUATION.--

A. The school board may prepare and submit to the department a bilingual multicultural education program plan in accordance with rules issued by the department.

B. At regular intervals, the school board and a parent advisory committee from the district shall review the goals and priorities of the plan and make appropriate recommendations to the department.

C. Bilingual multicultural education programs shall be located in the district and delivered as part of the regular academic program. Involvement of students in a bilingual multicultural education program shall not have the effect of segregating students by ethnic group, color or national origin.

D. Each district shall maintain academic achievement and language proficiency data and update the data annually to evaluate bilingual multicultural education program effectiveness and use of funds. The department shall annually compile and report this data to the appropriate interim legislative committee.

E. Districts shall provide professional development to district employees, including teachers, teacher assistants, principals, bilingual directors or coordinators, associate superintendents, superintendents and financial officers in the areas of:

(1) research-based bilingual multicultural education programs and implications for instruction;

(2) best practices of English as a second language, English language development and bilingual multicultural education programs; and

(3) classroom assessments that support academic and language development.

F. Bilingual multicultural education programs shall be part of the district's professional development plan. Bilingual educators, including teachers, teacher assistants, instructional support personnel, principals and program administrators, shall participate in professional development and training."

Chapter 32 Section 6 Laws 2004

Section 6. Section 22-23-6 NMSA 1978 (being Laws 1973, Chapter 285, Section 6, as amended) is amended to read:

"22-23-6. BILINGUAL MULTICULTURAL EDUCATION PROGRAMS--ELIGIBILITY FOR STATE FINANCIAL SUPPORT.--

A. To be eligible for state financial support, each bilingual multicultural education program shall:

(1) provide for the educational needs of linguistically and culturally different students, including Native American children and other students who may wish to participate, in grades kindergarten through twelve, with priority to be given to programs in grades kindergarten through three, in a district;

(2) fund programs for culturally and linguistically different students in the state in grades kindergarten through three for which there is an identifiable need to improve the language capabilities of both English and the home language of these students before funding programs at higher grade levels;

(3) use two languages as mediums of instruction for any part or all of the curriculum of the grade levels within the program;

(4) use teachers who have specialized in elementary or secondary education and who have received specialized training in bilingual education conducted through the use of two languages. These teachers or other trained personnel shall administer language proficiency assessments in both English and in the home language until proficiency in each language is achieved;

(5) emphasize the history and cultures associated with the students' home or heritage language;

(6) establish a parent advisory committee, representative of the language and culture of the students, to assist and advise in the development, implementation and evaluation of the bilingual multicultural education program; and

(7) provide procedures to ensure that parental notification is given annually prior to bilingual multicultural education program placement.

B. Each bilingual multicultural education program shall meet each requirement of Subsection A of this section and be approved by the department to be eligible for state financial support."

Chapter 32 Section 7 Laws 2004

Section 7. REPEAL.--Section 22-23-3 NMSA 1978 (being Laws 1973, Chapter 285, Section 3) is repealed.

Senate Bill 471, aa
Approved March 1, 2004

LAWS 2004, CHAPTER 33

AN ACT

RELATING TO HIGHER EDUCATION; CREATING THE NATIONAL CAVE AND KARST RESEARCH INSTITUTE IN CARLSBAD.

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

Chapter 33 Section 1 Laws 2004

Section 1. NATIONAL CAVE AND KARST RESEARCH INSTITUTE CREATED--PURPOSE.--

A. The "national cave and karst research institute" is created in Carlsbad and shall be a division of the New Mexico institute of mining and technology.

B. The purposes of the institute are to:

- (1) further the science of speleology;
- (2) centralize and standardize speleological information;
- (3) foster interdisciplinary cooperation in cave and karst research programs;
- (4) promote public education;
- (5) promote national and international cooperation in protecting the environment for the benefit of cave and karst land forms; and

(6) promote and develop environmentally sound and sustainable resource management practices.

C. The board of regents of New Mexico institute of mining and technology shall prepare reports showing the progress and condition of the institute as the board deems necessary. The reports of the institute may be printed and distributed by the board as appropriate, and revenue from the sale of the reports shall be paid into the account of the New Mexico institute of mining and technology.

D. The institute may receive appropriations from the legislature through the board of regents of New Mexico institute of mining and technology and may receive any other items of value from public or private sources.

House Bill 436
Approved March 2, 2004

LAWS 2004, CHAPTER 34

AN ACT

RELATING TO ACCOUNTANCY; CHANGING EXAMINATION PROCEDURES FOR QUALIFICATION AS A CERTIFIED PUBLIC ACCOUNTANT; INCREASING A FEE; DECLARING AN EMERGENCY.

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

Chapter 34 Section 1 Laws 2004

Section 1. Section 61-28B-7 NMSA 1978 (being Laws 1999, Chapter 179, Section 7) is amended to read:

"61-28B-7. QUALIFICATIONS FOR A CERTIFICATE AS A CERTIFIED PUBLIC ACCOUNTANT.--

A. An applicant for a certified public accountant certificate shall complete the application form provided by the board and demonstrate to the board's satisfaction that he:

(1) is of good moral character and lacks a history of dishonest or felonious acts; and

(2) meets the education, experience and examination requirements of the board.

B. The board may refuse to grant a certificate on the ground that the applicant failed to satisfy the requirement of good moral character.

C. The education requirements for a certificate, which must be met before an applicant is eligible to apply for examination, are as required in this section or Section 61-28B-8

NMSA 1978. After July 1, 1999, the requirement for a certificate is a baccalaureate or higher degree or its equivalent conferred by a college or university acceptable to the board, with thirty semester hours in accounting or equivalent as determined by the board.

D. The examination for certification shall be offered via a computer-based testing system at least four times per year at a designated testing center and shall test an applicant's knowledge of the subjects of accounting and auditing and other related subjects as prescribed by the board. The board shall prescribe the method of applying for the examination and the dissemination of scores, and it shall rely on the American institute of certified public accountants for the grading of the examination. The board may use all or any part of the uniform certified public accountant examination services of the national association of state boards of accountancy to perform administrative services with respect to the examination. The board or its designee shall report all eligibility and score data to the national candidate database, and it shall, to the extent possible, provide that the passing scores are uniform with passing scores of other states.

E. An applicant must pass all sections of the examination to qualify for a certificate. A passing scaled score for each section shall be seventy-five. Sections may be taken individually and in any order. An applicant may not take a failed test section within the same three-month examination window. Credit for any section passed shall be valid for eighteen months from the actual date the applicant took that section, without having to attain a minimum score on any failed test section and without regard to whether the applicant has taken other test sections. An applicant must pass all four test sections within a continuous eighteen-month period, which begins on the date that the first section passed is taken. If all four test sections are not passed within the continuous eighteen-month period, credit for any test section passed outside the eighteen-month period will expire, and that test section must be retaken.

F. An applicant who has passed at least two sections of the paper and pencil examination, as of the launch date of the computer-based examination, will retain credit for the corresponding test sections of the computer-based examination.

G. An applicant who has passed at least two sections of the paper and pencil examination, as of the launch date of the computer-based examination, shall be given a transition period to complete any remaining test sections of the computer-based examination.

H. An applicant shall be given credit for examination sections passed in another state if such credit would have been given in New Mexico.

I. The board may waive or defer requirements of this section regarding the circumstances in which sections of the examination must be passed, upon a showing that, by reason of circumstances beyond the applicant's control, he was unable to meet the requirement.

J. An applicant for initial issuance of a certified public accountant certificate shall show that he has had at least one year of experience. After July 1, 2004, the applicant shall have had at least one year of experience. This experience shall include providing service or advice involving the use of accounting, attest, management advisory, financial advisory, tax or consulting skills as verified by a certified public accountant who meets requirements prescribed by the board. The experience is acceptable if it was gained through employment in government, industry, academia or public practice."

Chapter 34 Section 2 Laws 2004

Section 2. Section 61-28B-8 NMSA 1978 (being Laws 1999, Chapter 179, Section 8) is amended to read:

"61-28B-8. QUALIFICATIONS FOR A CERTIFICATE AS A CERTIFIED PUBLIC ACCOUNTANT--JULY 1, 2004.--

A. An applicant for a certificate shall complete the application form provided by the board and demonstrate to the board's satisfaction that he:

(1) is of good moral character and lacks a history of dishonest or felonious acts; and

(2) meets the education, experience and examination requirements of the board.

B. The board may refuse to grant a certificate on the ground that the applicant failed to satisfy the requirement of good moral character.

C. The education requirements for a certificate, which must be met before an applicant is eligible to apply for examination, are as provided in this section or Section 61-28B-7 NMSA 1978. After July 1, 2004, an applicant shall have at least one hundred fifty semester hours of college education, including a baccalaureate or higher degree or its equivalent conferred by a college or university acceptable to the board, the total educational program to include an accounting concentration or equivalent as determined by the board, with thirty semester hours in accounting or equivalent as determined by the board.

D. The examination for certification shall be offered via a computer-based testing system at least four times per year at a designated testing center and shall test an applicant's knowledge of the subjects of accounting and auditing and other related subjects as prescribed by the board. The board shall prescribe the method of applying for the examination and the dissemination of scores, and it shall rely on the American institute of certified public accountants for the grading of the examination. The board may use all or any part of the uniform certified public accountant examination services of the national association of state boards of accountancy to perform administrative services with respect to the examination. The board or its designee shall report all eligibility and score data to the national candidate database, and it shall, to the extent possible, provide that the passing scores are uniform with passing scores of other states.

E. An applicant must pass all sections of the examination to qualify for a certificate. A passing scaled score for each section shall be seventy-five. Sections may be taken individually and in any order. An applicant may not take a failed test section within the same three-month examination window. Credit for any section passed shall be valid for eighteen months from the actual date the applicant took that section, without having to attain a minimum score on any failed test section and without regard to whether the applicant has taken other test sections. An applicant must pass all four test sections within a continuous eighteen-month period, which begins on the date that the first section passed is taken. If all four test sections are

not passed within the continuous eighteen-month period, credit for any test section passed outside the eighteen-month period will expire, and that test section must be retaken.

F. An applicant who has passed at least two sections of the paper and pencil examination, as of the launch date of the computer-based examination, will retain credit for the corresponding test sections of the computer-based examination.

G. An applicant who has passed at least two sections of the paper and pencil examination, as of the launch date of the computer-based examination, shall be given a transition period to complete any remaining test sections of the computer-based examination.

H. An applicant shall be given credit for examination sections passed in another state if such credit would have been given in New Mexico.

I. The board may waive or defer requirements of this section regarding the circumstances in which sections of the examination must be passed, upon a showing that, by reason of circumstances beyond the applicant's control, he was unable to meet the requirement.

J. An applicant for initial issuance of a certified public accountant certificate shall show that he has had at least one year of experience. This experience shall include providing service or advice involving the use of accounting, attest, management advisory, financial advisory, tax or consulting skills as verified by a certified public accountant who meets requirements prescribed by the board. The experience is acceptable if it was gained through employment in government, industry, academia or public practice."

Chapter 34 Section 3 Laws 2004

Section 3. Section 61-28B-27 NMSA 1978 (being Laws 1999, Chapter 179, Section 27, as amended) is amended to read:

"61-28B-27. FEES.--The board may collect from certificate holders, permit holders, applicants and others the following fees:

A. for examination, a fee not to exceed four hundred dollars (\$400) per examination section;

B. for certificate issuance or renewal, a fee not to exceed one hundred seventy-five dollars (\$175) per year; provided, however, the board may charge a biennial fee of not more than twice the annual fee;

C. for firm permits, a fee not to exceed one hundred dollars (\$100) per year; provided, however, the board may charge a biennial fee of not more than twice the annual fee;

D. for incomplete or delinquent continuing education reports, certificate or permit renewals, a fee not to exceed one hundred dollars (\$100) each;

E. for preparing and providing licensure and examination information to others, a fee not to exceed seventy-five dollars (\$75.00) per report;

F. reasonable administrative fees for such services as research, record copies, duplicate or replacement certificates or permits;

G. for certificate reinstatement, a fee not to exceed one hundred seventy-five dollars (\$175), plus past due fees and penalties;

H. for waiver to comply with continuing professional education requirements, a fee not to exceed seventy-five dollars (\$75.00) per application; and

I. for reentry into active certificate status and to comply with continuing education, a fee not to exceed seventy-five dollars (\$75.00) per application."

Chapter 34 Section 4 Laws 2004

Section 4. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

Senate Bill 219, w/ec
Approved March 2, 2004

LAWS 2004, CHAPTER 35

AN ACT

RELATING TO CRIMES; PROHIBITING INTRACARDIAC ADMINISTRATION OF EUTHANASIA ON A CONSCIOUS ANIMAL.

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

Chapter 35 Section 1 Laws 2004

Section 1. A new section of Chapter 30, Article 18 NMSA 1978 is enacted to read:

"INTRACARDIAC INJECTION PROHIBITED ON CONSCIOUS ANIMAL.--

A. It is unlawful for an employee or agent of an animal control service or facility, animal shelter or humane society to use intracardiac injection to administer euthanasia on a conscious animal if the animal could first be rendered unconscious in a humane manner.

B. A person who violates the provisions of Subsection A of this section is guilty of a misdemeanor and shall be sentenced in accordance with the provisions of Section 31-19-1 NMSA 1978."

Senate Bill 51
Approved March 2, 2004

LAWS 2004, CHAPTER 36

AN ACT

RELATING TO WORKERS' COMPENSATION; INCREASING THE ASSESSMENT ON EMPLOYERS; DISTRIBUTING A PORTION OF THE EMPLOYER ASSESSMENT TO THE UNINSURED EMPLOYERS' FUND; AMENDING SECTIONS OF THE NMSA 1978.

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

Chapter 36 Section 1 Laws 2004

Section 1. Section 52-1-9.1 NMSA 1978 (being Laws 2003, Chapter 258, Section 1) is amended to read:

"52-1-9.1. UNINSURED EMPLOYERS' FUND--WORKERS' COMPENSATION ADMINISTRATION--ADDITIONAL DUTIES.--

A. The "uninsured employers' fund" is created in the state treasury. The fund shall be administered by the workers' compensation administration as a separate account. The administration shall adopt rules to administer the fund pursuant to the provisions of this section.

B. The fund shall consist of thirty cents (\$.30) per employee covered by the Workers' Compensation Act on the last working day of each quarter for the fee assessed against employers pursuant to Section 52-5-19 NMSA 1978 and all income derived from investment of the fund. The fund shall also consist of any other money appropriated, distributed or otherwise allocated to the fund for the purpose of this section.

C. Money in the fund is appropriated to the workers' compensation administration to pay workers' compensation benefits to a person entitled to the benefits when that person's employer has failed to maintain workers' compensation coverage because of fraud, misconduct or other failure to insure or otherwise make compensation payments. For purposes of this subsection, a worker who has affirmatively elected not to accept the provisions of the Workers' Compensation Act shall not be eligible for payment of workers' compensation from the uninsured employers' fund. The director may pay reasonable costs of administering the uninsured employers' fund from the fund, but money in the fund shall not be used for administrative costs unrelated to the fund or any activity of the workers' compensation administration other than as provided in this section. The superintendent of insurance shall examine and audit the fund pursuant to the provisions of Chapter 59A, Article 4 NMSA 1978.

D. The director may authorize payments to a person from the uninsured employers' fund if the injury or cause of incapacity occurs in New Mexico and would be compensable under the Workers' Compensation Act.

E. The uninsured employers' fund, by subrogation, has all the rights, powers and benefits of the employee or the employee's dependents against the employer failing to make the compensation payments.

F. The uninsured employers' fund, subject to approval of the director, shall discharge its obligations by contracting with an independent adjusting company that is licensed and principally located in New Mexico as prescribed by Section 59A-13-11 NMSA 1978 or Chapter 59A, Article 12A NMSA 1978.

G. For the purpose of ensuring the health, safety and welfare of the public, the director or a workers' compensation judge shall:

(1) order the uninsured employer to reimburse the uninsured employers' fund for all benefits paid to or on behalf of an injured employee by the uninsured employers' fund along with interest, costs and attorney fees; and

(2) impose a penalty against the uninsured employer of not less than fifteen percent nor more than fifty percent of the value of the total award in connection with the claim that shall be paid into the uninsured employers' fund.

H. The liability of the state, the workers' compensation administration and the state treasurer, with respect to payment of any compensation benefits, expenses, fees or disbursement properly chargeable against the uninsured employers' fund, is limited to the assets in the uninsured employers' fund, and they are not otherwise liable for any payment.

I. The uninsured employers' fund shall be considered a payor of last resort within the workers' compensation system. No other payor liable for payments under the Workers' Compensation Act shall have its liabilities affected or discharged by payments from the uninsured employers' fund. Any payments to workers paid by the uninsured employers' fund shall be subject to subrogation and apportionment to the same extent as payments to an injured worker from a third party tortfeasor.

J. In any claim against an employer by the uninsured employers' fund, or by or on behalf of the employee to whom or to whose dependents compensation and other benefits are paid or payable from the uninsured employers' fund, the burden of proof is on the employer or other party in interest objecting to the claim. The claim is presumed to be valid up to the full amount of workers' compensation benefits paid to the employee or the employee's dependents. This subsection applies whether the claim is filed in court or in an adjudicative proceeding under the authority of the workers' compensation administration.

K. Nothing in this section shall be construed to extend exclusive remedy protection pursuant to Section 52-1-6 or 52-1-9 NMSA 1978 to any employer whose injured worker is paid by the uninsured employers' fund.

L. Nothing in this section shall be construed to supersede Section 52-5-10 NMSA 1978."

Chapter 36 Section 2 Laws 2004

Section 2. Section 52-5-19 NMSA 1978 (being Laws 1987, Chapter 235, Section 52, as amended) is amended to read:

"52-5-19. FEE FOR FUNDING ADMINISTRATION--WORKERS' COMPENSATION
ADMINISTRATION FUND CREATED.--

A. Beginning with the calendar quarter ending September 30, 2004 and for each calendar quarter thereafter, there is assessed against each employer who is required or elects to be covered by the Workers' Compensation Act a fee equal to two dollars thirty cents (\$2.30) multiplied by the number of employees covered by the Workers' Compensation Act that the employer has on the last working day of each quarter. At the same time, there is assessed against each employee covered by the Workers' Compensation Act on the last working day of each quarter a fee of two dollars (\$2.00), which shall be deducted from the wages of the employee by the employer and remitted along with the fee assessed on the employer. The fees shall be remitted by the last day of the month following the end of the quarter for which they are due.

B. The taxation and revenue department may deduct from the gross fees collected an amount not to exceed five percent of the gross fees collected to reimburse the department for costs of administration.

C. The taxation and revenue department shall pay over the net fees collected to the state treasurer to be deposited by him in a fund hereby created and to be known as the "workers' compensation administration fund". Expenditures shall be made from this fund on vouchers signed by the director for the necessary expenses of the workers' compensation administration; provided that an amount equal to thirty cents (\$.30) per employee of the fee assessed against an employer shall be distributed from the workers' compensation administration fund to the uninsured employers' fund.

D. The workers' compensation fee authorized in this section shall be administered and enforced by the taxation and revenue department under the provisions of the Tax Administration Act."

Chapter 36 Section 3 Laws 2004

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2004.

Senate Bill 74, aa
Approved March 2, 2004

LAWS 2004, CHAPTER 37

AN ACT

RELATING TO MILITARY AFFAIRS; PROVIDING FOR FEDERALLY ASSURED RIGHTS, BENEFITS AND PROTECTIONS FOR NATIONAL GUARD MEMBERS ORDERED TO STATE ACTIVE DUTY.

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

Chapter 37 Section 1 Laws 2004

Section 1. A new section of Chapter 20, Article 4 NMSA 1978 is enacted to read:

"SERVICEMEMBER'S CIVIL RELIEF ACT BENEFITS--UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT--FEDERAL OR STATE ACTIVE DUTY.-

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A. The rights, benefits and protections of the federal Servicemember's Civil Relief Act shall apply to a member of the national guard ordered to state active duty for a period of thirty or more consecutive state duty days or to any federally funded duty performed in an operational role for homeland security in accordance with 32 U.S.C. 502. The federally funded duty is in addition to and different from any federally funded unit training, assembly or drill pursuant to Section 20-4-7 NMSA 1978.

B. The rights, benefits and protections of the federal Uniformed Services Employment and Reemployment Rights Act of 1994 shall apply to a member of the national guard ordered to federal or state active duty for a period of thirty or more consecutive days."

Senate Bill 181, aa
Approved March 2, 2004

LAWS 2004, CHAPTER 38

AN ACT

RELATING TO CRIMINAL SENTENCING; INCREASING THE AMOUNT PAID BY OFFENDERS FOR SUPERVISED PROBATION AND PAROLE SERVICES; REQUIRING OFFENDERS WHO PARTICIPATE IN A COMMUNITY CORRECTIONS PROGRAM TO MAKE A CO-PAYMENT; AMENDING SECTIONS OF THE NMSA 1978.

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

Chapter 38 Section 1 Laws 2004

Section 1. Section 31-20-6 NMSA 1978 (being Laws 1963, Chapter 303, Section 29-18, as amended) is amended to read:

"31-20-6. CONDITIONS OF ORDER DEFERRING OR SUSPENDING SENTENCE.-- The magistrate, metropolitan or district court shall attach to its order deferring or suspending sentence reasonable conditions as it may deem necessary to ensure that the defendant will observe the laws of the United States and the various states and the ordinances of any municipality. The defendant upon conviction shall be required to reimburse a law enforcement agency or local crime stopper program for the amount of any reward paid by the agency or program for information leading to his arrest, prosecution or conviction, but in no event shall reimbursement to the crime stopper program preempt restitution to victims pursuant to the provisions of Section 31-17-1 NMSA 1978. The defendant upon conviction shall be required to pay the actual costs of his supervised probation service to the adult probation and parole

division of the corrections department or appropriate responsible agency for deposit to the corrections department intensive supervision fund not exceeding one thousand eight hundred dollars (\$1,800) annually to be paid in monthly installments of not less than twenty-five dollars (\$25.00) and not more than one hundred fifty dollars (\$150), as set by the appropriate district supervisor of the adult probation and parole division, based upon the financial circumstances of the defendant. The defendant's payment of the supervised probation costs shall not be waived unless the court holds an evidentiary hearing and finds that the defendant is unable to pay the costs. If the court waives the defendant's payment of the supervised probation costs and the defendant's financial circumstances subsequently change so that the defendant is able to pay the costs, the appropriate district supervisor of the adult probation and parole division shall advise the court and the court shall hold an evidentiary hearing to determine whether the waiver should be rescinded. The court may also require the defendant to:

A. provide for the support of persons for whose support he is legally responsible;

B. undergo available medical or psychiatric treatment and enter and remain in a specified institution when required for that purpose;

C. be placed on probation under the supervision, guidance or direction of the adult probation and parole division for a term not to exceed five years;

D. serve a period of time in volunteer labor to be known as "community service". The type of labor and period of service shall be at the sole discretion of the court; provided that a person receiving community service shall be immune from any civil liability other than gross negligence arising out of the community service, and a person who performs community service pursuant to court order or a criminal diversion program shall not be entitled to wages, shall not be considered an employee and shall not be entitled to workers' compensation, unemployment benefits or any other benefits otherwise provided by law. As used in this subsection, "community service" means labor that benefits the public at large or a public, charitable or educational entity or institution;

E. make a contribution of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100), to be paid in monthly installments of not less than five dollars (\$5.00), to a local crime stopper program or a local drug abuse resistance education program that operates in the territorial jurisdiction of the court; and

F. satisfy any other conditions reasonably related to his rehabilitation."

Chapter 38 Section 2 Laws 2004

Section 2. Section 31-21-10 NMSA 1978 (being Laws 1980, Chapter 28, Section 1, as amended) is amended to read:

"31-21-10. PAROLE AUTHORITY AND PROCEDURE.--

A. An inmate of an institution who was sentenced to life imprisonment as the result of the commission of a capital felony, who was convicted of three violent felonies and sentenced pursuant to Sections 31-18-23 and 31-18-24 NMSA 1978 or who was convicted of two violent sexual offenses and sentenced pursuant to Subsection A of Section 31-18-25 NMSA

1978 and Section 31-18-26 NMSA 1978 becomes eligible for a parole hearing after he has served thirty years of his sentence. Before ordering the parole of an inmate sentenced to life imprisonment, the board shall:

- (1) interview the inmate at the institution where he is committed;
- (2) consider all pertinent information concerning the inmate, including:
 - (a) the circumstances of the offense;
 - (b) mitigating and aggravating circumstances;
 - (c) whether a deadly weapon was used in the commission of the offense;
 - (d) whether the inmate is a habitual offender;
 - (e) the reports filed under Section 31-21-9 NMSA 1978; and
 - (f) the reports of such physical and mental examinations as have been made while in an institution;
- (3) make a finding that a parole is in the best interest of society and the inmate; and
- (4) make a finding that the inmate is able and willing to fulfill the obligations of a law-abiding citizen.

If parole is denied, the inmate sentenced to life imprisonment shall again become entitled to a parole hearing at two-year intervals. The board may, on its own motion, reopen any case in which a hearing has already been granted and parole denied.

B. Unless the board finds that it is in the best interest of society and the parolee to reduce the period of parole, a person who was convicted of a capital felony shall be required to undergo a minimum period of parole of five years. During the period of parole, the person shall be under the guidance and supervision of the board.

C. Except for sex offenders as provided in Section 31-21-10.1 NMSA 1978, an inmate who was convicted of a first, second or third degree felony and who has served the sentence of imprisonment imposed by the court in an institution designated by the corrections department shall be required to undergo a two-year period of parole. An inmate who was convicted of a fourth degree felony and who has served the sentence of imprisonment imposed by the court in an institution designated by the corrections department shall be required to undergo a one-year period of parole. During the period of parole, the person shall be under the guidance and supervision of the board.

D. Every person while on parole shall remain in the legal custody of the institution from which he was released, but shall be subject to the orders of the board. The board shall furnish to each inmate as a prerequisite to his release under its supervision a written statement of the conditions of parole that shall be accepted and agreed to by the inmate as evidenced by his signature affixed to a duplicate copy to be retained in the files of the board. The board shall also require as a prerequisite to release the submission and approval of a parole plan. If an inmate refuses to affix his signature to the written statement of the conditions of his parole or does not have an approved parole plan, he shall not be released and shall remain in the custody of the institution in which he has served his sentence, excepting parole, until such time as the period of parole he was required to serve, less meritorious deductions, if any, expires, at which time he shall be released from that institution without parole, or until such time that he evidences his acceptance and agreement to the conditions of parole as required or receives approval for his parole plan or both. Time served from the date that an inmate refuses to accept and agree to the conditions of parole or fails to receive approval for his parole plan shall reduce the period, if any, to be served under parole at a later date. If the district court has ordered that the inmate make restitution to a victim as provided in Section 31-17-1 NMSA 1978, the board shall include restitution as a condition of parole. The board shall also personally apprise the inmate of the conditions of parole and his duties relating thereto.

E. When a person on parole has performed the obligations of his release for the period of parole provided in this section, the board shall make a final order of discharge and issue him a certificate of discharge.

F. Pursuant to the provisions of Section 31-18-15 NMSA 1978, the board shall require the inmate as a condition of parole:

(1) to pay the actual costs of his parole services to the adult probation and parole division of the corrections department for deposit to the corrections department intensive supervision fund not exceeding one thousand eight hundred dollars (\$1,800) annually to be paid in monthly installments of not less than twenty-five dollars (\$25.00) and not more than one hundred fifty dollars (\$150), as set by the appropriate district supervisor of the adult probation and parole division, based upon the financial circumstances of the defendant. The defendant's payment of the supervised parole costs shall not be waived unless the board holds an evidentiary hearing and finds that the defendant is unable to pay the costs. If the board waives the defendant's payment of the supervised parole costs and the defendant's financial circumstances subsequently change so that the defendant is able to pay the costs, the appropriate district supervisor of the adult probation and parole division shall advise the board and the board shall hold an evidentiary hearing to determine whether the waiver should be rescinded; and

(2) to reimburse a law enforcement agency or local crime stopper program for the amount of any reward paid by the agency or program for information leading to his arrest, prosecution or conviction.

G. The provisions of this section shall apply to all inmates except geriatric, permanently incapacitated and terminally ill inmates eligible for the medical and geriatric parole program as provided by the Parole Board Act."

Chapter 38 Section 3 Laws 2004

Section 3. Section 33-9-3 NMSA 1978 (being Laws 1983, Chapter 202, Section 3, as amended) is amended to read:

"33-9-3. COMMUNITY CORRECTIONS GRANT FUND--ESTABLISHED--CO-PAYMENTS.--

A. There is created in the state treasury a special fund to be known as the "community corrections grant fund". All money appropriated to the fund or accruing to it as a result of gift, deposit, investments or other sources shall not be transferred to another fund or encumbered or disbursed in any manner except as provided in the Adult Community Corrections Act. The fund shall be for the purpose of providing programs and services for the diversion of criminal offenders to community-based settings.

B. The department shall require criminal offenders who participate in a program and who receive services to make a co-payment to offset the cost of the services. The amount of the co-payment shall be based upon the offender's ability to pay. The department shall collect the co-payments and on a monthly basis deliver them to the state treasurer for deposit in the community corrections grant fund."

Chapter 38 Section 4 Laws 2004

Section 4. APPLICABILITY.--The provisions of this act apply to persons convicted of a criminal offense on or after July 1, 2004.

Chapter 38 Section 5 Laws 2004

Section 5. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2004.

Senate Bill 563, aa
Approved March 2, 2004

LAWS 2004, CHAPTER 39

AN ACT

RELATING TO GOVERNMENT ACCOUNTABILITY; AMENDING AND ENACTING SECTIONS OF THE ACCOUNTABILITY IN GOVERNMENT ACT.

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

Chapter 39 Section 1 Laws 2004

Section 1. Section 6-3-21 NMSA 1978 (being Laws 1955, Chapter 114, Section 12, as amended by Laws 1999, Chapter 5, Section 12 and also by Laws 1999, Chapter 15, Section 12) is amended to read:

"6-3-21. PREPARATION OF THE BUDGET.--

A. The governor shall prepare the budget and submit it to the legislative finance committee and each member of the legislature not later than January 5 in even-numbered years and not later than January 10 in odd-numbered years. In the preparation of the budget the governor may:

- (1) change the tentative budget by adding new items, increasing or decreasing or eliminating items;
- (2) obtain advice and assistance from any state agency; and
- (3) hold hearings on the budget.

B. Any budget hearings conducted by the governor shall be open to the public. The governor may require the attendance of any head of an agency, whether elective or appointive. At the hearings, any officer or agency may protest budget items."

Chapter 39 Section 2 Laws 2004

Section 2. Section 6-3A-2 NMSA 1978 (being Laws 1999, Chapter 5, Section 2 and Laws 1999, Chapter 15, Section 2) is amended to read:

"6-3A-2. FINDINGS AND PURPOSE.--

A. The legislature finds that agencies should:

- (1) be granted sufficient statutory authority and flexibility to use their resources in the best possible way in order to better serve the citizens of New Mexico through the efficient delivery of services and products and the effective administration of governmental programs;
- (2) be held accountable for the services and products they deliver in accordance with clearly defined missions, goals and objectives;
- (3) develop performance measures for evaluating performance and assessing progress in achieving goals and objectives, and those measures should be integrated into the planning and budgeting process and maintained on an ongoing basis;
- (4) have incentives to deliver services and products in the most efficient and effective manner and, if appropriate, recommend the restructuring of ineffective programs or the elimination of unnecessary programs;
- (5) have their performance in achieving desired outputs and outcomes and in efficiently operating programs measured and evaluated in an effort to improve program coordination, eliminate duplicate programs or activities and provide better information to the governor, the legislature and the public; and

(6) strive to keep the citizens of this state informed of the public benefits derived from the delivery of agency services and products and of the progress agencies are making with regard to improving performance.

B. The purpose of the Accountability in Government Act is to provide for more cost-effective and responsive government services by using the state budget process and defined outputs, outcomes and performance measures to annually evaluate the performance of state government programs."

Chapter 39 Section 3 Laws 2004

Section 3. Section 6-3A-3 NMSA 1978 (being Laws 1999, Chapter 5, Section 3 and Laws 1999, Chapter 15, Section 3) is amended to read:

"6-3A-3. DEFINITIONS.--As used in the Accountability in Government Act:

A. "agency" means a branch, department, institution, board, bureau, commission, district or committee of the state;

B. "approved program" means a program included in an approved list of programs issued by the division pursuant to Section 6-3A-4 NMSA 1978;

C. "baseline data" means the current level of a program's performance measures established pursuant to guidelines established by the division in consultation with the committee;

D. "committee" means the legislative finance committee;

E. "division" means the state budget division of the department of finance and administration;

F. "outcome" means the measurement of the actual impact or public benefit of a program;

G. "output" means the measure of the volume of work completed or the level of actual services or products delivered by a program;

H. "performance-based program budget" means a budget that identifies a total allowed expenditure for a program and includes performance measures, performance standards and program evaluations;

I. "performance measure" means a quantitative or qualitative indicator used to assess the output or outcome of an approved program;

J. "performance target" means the expected level of performance of a program's performance measures; and

K. "program" means a set of activities undertaken in accordance with a plan of action organized to realize identifiable goals and objectives based on legislative authorization."

Chapter 39 Section 4 Laws 2004

Section 4. Section 6-3A-4 NMSA 1978 (being Laws 1999, Chapter 5, Section 4 and Laws 1999, Chapter 15, Section 4) is amended to read:

"6-3A-4. PROGRAM IDENTIFICATION.--

A. Prior to July 15 of each year, each agency shall submit to the division and the committee proposed changes to its current program structure. The division, in consultation with the committee and the agency, shall review the requested changes, make any necessary revisions and issue approval or disapproval within thirty days of receipt. The division shall send a copy of its approval or disapproval to the committee.

B. The program list submitted by the agency shall be accompanied by:

- (1) the constitutional or statutory direction and authority for each program;
- (2) identification of the users of each program;
- (3) the purpose of each program or the benefit derived by the users of the program; and
- (4) other financial information as required by the division in consultation with the committee."

Chapter 39 Section 5 Laws 2004

Section 5. Section 6-3A-5 NMSA 1978 (being Laws 1999, Chapter 5, Section 5 and Laws 1999, Chapter 15, Section 5) is amended to read:

"6-3A-5. PERFORMANCE MEASURES.--

A. Prior to June 15 of each year, the division, in consultation with the committee, shall develop instructions for the development of performance measures for evaluating approved programs.

B. Prior to July 15 of each year, each agency shall submit to the division and the committee proposed changes in its performance measures. The agency shall identify the outputs produced by each program, the outcomes resulting from each program and baseline data associated with each performance measure. The division, in consultation with the committee and the agency, shall review the proposed changes, make necessary revisions and issue its approval or disapproval within thirty days of receipt. The division shall send a copy of its approval or disapproval to the committee."

Chapter 39 Section 6 Laws 2004

Section 6. Section 6-3A-6 NMSA 1978 (being Laws 1999, Chapter 5, Section 6 and Laws 1999, Chapter 15, Section 6) is amended to read:

"6-3A-6. SCHEDULE FOR SUBMISSION OF PERFORMANCE-BASED PROGRAM BUDGET REQUESTS.--No later than September 1 of each year, agencies shall submit performance-based program budget requests for the subsequent fiscal year to the division and to the committee."

Chapter 39 Section 7 Laws 2004

Section 7. Section 6-3A-7 NMSA 1978 (being Laws 1999, Chapter 5, Section 7 and Laws 1999, Chapter 15, Section 7) is amended to read:

"6-3A-7. PERFORMANCE-BASED PROGRAM BUDGET REQUESTS.--

A. The division, in consultation with the committee, shall develop instructions for those agencies required to submit performance-based program budget requests. The instructions shall be sent to the agencies on or before June 15 of each year and shall be in addition to any other forms required by Section 6-3-18 NMSA 1978. The instructions shall require that performance-based program budget requests contain the following:

(1) a summary of each approved program, including a justification for the program;

(2) for each approved program, an evaluation of the agency's progress in meeting the performance targets. The evaluation shall be developed as prescribed in the budget instructions;

(3) for each approved program, the outputs, outcomes, baseline data, performance measures and historic and proposed performance targets;

(4) if a performance audit has been conducted on an approved program during either the present or any of the immediately preceding two fiscal years, any responses that the agency may have to the audit and any actions that the agency has taken as a result of the audit; and

(5) any other information that the division believes may be useful to the division or the legislature in developing a budget for the agency.

B. On or before September 1 of each year, each agency shall submit a performance-based program budget request to the division and the committee in the form and manner prescribed in the budget instructions. Budget requests submitted pursuant to this section shall be in lieu of those required by Section 6-3-19 NMSA 1978."

Chapter 39 Section 8 Laws 2004

Section 8. Section 6-3A-8 NMSA 1978 (being Laws 1999, Chapter 5, Section 8 and Laws 1999, Chapter 15, Section 8) is amended to read:

"6-3A-8. PERFORMANCE-BASED PROGRAM BUDGETS.--

A. For each agency, the governor's proposed budget submitted pursuant to Section 6-3-21 NMSA 1978 and the committee's budget recommendation pursuant to Section 2-5-4 NMSA 1978 shall contain:

- (1) a budget recommendation for each approved program;
- (2) a summary, including the outputs and outcomes, of each approved program;
- (3) performance measures and performance targets for each approved program;
- (4) an evaluation of the performance of each approved program; and
- (5) any other criteria deemed relevant by the governor or the committee.

B. For each agency, the governor's proposed budget submitted pursuant to Section 6-3-21 NMSA 1978 and the committee's budget recommendation pursuant to Section 2-5-4 NMSA 1978 may contain recommendations regarding incentives or disincentives for agency performance. Incentives or disincentives may apply to all or part of an agency and may apply to any or all of an agency's approved programs.

C. Pursuant to Section 6-3-7 NMSA 1978, the division shall prescribe forms and approve operating budgets for agencies funded by performance-based program budgets; however, the division shall not take any action that hinders an agency from operating under a performance-based appropriation or that is otherwise inconsistent with the purposes of the Accountability in Government Act. Notwithstanding the provisions of Sections 6-3-23 through 6-3-25 NMSA 1978, and absent specific authorization in the general appropriation act or other act of the legislature, no funds may be transferred either into or out of a performance-based program budget.

D. Each agency shall develop, in consultation with the division, a plan for monitoring and reviewing the agency's programs to ensure that performance data are maintained and supported by agency records."

Chapter 39 Section 9 Laws 2004

Section 9. A new section of the Accountability in Government Act is enacted to read:

"QUARTERLY REPORTING.--

A. The division, in consultation with the committee, shall select agencies and specify performance measures for those agencies that shall be reported on a quarterly basis.

B. Quarterly reports shall compare actual performance for the report period with targeted performance and shall be filed with the division and committee within thirty days of the end of a reporting period."

Senate Bill 561, aa
Approved March 2, 2004

LAWS 2004, CHAPTER 40

AN ACT

RELATING TO GAMING; EXPANDING THE USE OF LIENS ON LOTTERY WINNINGS BY THE HUMAN SERVICES DEPARTMENT.

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

Chapter 40 Section 1 Laws 2004

Section 1. Section 6-24-22 NMSA 1978 (being Laws 1995, Chapter 155, Section 22) is amended to read:

"6-24-22. LIEN ON LOTTERY WINNINGS FOR DEBT COLLECTED BY HUMAN SERVICES DEPARTMENT--PAYMENT TO DEPARTMENT--PROCEDURE.--

A. The human services department shall periodically certify to the authority the names and social security numbers of persons owing a debt to or collected by the human services department. This list shall include individuals that owe child support being collected by the state's child support enforcement agency pursuant to Title IV-D of the Social Security Act.

B. Prior to the payment of a lottery prize in excess of six hundred dollars (\$600), the lottery shall check the name of the winner against the list of names and social security numbers of persons owing a debt to or collected by the human services department.

C. If the prize winner is on the list of persons owing a debt to or collected by the agency, the lottery shall make a good-faith attempt to notify the human services department, and the department then has a lien against the lottery prize in the amount of the debt owed to or collected by the agency. The lottery has no liability to the human services department or the person on whose behalf the department is collecting the debt if the lottery fails to match a winner's name to a name on the list or is unable to notify the department of a match. The department shall provide the lottery with written notice of a lien promptly within five working days after the lottery notifies the department of a match.

D. If the lottery prize is to be paid directly by the authority, the amount of the debt owed to or collected by the human services department shall be held by the lottery for a period of ninety days from the lottery's confirmation of the amount of the debt to allow the department to institute any necessary administrative seizure proceedings in accordance with Section 27-1-11 NMSA 1978. If an administrative seizure a proceeding is not initiated within the ninety-day period, the authority shall release the lottery prize payment to the winner.

E. The human services department, in its discretion, may release or partially release the lien upon written notice to the authority.

F. A lien or administrative seizure established against a lottery prize on behalf of a child support enforcement case shall take first priority over all other liens established by the department.

G. A lien under this section is in addition to any other lien created by law."

Senate Bill 558, aa
Approved March 2, 2004

LAWS 2004, CHAPTER 41

AN ACT

RELATING TO CHILD SUPPORT ENFORCEMENT; ELIMINATING THE ATTORNEY-CLIENT RELATIONSHIP BETWEEN A CHILD SUPPORT ENFORCEMENT ATTORNEY AND ANOTHER PARTY; REDUCING THE INTEREST RATE FOR DELINQUENT CHILD SUPPORT; CHANGING JUDGMENTS AND ORDERS FOR RETROACTIVE CHILD SUPPORT; ESTABLISHING AN ARREARS MANAGEMENT PROGRAM FOR UNPAID CHILD SUPPORT INTEREST AMNESTY.

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

Chapter 41 Section 1 Laws 2004

Section 1. Section 27-2-27 NMSA 1978 (being Laws 1981, Chapter 90, Section 1, as amended) is amended to read:

"27-2-27. SINGLE STATE AGENCY--POWERS AND DUTIES.--

A. The department is designated as the single state agency for the enforcement of child and spousal support obligations pursuant to Title IV D of the federal act with the following duties and powers to:

(1) establish the paternity of a child in the case of the child born out of wedlock with respect to whom an assignment of support rights has been executed in favor of the department;

(2) establish an order of support for children receiving aid to families with dependent children and, at the option of the department, for the spouse or former spouse with whom such children are living, but only if a support obligation has been established with respect to such spouse or former spouse, for whom no order of support currently exists and seek modification, based upon the noncustodial parent's ability to pay, of existing orders in which the support order is inadequate to properly care for the child and the spouse or former spouse with whom the child is living;

(3) enforce as the real party in interest any existing order for the support of children who are receiving aid to families with dependent children or of the spouse or former spouse with whom such children are living;

(4) provide services to non-aid families with dependent children in the establishment and enforcement of paternity and child support obligations, including locating the absent parent. For these services, the department is authorized to establish and collect fees, costs and charges permitted or required by federal law or by regulations adopted pursuant to that federal law; and

(5) adopt regulations for the disposition of unclaimed child, spousal or medical support payments.

B. In all cases handled by the department pursuant to the provisions of this section, the child support enforcement division or an attorney employed by the division represent the department, to the exclusion of any other party, in establishing, modifying and enforcing support obligations.

C. An attorney employed to provide the Title IV D services represents only the department's interests and no attorney-client relationship shall exist between the attorney and another party.

D. The department shall, at the time an application for child support services is made, inform the applicant that neither the Title IV D agency nor the attorney who provides services under this section is the applicant's attorney and that the attorney who provides services under this section shall not provide legal representation to the applicant.

E. The department may initiate an action or may intervene in an action involving child support.

F. The attorney employed by the department pursuant to this section shall not act as a guardian ad litem for the applicant.

G. A court shall not disqualify the department in a legal action filed pursuant to the Support Enforcement Act of the federal Social Security Act because the department has previously provided services to a party whose interests are now adverse to the relief requested."

Chapter 41 Section 2 Laws 2004

Section 2. Section 40-4-7.3 NMSA 1978 (being Laws 1999, Chapter 299, Section 1) is amended to read:

"40-4-7.3. ACCRUAL OF INTEREST--DELINQUENT CHILD AND SPOUSAL SUPPORT.--

A. Interest shall accrue on delinquent child support at the rate of four percent and spousal support at the rate set forth in Section 56-8-4 NMSA 1978 in effect when the support payment becomes due and shall accrue from the date the support is delinquent until the date the support is paid.

B. Interest shall accrue on a consolidated judgment for delinquent child support at the rate of four percent when the consolidated judgment is entered until the judgment is satisfied.

C. Unless the order, judgment, decree or wage withholding order specifies a due date other than the first day of the month, support shall be due on the first day of each month and, if not paid by that date, shall be delinquent.

D. In calculation of support arrears, payments of support shall be first applied to the current support obligation, next to any delinquent support, next to any consolidated judgment of delinquent support, next to any accrued interest on delinquent support and next to any interest accrued on a consolidated judgment of delinquent support.

E. The human services department shall have the authority to forgive accrued interest on delinquent child support assigned to the state not otherwise specified in an order, judgment, decree or income withholding order if, in the judgment of the secretary of human services, forgiveness will likely result in the collection of more child support, spousal support or other support and will likely result in the satisfaction of the judgment, decree or wage withholding order. This authority shall include the ability to authorize the return of suspended licenses."

Chapter 41 Section 3 Laws 2004

Section 3. A new section of the Support Enforcement Act is enacted to read:

"UNPAID CHILD SUPPORT INTEREST ARREARS MANAGEMENT PROGRAM.--The department shall designate an arrears management program starting on or after December 15, 2004 to provide amnesty for child support arrears, pursuant to procedures adopted by the department. The arrears management program shall not exceed more than twelve months and shall only be authorized thereafter every two years. The department shall, before renewing the next arrears management program, provide to the interim welfare reform oversight committee a report on the previous arrears management program."

Chapter 41 Section 4 Laws 2004

Section 4. Section 40-11-15 NMSA 1978 (being Laws 1986, Chapter 47, Section 15, as amended) is amended to read:

"40-11-15. JUDGMENT OR ORDER.--

A. The judgment or order of the court determining the existence or nonexistence of the parent and child relationship is determinative for all purposes.

B. If the judgment or order of the court is at variance with the child's birth certificate, the court shall order that a new birth certificate be issued.

C. The judgment or order may contain any other provision directed against or on behalf of the appropriate party to the proceeding concerning the duty of past and future support, the custody and guardianship of the child, visitation with the child, the furnishing of bond or other security for the payment of the judgment or any other matter within the jurisdiction of the court. The judgment or order may direct the father to pay the reasonable expenses of the mother's pregnancy, birth and confinement. The court shall order child support retroactive to the date of the child's birth, but not to exceed twelve years unless there is a substantial showing

that paternity could not have been established and an action for child support could not have been brought within twelve years of the child's birth pursuant to the provisions of Sections 40-4-11 through 40-4-11.3 NMSA 1978; provided that, in deciding whether or how long to order retroactive support, the court shall consider:

(1) whether the alleged or presumed father has absconded or could not be located; and

(2) whether equitable defenses are applicable.

D. A determination of parentage and adjudication of support is binding on:

(1) a signatory on an acknowledgment of paternity;

(2) a nonresident party subject to the court's jurisdiction pursuant to Section 40-6A-201 NMSA 1978; and

(3) the child, if:

(a) the determination was based on an acknowledgment of paternity and the acknowledgment is consistent with the results of genetic testing;

(b) the child was a party or was represented in the proceeding by a guardian ad litem;

(c) there is a stipulation or admission in the final order that the parties are the parents of the child; or

(d) in a proceeding to dissolve a marriage or establish support, a final order expressly identified the child as a "child of the marriage", "issue of the marriage", "child of the parties" or similar words that indicate the parties are the parents of the child and, if applicable, the court had personal jurisdiction over any nonresident party pursuant to Section 40-6A-201 NMSA 1978.

E. Support judgments or orders ordinarily shall be for periodic payments which may vary in amount. In the best interest of the child, a lump-sum payment or the purchase of an annuity may be ordered in lieu of periodic payments of support; provided, however, nothing in this section shall deprive a state agency of its right to reimbursement from an appropriate party should the child be a past or future recipient of public assistance.

F. In determining the amount to be paid by a parent for support of the child, a court, child support hearing officer or master shall make such determination in accordance with the provisions of the child support guidelines of Section 40-4-11.1 NMSA 1978.

G. Bills for pregnancy, childbirth and genetic testing are admissible as evidence without requiring third-party foundation testimony and constitute prima facie evidence of amounts incurred."

Chapter 41 Section 5 Laws 2004

Section 5. Section 40-11-16 NMSA 1978 (being Laws 1986, Chapter 47, Section 16, as amended) is amended to read:

"40-11-16. COSTS.--The court may order reasonable fees of counsel, experts and the child's guardian and other costs of the action and pretrial proceedings, including blood or genetic tests, to be paid by any party in proportions and at times determined by the court, but not to exceed twelve years unless there is a substantial showing that paternity could not have been established and an action for child support could not have been brought within twelve years of the child's birth. The court may order the proportion of any indigent party to be paid from court funds."

Chapter 41 Section 6 Laws 2004

Section 6. Section 40-11-23 NMSA 1978 (being Laws 1986, Chapter 47, Section 23, as amended) is amended to read:

"40-11-23. LIMITATION.--An action to determine a parent and child relationship under the Uniform Parentage Act shall be brought no later than three years after the child has reached the age of majority."

Chapter 41 Section 7 Laws 2004

Section 7. Section 56-8-4 NMSA 1978 (being Laws 1851-1852, p. 255, as amended) is amended to read:

"56-8-4. JUDGMENTS AND DECREES--BASIS OF COMPUTING INTEREST.--

A. Interest shall be allowed on judgments and decrees for the payment of money from entry and shall be calculated at the rate of eight and three-fourths percent per year, unless:

(1) the judgment is rendered on a written instrument having a different rate of interest, in which case interest shall be computed at a rate no higher than specified in the instrument; or

(2) the judgment is based on tortious conduct, bad faith or intentional or willful acts, in which case interest shall be computed at the rate of fifteen percent.

B. Unless the judgment is based on unpaid child support, the court in its discretion may allow interest of up to ten percent from the date the complaint is served upon the defendant after considering, among other things:

(1) if the plaintiff was the cause of unreasonable delay in the adjudication of the plaintiff's claims; and

(2) if the defendant had previously made a reasonable and timely offer of settlement to the plaintiff.

C. Nothing contained in this section shall affect the award of interest or the time from which interest is computed as otherwise permitted by statute or common law.

D. The state and its political subdivisions are exempt from the provisions of this section except as otherwise provided by statute or common law."

SJC/Senate Bill 48
Approved March 2, 2004

LAWS 2004, CHAPTER 42

AN ACT

RELATING TO DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS; RECONCILING MULTIPLE AMENDMENTS TO SECTION 66-8-102 NMSA 1978 (BEING LAWS 1953, CHAPTER 139, SECTION 54, AS AMENDED BY LAWS 2003, CHAPTER 51, SECTION 10 AND BY LAWS 2003, CHAPTER 90, SECTION 3 AND ALSO BY LAWS 2003, CHAPTER 164, SECTION 10); PROVIDING SANCTIONS FOR PROBATION VIOLATORS; CLARIFYING PROVISIONS REGARDING TREATMENT OF OFFENDERS; INCREASING THE SENTENCING ENHANCEMENT FOR PRIOR DWI CONVICTIONS WHEN A PERSON COMMITS HOMICIDE BY VEHICLE OR GREAT BODILY HARM BY VEHICLE WHILE DWI; PROVIDING PENALTIES; DECLARING AN EMERGENCY.

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

Chapter 42 Section 1 Laws 2004

Section 1. Section 66-8-102 NMSA 1978 (being Laws 1953, Chapter 139, Section 54, as amended by Laws 2003, Chapter 51, Section 10 and by Laws 2003, Chapter 90, Section 3 and also by Laws 2003, Chapter 164, Section 10) is amended to read:

"66-8-102. PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS--AGGRAVATED DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS--PENALTY.--

A. It is unlawful for a person who is under the influence of intoxicating liquor to drive a vehicle within this state.

B. It is unlawful for a person who is under the influence of any drug to a degree that renders him incapable of safely driving a vehicle to drive a vehicle within this state.

C. It is unlawful for:

(1) a person who has an alcohol concentration of eight one hundredths or more in his blood or breath to drive a vehicle within this state; or

(2) a person who has an alcohol concentration of four one hundredths or more in his blood or breath to drive a commercial motor vehicle within this state.

D. Aggravated driving while under the influence of intoxicating liquor or drugs consists of a person who:

(1) has an alcohol concentration of sixteen one hundredths or more in his blood or breath while driving a vehicle within this state;

(2) has caused bodily injury to a human being as a result of the unlawful operation of a motor vehicle while driving under the influence of intoxicating liquor or drugs; or

(3) refused to submit to chemical testing, as provided for in the Implied Consent Act, and in the judgment of the court, based upon evidence of intoxication presented to the court, was under the influence of intoxicating liquor or drugs.

E. A person under first conviction pursuant to this section shall be punished, notwithstanding the provisions of Section 31-18-13 NMSA 1978, by imprisonment for not more than ninety days or by a fine of not more than five hundred dollars (\$500), or both; provided that if the sentence is suspended in whole or in part or deferred, the period of probation may extend beyond ninety days but shall not exceed one year. Upon a first conviction pursuant to this section, an offender may be sentenced to not less than forty-eight hours of community service or a fine of three hundred dollars (\$300). The offender shall be ordered by the court to participate in and complete a screening program described in Subsection K of this section and to attend a driver rehabilitation program for alcohol or drugs, also known as a "DWI school", approved by the bureau and also may be required to participate in other rehabilitative services as the court shall determine to be necessary. In addition to those penalties, when an offender commits aggravated driving while under the influence of intoxicating liquor or drugs, the offender shall be sentenced to not less than forty-eight consecutive hours in jail. If an offender fails to complete, within a time specified by the court, any community service, screening program, treatment program or DWI school ordered by the court or fails to comply with any other condition of probation, the offender shall be sentenced to not less than an additional forty-eight consecutive hours in jail. Notwithstanding any provision of law to the contrary, if an offender's sentence was suspended or deferred in whole or in part, and the offender violates any condition of probation, the court may impose any sentence that the court could have originally imposed and credit shall not be given for time served by the offender on probation. Any jail sentence imposed pursuant to this subsection for failure to complete, within a time specified by the court, any community service, screening program, treatment program or DWI school ordered by the court or for aggravated driving while under the influence of intoxicating liquor or drugs shall not be suspended, deferred or taken under advisement. On a first conviction pursuant to this section, any time spent in jail for the offense prior to the conviction for that offense shall be credited to any term of imprisonment fixed by the court. A deferred sentence pursuant to this subsection shall be considered a first conviction for the purpose of determining subsequent convictions.

F. A second or third conviction pursuant to this section shall be punished, notwithstanding the provisions of Section 31-18-13 NMSA 1978, by imprisonment for not more than three hundred sixty-four days or by a fine of not more than one thousand dollars (\$1,000), or both; provided that if the sentence is suspended in whole or in part, the period of probation

may extend beyond one year but shall not exceed five years. Notwithstanding any provision of law to the contrary for suspension or deferment of execution of a sentence:

(1) upon a second conviction, an offender shall be sentenced to a jail term of not less than ninety-six consecutive hours, forty-eight hours of community service and a fine of five hundred dollars (\$500). In addition to those penalties, when an offender commits aggravated driving while under the influence of intoxicating liquor or drugs, the offender shall be sentenced to a jail term of not less than ninety-six consecutive hours. If an offender fails to complete, within a time specified by the court, any community service, screening program or treatment program ordered by the court, the offender shall be sentenced to not less than an additional seven consecutive days in jail. A penalty imposed pursuant to this paragraph shall not be suspended or deferred or taken under advisement; and

(2) upon a third conviction, an offender shall be sentenced to a jail term of not less than thirty consecutive days and a fine of seven hundred fifty dollars (\$750). In addition to those penalties, when an offender commits aggravated driving while under the influence of intoxicating liquor or drugs, the offender shall be sentenced to a jail term of not less than sixty consecutive days. If an offender fails to complete, within a time specified by the court, any screening program or treatment program ordered by the court, the offender shall be sentenced to not less than an additional sixty consecutive days in jail. A penalty imposed pursuant to this paragraph shall not be suspended or deferred or taken under advisement.

G. Upon a fourth conviction pursuant to this section, an offender is guilty of a fourth degree felony and, notwithstanding the provisions of Section 31-18-15 NMSA 1978, shall be sentenced to a term of imprisonment of eighteen months, six months of which shall not be suspended, deferred or taken under advisement.

H. Upon a fifth conviction pursuant to this section, an offender is guilty of a fourth degree felony and, notwithstanding the provisions of Section 31-18-15 NMSA 1978, shall be sentenced to a term of imprisonment of two years, one year of which shall not be suspended, deferred or taken under advisement.

I. Upon a sixth conviction pursuant to this section, an offender is guilty of a third degree felony and, notwithstanding the provisions of Section 31-18-15 NMSA 1978, shall be sentenced to a term of imprisonment of thirty months, eighteen months of which shall not be suspended, deferred or taken under advisement.

J. Upon a seventh or subsequent conviction pursuant to this section, an offender is guilty of a third degree felony and, notwithstanding the provisions of Section 31-18-15 NMSA 1978, shall be sentenced to a term of imprisonment of three years, two years of which shall not be suspended, deferred or taken under advisement.

K. Upon any conviction pursuant to this section, an offender shall be required to participate in and complete, within a time specified by the court, an alcohol or drug abuse screening program approved by the department of finance and administration and, if necessary, a treatment program approved by the court. The requirement imposed pursuant to this subsection shall not be suspended, deferred or taken under advisement.

L. Upon a second or third conviction pursuant to this section, an offender shall be required to participate in and complete, within a time specified by the court:

(1) not less than a twenty-eight-day inpatient, residential or in-custody substance abuse treatment program approved by the court;

(2) not less than a ninety-day outpatient treatment program approved by the court;

(3) a drug court program approved by the court; or

(4) any other substance abuse treatment program approved by the court.

The requirement imposed pursuant to this subsection shall not be suspended, deferred or taken under advisement.

M. Upon a felony conviction pursuant to this section, the corrections department shall provide substance abuse counseling and treatment to the offender in its custody. While the offender is on probation or parole under its supervision, the corrections department shall also provide substance abuse counseling and treatment to the offender or shall require the offender to obtain substance abuse counseling and treatment.

N. Upon a first conviction for aggravated driving while under the influence of intoxicating liquor or drugs pursuant to the provisions of Subsection D of this section, as a condition of probation, an offender shall be required to have an ignition interlock device installed and operating for a period of one year on all motor vehicles driven by the offender, pursuant to rules adopted by the bureau. Unless determined by the sentencing court to be indigent, the offender shall pay all costs associated with having an ignition interlock device installed on the appropriate motor vehicles. If an offender drives a motor vehicle that does not have an ignition interlock device installed on the motor vehicle, the offender may be in violation of the terms and conditions of his probation.

O. Upon a first conviction for driving while under the influence of intoxicating liquor or drugs pursuant to the provisions of Subsection A, B or C of this section, as a condition of probation, an offender may be required to have an ignition interlock device installed and operating for a period of one year on all motor vehicles driven by the offender, pursuant to rules adopted by the bureau. Unless determined by the sentencing court to be indigent, the offender shall pay all costs associated with having an ignition interlock device installed on the appropriate motor vehicles. If an offender drives a motor vehicle that does not have an ignition interlock device installed on the motor vehicle, the offender may be in violation of the terms and conditions of his probation.

P. Upon any subsequent conviction pursuant to this section, as a condition of probation, a subsequent offender shall be required to have an ignition interlock device installed and operating for a period of at least one year on all motor vehicles driven by the subsequent offender, pursuant to rules adopted by the bureau. Unless determined by the sentencing court to be indigent, the subsequent offender shall pay all costs associated with having an ignition interlock device installed on the appropriate motor vehicles. If a subsequent offender drives a motor vehicle that does not have an ignition interlock device installed on the motor vehicle, the subsequent offender may be in violation of the terms and conditions of his probation.

Q. In the case of a first, second or third offense under this section, the magistrate court has concurrent jurisdiction with district courts to try the offender.

R. A conviction pursuant to a municipal or county ordinance in New Mexico or a law of any other jurisdiction, territory or possession of the United States or of a tribe, when that ordinance or law is equivalent to New Mexico law for driving while under the influence of intoxicating liquor or drugs, and prescribes penalties for driving while under the influence of intoxicating liquor or drugs, shall be deemed to be a conviction pursuant to this section for purposes of determining whether a conviction is a second or subsequent conviction.

S. In addition to any other fine or fee that may be imposed pursuant to the conviction or other disposition of the offense under this section, the court may order the offender to pay the costs of any court-ordered screening and treatment programs.

T. As used in this section:

(1) "bodily injury" means an injury to a person that is not likely to cause death or great bodily harm to the person, but does cause painful temporary disfigurement or temporary loss or impairment of the functions of any member or organ of the person's body;

(2) "commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(a) has a gross combination weight rating of more than twenty-six thousand pounds inclusive of a towed unit with a gross vehicle weight rating of more than ten thousand pounds;

(b) has a gross vehicle weight rating of more than twenty-six thousand pounds;

(c) is designed to transport sixteen or more passengers, including the driver; or

(d) is of any size and is used in the transportation of hazardous materials, which requires the motor vehicle to be placarded under applicable law; and

(3) "conviction" means an adjudication of guilt and does not include imposition of a sentence."

Chapter 42 Section 2 Laws 2004

Section 2. Section 66-8-101 NMSA 1978 (being Laws 1978, Chapter 35, Section 509, as amended) is amended to read:

"66-8-101. HOMICIDE BY VEHICLE--GREAT BODILY HARM BY VEHICLE.--

A. Homicide by vehicle is the killing of a human being in the unlawful operation of a motor vehicle.

B. Great bodily harm by vehicle is the injuring of a human being, to the extent defined in Section 30-1-12 NMSA 1978, in the unlawful operation of a motor vehicle.

C. A person who commits homicide by vehicle or great bodily harm by vehicle while under the influence of intoxicating liquor or while under the influence of any drug or while violating Section 66-8-113 NMSA 1978 is guilty of a third degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978, provided that violation of speeding laws as set forth in the Motor Vehicle Code shall not per se be a basis for violation of Section 66-8-113 NMSA 1978.

D. A person who commits homicide by vehicle or great bodily harm by vehicle while under the influence of intoxicating liquor or while under the influence of any drug, as provided in Subsection C of this section, and who has incurred a prior DWI conviction within ten years of the occurrence for which he is being sentenced under this section shall have his basic sentence increased by four years for each prior DWI conviction.

E. For the purposes of this section, "prior DWI conviction" means:

(1) a prior conviction under Section 66-8-102 NMSA 1978; or

(2) a prior conviction in New Mexico or any other jurisdiction, territory or possession of the United States, including a tribal jurisdiction, when the criminal act is driving under the influence of alcohol or drugs.

F. A person who willfully operates a motor vehicle in violation of Subsection C of Section 30-22-1 NMSA 1978 and directly or indirectly causes the death of or great bodily harm to a human being is guilty of a third degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978."

Chapter 42 Section 3 Laws 2004

Section 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

HJC/SJC/Senate Bills 144 & 207, w/ec
Approved March 2, 2004

LAWS 2004, CHAPTER 43

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; INCREASING CRIMINAL PENALTIES FOR PROVIDING ALCOHOL TO A MINOR; AMENDING A SECTION OF THE LIQUOR CONTROL ACT.

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

Chapter 43 Section 1 Laws 2004

Section 1. Section 60-7B-1 NMSA 1978 (being Laws 1993, Chapter 68, Section 22, as amended by Laws 1998, Chapter 80, Section 1 and also by Laws 1998, Chapter 101, Section 1) is amended to read:

"60-7B-1. SELLING OR GIVING ALCOHOLIC BEVERAGES TO
MINORS--POSSESSION OF ALCOHOLIC BEVERAGES BY MINORS.--

A. It is a violation of the Liquor Control Act for a person, including a person licensed pursuant to the provisions of the Liquor Control Act, or an employee, agent or lessee of that person, if he knows or has reason to know that he is violating the provisions of this section, to:

(1) sell, serve or give alcoholic beverages to a minor or permit a minor to consume alcoholic beverages on the licensed premises;

(2) buy alcoholic beverages for or procure the sale or service of alcoholic beverages to a minor;

(3) deliver alcoholic beverages to a minor; or

(4) aid or assist a minor to buy, procure or be served with alcoholic beverages.

B. It is not a violation of the Liquor Control Act, as provided in Subsection A or C of this section, when:

(1) a parent, legal guardian or adult spouse of a minor serves alcoholic beverages to that minor on real property, other than licensed premises, under the control of the parent, legal guardian or adult spouse; or

(2) alcoholic beverages are used in the practice of religious beliefs.

C. It is a violation of the Liquor Control Act for a minor to buy, attempt to buy, receive, possess or permit himself to be served with alcoholic beverages.

D. When a person other than a minor procures another person to sell, serve or deliver alcoholic beverages to a minor by actual or constructive misrepresentation of facts or concealment of facts calculated to cause the person selling, serving or delivering the alcoholic beverages to the minor to believe that the minor is legally entitled to be sold, served or delivered alcoholic beverages, and actually deceives that person by that misrepresentation or concealment, then the procurer and not the person deceived shall have violated the provisions of the Liquor Control Act.

E. As used in the Liquor Control Act, "minor" means a person under twenty-one years of age.

F. In addition to the penalties provided in Section 60-6C-1 NMSA 1978, a violation of the provisions of Subsection A of this section is a fourth degree felony and the offender shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

G. A violation of the provisions of Subsection C of this section is a misdemeanor and the offender shall be punished as follows:

(1) for a first violation, the offender shall be:

(a) fined an amount not more than one thousand dollars (\$1,000);

and

(b) ordered by the sentencing court to perform thirty hours of community service related to reducing the incidence of driving while under the influence of intoxicating liquor;

(2) for a second violation, the offender shall:

(a) be fined an amount not more than one thousand dollars (\$1,000);

(b) be ordered by the sentencing court to perform forty hours of community service related to reducing the incidence of driving while under the influence of intoxicating liquor; and

(c) have his driver's license suspended for a period of ninety days. If the minor is too young to possess a driver's license at the time of the violation, then ninety days shall be added to the date he would otherwise become eligible to obtain a driver's license; and

(3) for a third or subsequent violation, the offender shall:

(a) be fined an amount not more than one thousand dollars (\$1,000);

(b) be ordered by the sentencing court to perform sixty hours of community service related to reducing the incidence of driving while under the influence of intoxicating liquor; and

(c) have his driver's license suspended for a period of two years or until the offender reaches twenty-one years of age, whichever period of time is greater.

H. A violation of the provisions of Subsection D of this section is a fourth degree felony and the offender shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978."

Chapter 43 Section 2 Laws 2004

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2004.

HJC/House Bill 487
Approved March 2, 2004

LAWS 2004, CHAPTER 44

AN ACT

RELATING TO HEALTH FACILITIES; PROVIDING FOR OVERSIGHT OF HOSPITALS, LONG-TERM CARE FACILITIES AND PRIMARY CARE CLINICS BY THE SECRETARY OF HEALTH; ENACTING A NEW SECTION OF THE PUBLIC HEALTH ACT.

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

Chapter 44 Section 1 Laws 2004

Section 1. Section 24-1-1 NMSA 1978 (being Laws 1973, Chapter 359, Section 1) is amended to read:

"24-1-1. SHORT TITLE.--Chapter 24, Article 1 NMSA 1978 may be cited as the "Public Health Act"."

Chapter 44 Section 2 Laws 2004

Section 2. A new section of the Public Health Act is enacted to read:

"REPORTING REQUIREMENTS.--

A. A hospital, a long-term care facility or a primary care clinic shall provide information sufficient for the secretary to make a reasonable assessment based on clear and convincing evidence of its financial viability, sustainability and potential impact on health care access. Information provided to the secretary pursuant to this section shall remain confidential, is exempt from the Inspection of Public Records Act, unless disclosure or use is mandated by the state or federal law, and shall not be used as a basis for suspension, revocation or issuance of a license. The hospital, long-term care facility or primary care clinic shall provide this information to the secretary at least sixty days before the anticipated effective date of a proposed licensure, closure, disposition or acquisition of the hospital, the long-term care facility or the primary care clinic or its essential services.

B. The secretary shall issue a notice of finding to the facility within sixty days of receiving information from the facility.

C. For the purposes of this section:

(1) "hospital" means a facility providing emergency or urgent care, inpatient medical care and nursing care for acute illness, injury, surgery or obstetrics. "Hospital" includes a facility licensed by the department as a critical access hospital, general hospital, long-term acute care hospital, psychiatric hospital, rehabilitation hospital, limited services hospital and special hospital;

(2) "long-term care facility" means a nursing home licensed by the department to provide intermediate or skilled nursing care; and

(3) "primary care clinic" means a community-based clinic that provides the first level of basic or general health care for an individual's health needs, including diagnostic and treatment services and, if integrated into the clinic's service array, mental health services."

Chapter 44 Section 3 Laws 2004

Section 3. TEMPORARY PROVISION--OVERSIGHT OF OTHER HEALTH FACILITIES.--The secretary of health shall evaluate the need to apply the provisions of this act to all other health facilities as defined in Section 24-1-2 NMSA 1978. The secretary shall report findings and recommendations to the legislative health and human services committee by October 1, 2004.

HCPAC/House Bill 322, aa
Approved March 3, 2004

LAWS 2004, CHAPTER 45

AN ACT

RELATING TO PUBLIC HEALTH; ENACTING THE IMMUNIZATION ACT.

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

Chapter 45 Section 1 Laws 2004

Section 1. A new section of Chapter 24, Article 5 NMSA 1978 is enacted to read:

"SHORT TITLE.--Chapter 24, Article 5 NMSA 1978 may be cited as the "Immunization Act"."

Chapter 45 Section 2 Laws 2004

Section 2. A new section of Chapter 24, Article 5 NMSA 1978 is enacted to read:

"IMMUNIZATION REGISTRY--CREATION.--The department of health, in conjunction with the human services department, shall establish and maintain a state immunization registry. The registry shall be a single repository of accurate, complete and current immunization records

to aid, coordinate and promote effective and cost-efficient disease prevention and control efforts."

Chapter 45 Section 3 Laws 2004

Section 3. A new section of Chapter 24, Article 5 NMSA 1978 is enacted to read:

"REPORTING.--Physicians, nurses and other health care providers may report on immunization to the immunization registry unless the patient, or the patient's guardian if the patient is a minor, refuses to allow reporting of this information."

Chapter 45 Section 4 Laws 2004

Section 4. A new section of Chapter 24, Article 5 NMSA 1978 is enacted to read:

"ACCESS.--Access to the information in the immunization registry shall be limited to primary care physicians, nurses, managed care organizations, school nurses and other appropriate health care providers or public health entities as determined by the secretary of health; provided that a managed care organization shall be entitled to access information only for its enrollees."

Chapter 45 Section 5 Laws 2004

Section 5. A new section of Chapter 24, Article 5 NMSA 1978 is enacted to read:

"USE.--The information contained in the immunization registry shall be used for the following purposes:

- A. to ensure that the registrants receive all recommended immunizations in a timely manner by providing access to the registrant's immunization record;
- B. to improve immunization rates by facilitating notice to registrants of overdue or upcoming immunizations; and
- C. to control communicable diseases by assisting in the identification of individuals who require immediate immunization in the event of a disease outbreak."

Chapter 45 Section 6 Laws 2004

Section 6. A new section of Chapter 24, Article 5 NMSA 1978 is enacted to read:

"RULES.--The secretary of health shall adopt rules for the immunization registry pursuant to the Immunization Act concerning the following:

- A. the implementation and maintenance of the registry;

B. requirements for content and submission of reports of immunization to the registry;

C. procedures for the patient, or the patient's parent or guardian if the patient is a minor, to decline to participate in the registry;

D. procedures for the registrant, or the registrant's parent or guardian if the registrant is a minor, to review and correct information contained in the registry;

E. procedures for the registrant, or the registrant's parent or guardian if the registrant is a minor, to withdraw consent for participation at any time and to remove information from the registry;

F. limits on and methods of access to the registry by those authorized to gain access; and

G. procedures for managed care organizations to obtain summary statistics of immunization information on managed care organization members from the registry."

Chapter 45 Section 7 Laws 2004

Section 7. A new section of Chapter 24, Article 5 NMSA 1978 is enacted to read:

"OBLIGATIONS.--Nothing in the immunization registry is intended to affect the obligations of persons to have their children immunized pursuant to the Immunization Act."

Chapter 45 Section 8 Laws 2004

Section 8. A new section of Chapter 24, Article 5 NMSA 1978 is enacted to read:

"RIGHTS.--Nothing in the Immunization Act shall preclude the right of the patient, or the patient's parent or guardian if the patient is a minor, to claim exemption from immunization as defined in Section 24-5-3 NMSA 1978; nor shall anything in the Immunization Act require such patient to be included in the immunization registry if the patient, or the patient's parent or guardian if the patient is a minor, objects on any grounds, including that such registry conflicts with the religious belief of the patient, or the patient's parent or guardian if the patient is a minor."

Chapter 45 Section 9 Laws 2004

Section 9. A new section of Chapter 24, Article 5 NMSA 1978 is enacted to read:

"PARTICIPATION.--No health care provider shall discriminate in any way against a person solely because that person elects not to participate in the immunization registry."

Chapter 45 Section 10 Laws 2004

Section 10. A new section of Chapter 24, Article 5 NMSA 1978 is enacted to read:

"LIABILITY.--Any person reporting, receiving, using or disclosing information to or from the immunization registry as authorized by the Immunization Act or by any rule adopted pursuant to that act shall not be liable for civil damages of any kind connected with such submission, use or disclosure of immunization information."

House Bill 254, aa
Approved March 3, 2004

LAWS 2004, CHAPTER 46

AN ACT

RELATING TO BEHAVIORAL HEALTH; ESTABLISHING AN INTERAGENCY BEHAVIORAL HEALTH PURCHASING COLLABORATIVE AND A BEHAVIORAL HEALTH PLANNING COUNCIL; PRESCRIBING POWERS, DUTIES AND MEMBERSHIP; RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2003.

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

Chapter 46 Section 1 Laws 2004

Section 1. PURPOSE.--The purpose of creating a single interagency behavioral health purchasing collaborative is to develop a statewide system of behavioral health care that promotes the behavioral health and well-being of children, individuals and families; encourages a seamless system of care that is accessible and continuously available; and emphasizes prevention and early intervention, resiliency, recovery and rehabilitation.

Chapter 46 Section 2 Laws 2004

Section 2. A new section of the Public Health Act is enacted to read:

"BEHAVIORAL HEALTH PLANNING COUNCIL CREATED--POWERS AND DUTIES--MEMBERSHIP.--There is created the "behavioral health planning council".

A. The council shall consist of the following members, all of whom shall be appointed by and serve at the pleasure of the governor:

(1) consumers of behavioral health services and consumers of substance abuse services, as follows:

(a) adults with serious mental illness;

(b) seniors;

(c) family members of adults with serious mental illness and of children with serious emotional or neurobiological disorders;

(d) persons with co-occurring disorders; and

(e) Native American representatives from a pueblo, an Apache tribe, the Navajo Nation and an urban Native American population;

(2) providers;

(3) state agency representation from agencies responsible for:

(a) adult mental health and substance abuse;

(b) children's mental health and substance abuse;

(c) education;

(d) vocational rehabilitation;

(e) criminal justice;

(f) juvenile justice;

(g) housing;

(h) medicaid and social services;

(i) health policy planning;

(j) developmental disabilities planning; and

(k) disabilities issues and advocacy;

(4) such other members as the governor may appoint to ensure appropriate cultural and geographic representation; and

(5) advocates.

B. Providers and state agency representatives together may not constitute more than forty-nine percent of the council membership.

C. The council shall:

(1) advocate for adults, children and adolescents with serious mental illness or severe emotional, neurobiological and behavioral disorders, as well as those with mental illness or emotional problems, including substance abuse and co-occurring disorders;

(2) report annually to the governor and the legislature on the adequacy and allocation of mental health services throughout the state;

(3) encourage and support the development of a comprehensive, integrated, community-based behavioral health system of care, including mental health and substance abuse services, and services for persons with co-occurring disorders;

(4) advise state agencies responsible for behavioral health services for children and adults, as those agencies are charged in Section 9-7-6.4 NMSA 1978;

(5) meet regularly and at the call of the chair, who shall be selected by the council membership from among its members;

(6) establish subcommittees, to meet at least quarterly, as follows:

(a) a medicaid subcommittee, chaired by the secretary of human services or a designee, which may also serve as a subcommittee of the medicaid advisory committee;

(b) a child and adolescent subcommittee, chaired by the secretary of children, youth and families or a designee;

(c) an adult subcommittee, chaired by the secretary of health or a designee;

(d) a substance abuse subcommittee, chaired by the secretary of health or a designee, which shall include DWI issues and shall include representation from local DWI councils; and

(e) other subcommittees as may be established by the chair of the council to address specific issues. All subcommittees may include nonvoting members appointed by the chair for purposes of providing expertise necessary to the charge of the respective subcommittee;

(7) review and make recommendations for the comprehensive mental health state block grant and the substance abuse block grant applications, the state plan for medicaid services and any other plan or application for federal or foundation funding for behavioral health services; and

(8) replace the governor's mental health planning council and act in accordance with Public Law 102-321 of the federal Public Health Service Act."

Chapter 46 Section 3 Laws 2004

Section 3. Section 9-2A-8 NMSA 1978 (being Laws 1992, Chapter 57, Section 8, as amended) is amended to read:

"9-2A-8. DEPARTMENT--ADDITIONAL DUTIES.--In addition to other duties provided by law or assigned to the department by the governor, the department shall:

A. develop priorities for department services and resources based on state policy and national best-practice standards and local considerations and priorities;

B. strengthen collaboration and coordination in state and local services for children, youth and families by integrating critical functions as appropriate, including service delivery and contracting for services across divisions and related agencies;

C. develop and maintain a statewide database, including client tracking of services for children, youth and families;

D. develop standards of service within the department that focus on prevention, monitoring and outcomes;

E. analyze policies of other departments that affect children, youth and families to encourage common contracting procedures, common service definitions and a uniform system of access;

F. enact regulations to control disposition and placement of children under the Children's Code, including regulations to limit or prohibit the out-of-state placement of children, including those who have developmental disabilities or emotional, neurobiological or behavioral disorders, when in-state alternatives are available;

G. develop reimbursement criteria for licensed child care centers and licensed home providers establishing that accreditation by a department-approved national accrediting body is sufficient qualification for the child care center or home provider to receive the highest reimbursement rate paid by the department;

H. assume and implement responsibility for children's mental health and substance abuse services in the state, coordinating with the human services department and the department of health;

I. assume and implement the lead responsibility among all departments for domestic violence services;

J. implement prevention and early intervention as a departmental focus;

K. conduct biennial assessments of service gaps and needs and establish outcome measurements to address those service gaps and needs, including recommendations from the governor's children's cabinet and the children, youth and families advisory committee; and

L. ensure that behavioral health services provided, including mental health and substance abuse services for children, adolescents and their families, shall be in compliance with requirements of Section 9-7-6.4 NMSA 1978."

Chapter 46 Section 4 Laws 2004

Section 4. Section 9-3-5 NMSA 1978 (being Laws 1977, Chapter 257, Section 6, as amended) is amended to read:

"9-3-5. SECRETARY--DUTIES AND GENERAL POWERS.--

A. The secretary of corrections is responsible to the governor for the operation of the corrections department. It is his duty to manage all operations of the department and to administer and enforce the laws with which he or the department is charged.

B. To perform his duties, the secretary has every power expressly enumerated in the laws, whether granted to the secretary of the department or any division of the department, except where authority conferred upon any division is explicitly exempted from the secretary's authority by statute. In accordance with these provisions, the secretary shall:

(1) except as otherwise provided in the Corrections Department Act, exercise general supervisory and appointing authority over all department employees, subject to any applicable personnel laws and regulations;

(2) delegate authority to subordinates as he deems necessary and appropriate, clearly delineating such delegated authority and the limitations thereto;

(3) organize the department into those organizational units he deems will enable it to function most efficiently, subject to any provisions of law requiring or establishing specific organizational units;

(4) within the limitations of available appropriations and applicable laws, employ and fix the compensation of those persons necessary to discharge his duties;

(5) take administrative action by issuing orders and instructions, not inconsistent with the law, to assure implementation of and compliance with the provisions of law for whose administration or execution he is responsible and to enforce those orders and instructions by appropriate administrative action or actions in the courts;

(6) conduct research and studies that will improve the operations of the department and the provision of services to the citizens of the state;

(7) provide courses of instruction and practical training for employees of the department and other persons involved in the administration of programs with the objective of improving the operations and efficiency of administration;

(8) prepare an annual budget of the department;

(9) provide cooperation, at the request of heads of administratively attached agencies, in order to:

(a) minimize or eliminate duplication of services and jurisdictional conflicts;

(b) coordinate activities and resolve problems of mutual concern;

and

(c) resolve by agreement the manner and extent to which the department shall provide budgeting, record-keeping and related clerical assistance to administratively attached agencies;

(10) appoint, with the governor's consent, a "director" for each division. These appointed positions are exempt from the provisions of the Personnel Act. Persons appointed to these positions shall serve at the pleasure of the secretary;

(11) give bond as provided in the Surety Bond Act. The department shall pay the costs of the bonds; and

(12) require performance bonds of such department employees and officers as he deems necessary, as provided in the Surety Bond Act. The department shall pay the costs of the bonds.

C. The secretary may apply for and receive, with the governor's approval, in the name of the department any public or private funds, including United States government funds, available to the department to carry out its programs, duties or services.

D. Where functions of departments overlap or a function assigned to one department could better be performed by another department, a secretary may recommend appropriate legislation to the next session of the legislature for its approval.

E. The secretary may make and adopt such reasonable and procedural rules and regulations as may be necessary to carry out the duties of the department and its divisions. No rule or regulation promulgated by the director of any division in carrying out the functions and duties of the division shall be effective until approved by the secretary. Unless otherwise provided by statute, no regulation affecting any person or agency outside the department shall be adopted, amended or repealed without a public hearing on the proposed action before the secretary or a hearing officer designated by him. The public hearing shall be held in Santa Fe unless otherwise permitted by statute. Notice of the subject matter of the regulation, the action proposed to be taken, the time and place of the hearing, the manner in which interested persons may present their views and the method by which copies of the proposed regulation, proposed amendment or repeal of an existing regulation may be obtained shall be published once at least thirty days prior to the hearing date in a newspaper of general circulation and mailed at least thirty days prior to the hearing date to all persons who have made a written request for advance notice of hearing. All rules and regulations shall be filed in accordance with the State Rules Act.

F. Behavioral health services, including mental health and substance abuse services, provided by the department for persons under the department's supervision shall be in compliance with the requirements of Section 9-7-6.4 NMSA 1978."

Chapter 46 Section 5 Laws 2004

Section 5. Section 9-7-3 NMSA 1978 (being Laws 1977, Chapter 253, Section 3, as amended) is amended to read:

"9-7-3. PURPOSE.--The purpose of the Department of Health Act is to establish a single, unified department to administer the laws and exercise the functions relating to health

formerly administered and exercised by various organizational units of state government, including the state health agency, the scientific laboratory system and an appropriate allocation of administrative support services of the health and social services department and the hospital and institutions department. All public health and scientific laboratory functions formerly performed by the health and environment department shall be performed by the department. Behavioral health services, including mental health and substance abuse services, provided by or through the department shall be subject to the direction of the secretary and the provisions of Section 9-7-6.4 NMSA 1978."

Chapter 46 Section 6 Laws 2004

Section 6. Section 9-7-6.1 NMSA 1978 (being Laws 1999, Chapter 270, Section 1) is amended to read:

"9-7-6.1. BEHAVIORAL HEALTH SERVICES--POWERS AND DUTIES OF THE DEPARTMENT OF HEALTH.--Subject to appropriation, the department shall:

A. contract for behavioral health treatment and support services, including mental health, alcoholism and other substance abuse services;

B. establish standards for the delivery of behavioral health services, including quality management and improvement, performance measures, accessibility and availability of services, utilization management, credentialing and recredentialing, rights and responsibilities of providers, preventive behavioral health services, clinical treatment and evaluation and the documentation and confidentiality of client records;

C. ensure that all behavioral health services, including mental health and substance abuse services, provided, contracted for or approved are in compliance with the requirements of Section 9-7-6.4 NMSA 1978;

D. assume responsibility for and implement adult mental health and substance abuse services in the state coordinating with the human services department and the children, youth and families department;

E. establish criteria for determining individual eligibility for behavioral health services; and

F. maintain a management information system in accordance with standards for reporting clinical and fiscal information."

Chapter 46 Section 7 Laws 2004

Section 7. Section 9-7-6.2 NMSA 1978 (being Laws 1999, Chapter 270, Section 2) is amended to read:

"9-7-6.2. CONTRACT ELIGIBILITY.--Subject to the provisions of Section 9-7-6.4 NMSA 1978, the department may enter into contracts for behavioral health services with municipalities, counties, state institutions of higher education, tribal or pueblo governments or organizations,

regional provider service networks or private nonprofit or for-profit corporations authorized to do business in New Mexico."

Chapter 46 Section 8 Laws 2004

Section 8. A new section of the Department of Health Act, Section 9-7-6.4 NMSA 1978, is enacted to read:

"9-7-6.4. INTERAGENCY BEHAVIORAL HEALTH

PURCHASING COLLABORATIVE.--

A. There is created the "interagency behavioral health purchasing collaborative", consisting of the secretaries of human services, health, corrections, children, youth and families, finance and administration, labor, public education and transportation; the directors of the state agency on aging, the administrative office of the courts, the New Mexico office of Indian affairs, the New Mexico mortgage finance authority, the governor's committee on concerns of the handicapped, the developmental disabilities planning council, the vocational rehabilitation division of the public education department and the New Mexico health policy commission; and the governor's health policy coordinator, or their designees. The collaborative shall be chaired by the secretary of human services with the respective secretaries of health and children, youth and families alternating annually as co-chairs.

B. The collaborative shall meet regularly and at the call of either co-chair and shall:

(1) identify behavioral health needs statewide, with an emphasis on that hiatus between needs and services set forth in the department of health's gap analysis and in on-going needs assessments, and develop a master plan for statewide delivery of services;

(2) give special attention to regional differences, including cultural, rural, frontier, urban and border issues;

(3) inventory all expenditures for behavioral health, including mental health and substance abuse;

(4) plan, design and direct a statewide behavioral health system, ensuring both availability of services and efficient use of all behavioral health funding, taking into consideration funding appropriated to specific affected departments; and

(5) contract for operation of one or more behavioral health entities to ensure availability of services throughout the state.

C. The plan for delivery of behavioral health services shall include specific service plans to address the needs of infants, children, adolescents, adults and seniors as well as to address workforce development and retention and quality improvement issues. The plan shall be revised every two years and shall be adopted by the department of health as part of the statewide health plan.

D. The plan shall take the following principles into consideration, to the extent practicable and within available resources:

(1) services should be individually centered and family focused based on principles of individual capacity for recovery and resiliency;

(2) services should be delivered in a culturally responsive manner in a home or community-based setting, where possible;

(3) services should be delivered in the least restrictive and most appropriate manner;

(4) individualized service planning and case management should take into consideration individual and family circumstances, abilities and strengths and be accomplished in consultation with appropriate family, caregivers and other persons critical to the individual's life and well-being;

(5) services should be coordinated, accessible, accountable and of high quality;

(6) services should be directed by the individual or family served to the extent possible;

(7) services may be consumer or family provided, as defined by the collaborative;

(8) services should include behavioral health promotion, prevention, early intervention, treatment and community support; and

(9) services should consider regional differences, including cultural, rural, frontier, urban and border issues.

E. The collaborative shall seek and consider suggestions of Native American representatives from Indian nations, tribes, pueblos and the urban Indian population, located wholly or partially within New Mexico, in the development of the plan for delivery of behavioral health services."

Chapter 46 Section 9 Laws 2004

Section 9. Section 9-7-11.2 NMSA 1978 (being Laws 1991, Chapter 139, Section 2, as amended) is amended to read:

"9-7-11.2. NEW MEXICO HEALTH POLICY COMMISSION CREATED--
COMPOSITION--DUTIES.--

A. There is created the "New Mexico health policy commission", which is administratively attached to the department of finance and administration.

B. The New Mexico health policy commission shall consist of eight members appointed by the governor with the advice and consent of the senate to reflect the ethnic, economic, geographic and professional diversity of the state. No member of the commission shall have a pecuniary or fiduciary interest in the health services industry for three years preceding his appointment to the commission. Two members shall be appointed for one-year terms, three members shall be appointed for two-year terms, three members shall be appointed for three-year terms and all subsequent appointments shall be made for three-year terms.

C. The New Mexico health policy commission shall meet at the call of the chairman and shall meet not less than quarterly. The chairman shall be elected from among the members of the commission. Members of the New Mexico health policy commission shall not be paid but shall receive per diem and mileage expenses as provided in the Per Diem and Mileage Act.

D. The New Mexico health policy commission shall establish task forces as needed to make recommendations to the commission on various health issues. Task force members may include individuals who have expertise or a pecuniary or fiduciary interest in the health services industry. Voting members of a task force may receive mileage expenses if they:

(1) are members who represent consumer interests;

(2) are individuals who were not appointed to represent the views of the organization or agency for which they work; or

(3) represent an organization that has a policy of not reimbursing travel expenses of employees or representatives for travel to meetings.

E. The New Mexico health policy commission shall:

(1) develop a plan for and monitor the implementation of the state's health policy;

(2) obtain and evaluate information from a broad spectrum of New Mexico's society to develop and monitor the implementation of the state's health policy;

(3) obtain and evaluate information relating to factors that affect the availability and accessibility of health services and health care personnel in the public and private sectors;

(4) perform needs assessments on health personnel, health education and recruitment and retention and make recommendations regarding the training, recruitment, placement and retention of health professionals in underserved areas of the state;

(5) prepare and publish an annual report describing the progress in addressing the state's health policy and planning issues. The report shall include a workplan of goals and objectives for addressing the state's health policy and planning issues in the upcoming year;

(6) distribute the annual report to the governor, appropriate state agencies and interim legislative committees and interested parties;

(7) establish a process to prioritize recommendations on program development, resource allocation and proposed legislation;

(8) provide information and analysis on health issues;

(9) serve as a catalyst and synthesizer of health policy in the public and private sectors;

(10) respond to requests by the executive and legislative branches of government; and

(11) ensure that any behavioral health projects, including those relating to mental health and substance abuse, are conducted in compliance with the requirements of Section 9-7-6.4 NMSA 1978."

Chapter 46 Section 10 Laws 2004

Section 10. Section 9-8-6 NMSA 1978 (being Laws 1977, Chapter 252, Section 7, as amended) is amended to read:

"9-8-6. SECRETARY--DUTIES AND GENERAL POWERS.--

A. The secretary is responsible to the governor for the operation of the department. It is his duty to manage all operations of the department and to administer and enforce the laws with which he or the department is charged.

B. To perform his duties, the secretary has every power expressly enumerated in the laws, whether granted to the secretary or the department or any division of the department, except where authority conferred upon any division is explicitly exempted from the secretary's authority by statute. In accordance with these provisions, the secretary shall:

(1) except as otherwise provided in the Human Services Department Act, exercise general supervisory and appointing authority over all department employees, subject to any applicable personnel laws and regulations;

(2) delegate authority to subordinates as he deems necessary and appropriate, clearly delineating such delegated authority and the limitations thereto;

(3) organize the department into those organizational units he deems will enable it to function most efficiently, subject to any provisions of law requiring or establishing specific organizational units;

(4) within the limitations of available appropriations and applicable laws, employ and fix the compensation of those persons necessary to discharge his duties;

(5) take administrative action by issuing orders and instructions, not inconsistent with the law, to assure implementation of and compliance with the provisions of law for whose administration or execution he is responsible and to enforce those orders and instructions by appropriate administrative action in the courts;

(6) conduct research and studies that will improve the operations of the department and the provision of services to the citizens of the state;

(7) provide courses of instruction and practical training for employees of the department and other persons involved in the administration of programs with the objective of improving the operations and efficiency of administration;

(8) prepare an annual budget of the department;

(9) provide cooperation, at the request of heads of administratively attached agencies, in order to:

(a) minimize or eliminate duplication of services and jurisdictional conflicts;

(b) coordinate activities and resolve problems of mutual concern;

and

(c) resolve by agreement the manner and extent to which the department shall provide budgeting, record-keeping and related clerical assistance to administratively attached agencies;

(10) appoint, with the governor's consent, a "director" for each division. These appointed positions are exempt from the provisions of the Personnel Act. Persons appointed to these positions shall serve at the pleasure of the secretary, except as provided in Section 9-8-9 NMSA 1978;

(11) give bond in the penal sum of twenty-five thousand dollars (\$25,000) and require directors to each give bond in the penal sum of ten thousand dollars (\$10,000) conditioned upon the faithful performance of duties as provided in the Surety Bond Act. The department shall pay the costs of these bonds; and

(12) require performance bonds of such department employees and officers as he deems necessary as provided in the Surety Bond Act. The department shall pay the costs of these bonds.

C. The secretary may apply for and receive, with the governor's approval, in the name of the department, any public or private funds, including United States government funds, available to the department to carry out its programs, duties or services.

D. Where functions of departments overlap or a function assigned to one department could better be performed by another department, the secretary may recommend appropriate legislation to the next session of the legislature for its approval.

E. The secretary may make and adopt such reasonable and procedural rules and regulations as may be necessary to carry out the duties of the department and its divisions. No rule or regulation promulgated by the director of any division in carrying out the functions and duties of the division shall be effective until approved by the secretary unless otherwise provided by statute. Unless otherwise provided by statute, no regulation affecting any person or agency outside the department shall be adopted, amended or repealed without a public hearing on the proposed action before the secretary or a hearing officer designated by him. The public hearing shall be held in Santa Fe unless otherwise permitted by statute. Notice of the subject matter of the regulation, the action proposed to be taken, the time and place of the hearing, the manner in which interested persons may present their views and the method by which copies of the proposed regulation, proposed amendment or repeal of an existing regulation may be obtained shall be published once at least thirty days prior to the hearing date in a newspaper of general circulation and mailed at least thirty days prior to the hearing date to all persons who have made a written request for advance notice of hearing.

F. In the event the secretary anticipates that adoption, amendment or repeal of a rule or regulation will be required by a cancellation, reduction or suspension of federal funds or order by a court of competent jurisdiction:

(1) if the secretary is notified by appropriate federal authorities at least sixty days prior to the effective date of such cancellation, reduction or termination of federal funds, the department is required to promulgate regulations through the public hearing process to be effective on the date mandated by the appropriate federal authority; or

(2) if the secretary is notified by appropriate federal authorities or court less than sixty days prior to the effective date of such cancellation, reduction or suspension of federal funds or court order, the department is authorized without a public hearing to promulgate interim rules or regulations effective for a period not to exceed ninety days. Interim regulations shall not be promulgated without first providing a written notice twenty days in advance to providers of medical or behavioral health services and beneficiaries of department programs. At the time of the promulgation of the interim rules or regulations, the department shall give notice of the public hearing on the final rules or regulations in accordance with Subsection E of this section.

G. If the secretary certifies to the secretary of finance and administration and gives contemporaneous notice of such certification through the human services register that the department has insufficient state funds to operate any of the programs it administers and that reductions in services or benefit levels are necessary, the secretary may engage in interim rulemaking. Notwithstanding any provision to the contrary in the State Rules Act, interim rulemaking shall be conducted pursuant to Subsection E of this section, except:

(1) the period of notice of public hearing shall be fifteen days;

(2) the department shall also send individual notices of the interim rulemaking and of the public hearing to affected providers and beneficiaries;

(3) rules and regulations promulgated pursuant to the provisions of this subsection shall be in effect not less than five days after the public hearing;

(4) rules and regulations promulgated pursuant to the provisions of this subsection shall not be in effect for more than ninety days; and

(5) if final rules and regulations are necessary to replace the interim rules and regulations, the department shall give notice of intent to promulgate final rules and regulations at the time of notice herein. The final rules and regulations shall be promulgated not more than forty-five days after the public hearing and filed in accordance with the State Rules Act.

H. At the time of the promulgation of the interim rules or regulations, the department shall give notice of the public hearing on the final rules or regulations in accordance with Subsection E of this section.

I. The secretary shall ensure that any behavioral health services, including mental health and substance abuse services, provided, contracted for or approved are in compliance with the requirements of Section 9-7-6.4 NMSA 1978.

J. All rules and regulations shall be filed in accordance with the State Rules Act."

Chapter 46 Section 11 Laws 2004

Section 11. Section 22-14-8 NMSA 1978 (being Laws 1967, Chapter 16, Section 197, as amended by Laws 1993, Chapter 226, Section 31 and also by Laws 1993, Chapter 229, Section 2) is amended to read:

"22-14-8. VOCATIONAL REHABILITATION DIVISION--POWERS--DUTIES.--The vocational rehabilitation division of the public education department shall:

- A. provide vocational rehabilitation to qualified individuals;
 - B. administer any state plan or federal aid funds relating to vocational rehabilitation;
 - C. cooperate and make agreements with public or private agencies to establish or to maintain a vocational rehabilitation program;
 - D. enter into reciprocal agreements with other states to provide vocational rehabilitation;
 - E. accept gifts or grants to be used for vocational rehabilitation;
 - F. enforce regulations for the administration of laws relating to vocational rehabilitation;
 - G. conduct research and compile statistics relating to vocational rehabilitation;
- and

H. ensure that behavioral health services, including mental health and substance abuse services, provided, contracted for or approved are in compliance with the requirements of Section 9-7-6.4 NMSA 1978."

Chapter 46 Section 12 Laws 2004

Section 12. Section 34-9-3 NMSA 1978 (being Laws 1959, Chapter 162, Section 3, as amended) is amended to read:

"34-9-3. DIRECTOR--DUTIES.--The director of the administrative office of the courts shall, under the supervision and direction of the supreme court:

A. supervise all matters relating to administration of the courts;

B. examine fiscal matters and the state of the dockets of the courts, secure information as to the courts' need of assistance and prepare and transmit to the supreme court statistical data and reports as to the business of the courts;

C. submit to the supreme court and to the legislature by January 30 of each year a report of the activities of the administrative office of the courts and of the state of business of the courts, including the statistical data submitted to the supreme court pursuant to Subsection B of this section, and the director's recommendations. This report is a public document;

D. deal with the problems of finance of those courts supported by legislative appropriation and be concerned with adequate but economical financing of each of these courts and the equitable distribution of available funds among them. For this purpose, the director shall receive, adjust and approve proposed budgets submitted by these courts prior to submission of the budgets to the state budget division of the department of finance and administration for inclusion in the executive budget. The district courts of all counties within a judicial district shall be included within a single budget. Budget proposals shall be submitted by the courts at the time and in the form prescribed by the director;

E. perform other duties in aid of the administration of justice and the administration and dispatch of the business of the courts as directed by the supreme court. The courts shall comply with all requests of the director for information; and

F. encourage that any behavioral health services, including mental health and substance abuse services, funded, provided, contracted for or approved by the office be in compliance with the requirements of Section 9-7-6.4 NMSA 1978."

Chapter 46 Section 13 Laws 2004

Section 13. A new section of the Mortgage Finance Authority Act is enacted to read:

"DUTIES--BEHAVIORAL HEALTH.--The authority shall:

A. appoint a representative to both the behavioral health planning council and the interagency behavioral health purchasing collaborative; and

B. ensure that any behavioral health services, including mental health and substance abuse services, and any housing provided for consumers of those services, that are provided, contracted for or approved by the authority are in compliance with requirements of Section 9-7-6.4 NMSA 1978."

Chapter 46 Section 14 Laws 2004

Section 14. Section 67-3-8 NMSA 1978 (being Laws 1967, Chapter 226, Section 7, as amended) is amended to read:

"67-3-8. POWERS AND DUTIES OF SECRETARY.--The secretary shall:

A. serve as the chief staff officer of the state transportation commission and shall be responsible to the commission for the operations and management of the work of the department;

B. organize the department in such a manner as to properly conduct the work of the department;

C. establish six highway construction districts with the approval of the state transportation commission. The secretary shall designate a district engineer in each construction district to supervise and manage the operations of the district. The district engineer shall be a professional engineer. The authority and responsibility for the actual construction for all construction projects within the district shall be delegated to the district engineer. District engineers shall attend state transportation commission meetings;

D. in accordance with the provisions of the Personnel Act, employ such assistants and employees as may be required for the efficient operation of the department, each of whom shall possess all the qualifications that may be prescribed for such position; provided that, notwithstanding the provisions of the Personnel Act, no more than five division directors shall be covered by and subject to the Personnel Act;

E. observe, administer and enforce the provisions of law now existing or hereafter enacted that pertain to the state highways, the state transportation commission or the department; and

F. ensure that any behavioral health services, including mental health and substance abuse services, provided, contracted for or approved are in compliance with the requirements of Section 9-7-6.4 NMSA 1978."

Chapter 46 Section 15 Laws 2004

Section 15. STATE AGENCY ON AGING--SUCCESSOR AGENCY--DUTY.--The state agency on aging, or a successor agency, shall appoint the secretary or the secretary's designee to serve as a member of the interagency behavioral health

purchasing collaborative and shall ensure that any behavioral health services, including mental health and substance abuse services funded, provided, contracted for or approved, are in compliance with the requirements of Section 9-7-6.4 NMSA 1978.

Chapter 46 Section 16 Laws 2004

Section 16. NEW MEXICO OFFICE OF INDIAN AFFAIRS--SUCCESSOR AGENCY--DUTY.--The New Mexico office of Indian affairs, or a successor agency, shall appoint the secretary or the secretary's designee to serve as a member of the interagency behavioral health purchasing collaborative and shall ensure that all behavioral health services, including mental health and substance abuse services funded, provided, contracted for or approved by the commission, are in compliance with the requirements of Section 9-7-6.4 NMSA 1978.

Chapter 46 Section 17 Laws 2004

Section 17. PUBLIC EDUCATION DEPARTMENT.--The public education department shall appoint the secretary of public education or the secretary's designee to serve as a member of the interagency behavioral health purchasing collaborative and shall ensure that any behavioral health services, including mental health and substance abuse services funded, provided, contracted for or approved, are in compliance with the requirements of Section 9-7-6.4 NMSA 1978.

Chapter 46 Section 18 Laws 2004

Section 18. REPEAL.--Section 24-1-26 NMSA 1978 (being Laws 2003, Chapter 59, Section 1) is repealed.

House Bill 271, aa
Approved March 3, 2004

LAWS 2004, CHAPTER 47

AN ACT

RELATING TO HEALTH; REQUIRING CERTAIN HEALTH CARE ENTITIES TO PARTICIPATE IN A FEDERAL PUBLIC HEALTH SERVICE PRESCRIPTION DRUG DISCOUNT PROGRAM; ALLOWING AN EXCEPTION.

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

Chapter 47 Section 1 Laws 2004

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

"FEDERAL PARTICIPATION REQUIRED--EXCEPTION.--

A. Except as provided in Subsection B of this section, all programs, clinics, hospitals and other health-related centers and entities, including those identified by the human services department pursuant to Paragraph (3) of Subsection A of Section 27-2-12.13 NMSA 1978, that are eligible under Section 340B of the federal Public Health Service Act, including hospitals and clinics licensed under the state Public Health Act, shall participate in that Section 340B federal prescription drug price discount program.

B. If an entity described in Subsection A of this section can demonstrate to the satisfaction of the department of health that the prescription drug price discount it receives other than through the Section 340B program results in greater savings to the state, the entity may be granted an exception to the requirements of this section."

HCPAC/House Bill 88
Approved March 3, 2004

LAWS 2004, CHAPTER 48

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE; ENACTING THE NEW MEXICO TELEHEALTH ACT; PROVIDING STANDARDS FOR TELEHEALTH DELIVERY OF HEALTH CARE.

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

Chapter 48 Section 1 Laws 2004

Section 1. SHORT TITLE.--This act may be cited as the "New Mexico Telehealth Act".

Chapter 48 Section 2 Laws 2004

Section 2. FINDINGS AND PURPOSE.--

A. The legislature finds that:

(1) lack of primary care, specialty providers and transportation continue to be significant barriers to access to health services in medically underserved rural areas;

(2) there are parts of this state where it is difficult to attract and retain health professionals, as well as support local health facilities to provide a continuum of health care;

(3) many health care providers in medically underserved areas are isolated from mentors and colleagues and from the information resources necessary to support them personally and professionally;

(4) using information technology to deliver medical services and information from one location to another is part of a multifaceted approach to address the problems of provider distribution and the development of health systems in medically underserved areas by improving communication capabilities and providing convenient access to up-to-date information, consultations and other forms of support;

(5) the use of telecommunications to deliver health services has the potential to reduce costs, improve quality, change the conditions of practice and improve access to health care in rural, medically underserved areas; and

(6) telehealth will assist in maintaining or improving the physical and economic health of medically underserved communities by keeping the source of medical care in the local area, strengthening the health infrastructure and preserving health-care-related jobs.

B. The purpose of the New Mexico Telehealth Act is to provide a framework for health care providers to follow in providing telehealth to New Mexico citizens when it is impractical for those citizens to receive health care consultations face-to-face with health care providers.

Chapter 48 Section 3 Laws 2004

Section 3. DEFINITIONS.--As used in the New Mexico Telehealth Act:

A. "health care provider" means a person licensed to provide health care to patients in New Mexico, including:

- (1) an optometrist;
- (2) a chiropractic physician;
- (3) a dentist;
- (4) a physician;
- (5) a podiatrist;
- (6) an osteopathic physician;
- (7) a physician assistant;
- (8) a certified nurse practitioner;
- (9) a physical therapist;
- (10) an occupational therapist;

- (11) a speech-language pathologist;
- (12) a doctor of oriental medicine;
- (13) a nutritionist;
- (14) a psychologist;
- (15) a certified nurse-midwife;
- (16) a clinical nurse specialist;
- (17) a registered nurse;
- (18) a dental hygienist; or
- (19) a pharmacist;

B. "originating site" means a place where a patient may receive health care via telehealth. An originating site may include:

- (1) a licensed inpatient center;
- (2) an ambulatory surgical or treatment center;
- (3) a skilled nursing center;
- (4) a residential treatment center;
- (5) a home health agency;
- (6) a diagnostic laboratory or imaging center;
- (7) an assisted living center;
- (8) a school-based health program;
- (9) a mobile clinic;
- (10) a mental health clinic;
- (11) a rehabilitation or other therapeutic health setting; or
- (12) the patient's residence; and

C. "telehealth" means the use of electronic information, imaging and communication technologies, including interactive audio, video, data communications as well as store-and-forward technologies, to provide and support health care delivery, diagnosis,

consultation, treatment, transfer of medical data and education when distance separates the patient and the health care provider.

Chapter 48 Section 4 Laws 2004

Section 4. TELEHEALTH AUTHORIZED--PROCEDURE.--The delivery of health care via telehealth is recognized and encouraged as a safe, practical and necessary practice in New Mexico. No health care provider or operator of an originating site shall be disciplined for or discouraged from participating in telehealth pursuant to the New Mexico Telehealth Act. In using telehealth procedures, health care providers and operators of originating sites shall comply with all applicable federal and state guidelines and shall follow established federal and state rules regarding security, confidentiality and privacy protections for health care information.

Chapter 48 Section 5 Laws 2004

Section 5. SCOPE OF ACT.--

A. The New Mexico Telehealth Act does not alter the scope of practice of any health care provider or authorize the delivery of health care services in a setting, or in a manner, not otherwise authorized by law.

B. Although the use of telehealth is strongly encouraged, nothing in the New Mexico Telehealth Act requires a health insurer, health maintenance organization, managed care organization, provider service organization or the state's medical assistance program to include telehealth within the scope of the plan or policy offered by that entity.

HCPAC/House Bill 581
Approved March 3, 2004

LAWS 2004, CHAPTER 49

AN ACT

RELATING TO MEDICAID; PROVIDING FOR CIVIL ACTION AGAINST THE FILING OF FALSE CLAIMS UNDER THE MEDICAID PROGRAM; PROVIDING FOR QUI TAM AWARDS; ENACTING THE MEDICAID FALSE CLAIMS ACT.

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

Chapter 49 Section 1 Laws 2004

Section 1. SHORT TITLE.--This may be cited as the "Medicaid False Claims Act".

Chapter 49 Section 2 Laws 2004

Section 2. PURPOSE.--The purpose of the Medicaid False Claims Act is to deter persons from causing or assisting to cause the state to pay medicaid claims that are false and to provide remedies for obtaining treble damages and civil recoveries for the state when money is obtained from the state by reason of a false claim.

Chapter 49 Section 3 Laws 2004

Section 3. DEFINITIONS.--As used in the Medicaid False Claims Act:

A. "claim" means a written or electronically submitted request for payment of health care services pursuant to the medicaid program;

B. "department" means the human services department;

C. "medicaid" means the federal-state program administered by the human services department pursuant to Title 19 or Title 21 of the federal Social Security Act;

D. "medicaid recipient" means an individual on whose behalf a person claims or receives a payment from the medicaid program, regardless of whether the individual was eligible for the medicaid program; and

E. "qui tam" means an action brought under a statute that allows a private person to sue for a recovery, part of which the state will receive.

Chapter 49 Section 4 Laws 2004

Section 4. FALSE CLAIMS AGAINST THE STATE--LIABILITY FOR CERTAIN ACTS.--A person commits an unlawful act and shall be liable to the state for three times the amount of damages that the state sustains as a result of the act if the person:

A. presents, or causes to be presented, to the state a claim for payment under the medicaid program knowing that such claim is false or fraudulent;

B. presents, or causes to be presented, to the state a claim for payment under the medicaid program knowing that the person receiving a medicaid benefit or payment is not authorized or is not eligible for a benefit under the medicaid program;

C. makes, uses or causes to be made or used a record or statement to obtain a false or fraudulent claim under the medicaid program paid for or approved by the state knowing such record or statement is false;

D. conspires to defraud the state by getting a claim allowed or paid under the medicaid program knowing that such claim is false or fraudulent;

E. makes, uses or causes to be made or used a record or statement to conceal, avoid or decrease an obligation to pay or transmit money or property to the state, relative to the medicaid program, knowing that such record or statement is false;

F. knowingly applies for and receives a benefit or payment on behalf of another person, except pursuant to a lawful assignment of benefits, under the medicaid program and converts that benefit or payment to his own personal use;

G. knowingly makes a false statement or misrepresentation of material fact concerning the conditions or operation of a health care facility in order that the facility may qualify for certification or recertification required by the medicaid program; or

H. knowingly makes a claim under the medicaid program for a service or product that was not provided.

Chapter 49 Section 5 Laws 2004

Section 5. DOCUMENTARY MATERIAL IN POSSESSION OF STATE AGENCY.--

A. The department shall have access to all documentary materials of persons and medicaid recipients to which a state agency has access. Documentary material provided pursuant to this subsection is provided to allow investigation of an alleged unlawful act or for use or potential use in an administrative or judicial proceeding.

B. Except for disclosure to any person under investigation or who is the subject of allegations made pursuant to the Medicaid False Claim Act or as ordered by a court for good cause shown, the department shall not produce for inspection or copying or otherwise disclose the contents of documentary material obtained pursuant to this section to a person other than:

- (1) an authorized employee of the attorney general;
- (2) an agency of this state, the United States or another state;
- (3) a district attorney, city attorney or county attorney of this state;
- (4) the United States attorney general; or
- (5) a state or federal grand jury.

Chapter 49 Section 6 Laws 2004

Section 6. IMMUNITY.--Notwithstanding any other law, a person is not civilly or criminally liable for providing access to documentary material pursuant to the Medicaid False Claims Act to a person identified in Subsection B of Section 5 of that act.

Chapter 49 Section 7 Laws 2004

Section 7. CIVIL ACTION FOR FALSE CLAIMS.--

A. The department shall diligently investigate suspected violations. If the department finds that a person has violated or is violating the provisions of the Medicaid False Claims Act, the department may bring a civil action pursuant to Subsection F of this section.

B. A private civil action may be brought by an affected person for a violation of the Medicaid False Claims Act on behalf of the person bringing suit and for the state. The action shall be brought in the name of the state. The action may be dismissed if the court and the department, pursuant to Subsection F of this section, give written consent to the dismissal and their reasons for consenting.

C. For private civil actions, a copy of the complaint and written disclosure of substantially all material evidence and information the person possesses shall be served on the department. The complaint shall be filed in writing and shall remain under seal for at least sixty days. The complaint shall not be served on the defendant until the expiration of sixty days or any extension approved. Within sixty days after receiving a copy of the complaint, the department shall conduct an investigation of the factual allegations and legal contentions made in the complaint, shall make a written determination of whether there is substantial evidence that a violation has occurred and shall provide the person against which a complaint has been made with a copy of the determination. If the department determines that there is not substantial evidence that a violation has occurred, the complaint shall be dismissed.

D. The department may, for good cause shown, move the court for extensions of time during which the complaint remains under seal. Any such motion may be supported by affidavits or other submissions in camera. The defendant shall not be required to respond to a complaint filed pursuant to this section until twenty days after the complaint is unsealed and served to the defendant. The complaint shall be deemed unsealed at the expiration of the sixty-day period in the absence of a court-approved extension.

E. Before the expiration of the sixty-day period or any extensions obtained, the department, pursuant to Subsection F of this section, shall:

(1) proceed with the action, in which case the action shall be conducted by the department; or

(2) notify the court and the person who brought the action that it declines to take over the action, in which case the person bringing the action shall have the right to conduct the action if the department determined that there is substantial evidence that a violation of the Medicaid False Claims Act has occurred.

F. The department shall notify the attorney general prior to filing a civil action pursuant to the Medicaid False Claims Act and shall not proceed with the action except with the written approval of the attorney general. The attorney general shall, within twenty working days from the notification by the department, notify the department whether it may proceed with the civil action. Failure by the attorney general to notify the department of its determination within the specified time period shall be construed as consent to proceed. The department shall, after filing the civil action, notify the attorney general of any proposed dismissal or settlement and the department shall not proceed with the dismissal or settlement except with the written approval of the attorney general.

Chapter 49 Section 8 Laws 2004

Section 8. RIGHTS OF THE PARTIES TO QUI TAM ACTIONS.--

A. If the department proceeds with the action, it shall have the exclusive responsibility for prosecuting the action and shall not be bound by an act of the person bringing the action. The person bringing the action shall have the right to continue as a nominal party to the action and shall not have the right to participate in the litigation except as a witness.

B. The department may dismiss the action, pursuant to Subsection F of Section 7 of the Medicaid False Claims Act, notwithstanding the objections of the person bringing the action if the person has been notified by the department of the filing of the motion and the court has provided the person with an opportunity for a hearing on the motion.

C. The department may settle the action with the defendant, pursuant to Subsection F of Section 7 of the Medicaid False Claims Act, notwithstanding the objections of the person bringing the action if the court determines, after the hearing, that the proposed settlement is fair, adequate and reasonable under all the circumstances. Upon a showing of good cause, such hearing may be held in camera.

D. If the state elects not to proceed with the action, the person bringing the action shall have the right to conduct the action. If the department requests, it shall be served with copies of the pleadings filed in the action and shall be supplied with copies of all deposition transcripts at the department's expense. When a person proceeds with the action, the court, without limiting the status and rights of the person bringing the action, may allow the department to intervene at a later date upon a showing of good cause.

E. Whether or not the department proceeds with the action, upon a showing by the department that certain actions of discovery by the person bringing the action would interfere with the department's investigation or prosecution of a civil matter arising out of the same facts, the court may stay such discovery for a period not to exceed sixty days. Such a showing shall be conducted in camera. The court may extend the sixty-day period upon a further showing in camera that the department has pursued the civil investigation or proceedings with reasonable diligence and any proposed discovery in the civil action will interfere with the ongoing civil investigation or proceedings.

Chapter 49 Section 9 Laws 2004

Section 9. AWARD TO QUI TAM PLAINTIFF.--

A. If the department proceeds with an action brought by a person pursuant to the Medicaid False Claims Act, the person shall, subject to the limitations in this subsection, receive at least fifteen percent but not more than twenty-five percent of the proceeds of the action or settlement of the claim, depending upon the extent to which the person substantially contributed to the prosecution of the action. Where the action is one that the court finds to be based primarily on disclosures of specific information other than information provided by the party bringing the action relating to allegations or transactions in a criminal, civil or administrative hearing or from the news media, the court shall award a sum as it considers appropriate; provided that the sum does not exceed ten percent of the proceeds and takes into account the significance of the information and the role of the person bringing the action in advancing the case to litigation. A payment to a person pursuant to this subsection shall be made from the

proceeds. The person shall also receive an amount for reasonable expenses that the court finds to have been necessarily incurred, plus reasonable attorney fees and costs. In determining the amount of reasonable attorney fees and costs, the court shall consider whether such fees and costs were necessary to the prosecution of the action, were incurred for activities that were duplicative of the activities of the department in prosecuting the case or were repetitious, irrelevant or for purposes of harassment or caused the defendant undue burden or unnecessary expense. All such expenses, fees and costs shall be awarded against the defendant.

B. If the department does not proceed with an action pursuant to the Medicaid False Claims Act, the person bringing the action or settling the claim shall receive an amount that the court decides is reasonable for collecting the civil recovery and damages recoverable by the state. The amount shall be not less than twenty-five percent and not more than thirty percent of the proceeds of the action or settlement and shall be paid out of such proceeds. The person shall also receive an amount for reasonable expenses that the court finds to have been necessarily incurred, plus reasonable attorney fees and costs. In determining the amount of reasonable attorney fees and costs, the court shall consider whether such fees and costs were necessary to the prosecution of the action, were incurred for activities, which were repetitious, irrelevant or for purposes of harassment or caused the defendant undue burden or unnecessary expense. All such expenses, fees and costs shall be awarded against the defendant.

C. Whether or not the department proceeds with the action, if the court finds that the action was brought by a person who planned and initiated the violation upon which the action was brought, then the court may, to the extent the court considers appropriate, reduce the share of the proceeds of the action that the party would otherwise receive pursuant to Subsection A or B of this section, taking into account the role of that person in advancing the case to litigation and any relevant circumstances pertaining to the violation. If the person bringing the action is convicted of criminal conduct arising from the person's role in the violation of the Medicaid False Claims Act, that person shall be dismissed from the civil action and shall not receive any share of the proceeds of the action. Such dismissal shall not prejudice the right of the state to continue the action represented by the department. If the department does not proceed with the action and the person bringing the action conducts the action, the court may award to the defendant its reasonable attorney fees and costs if the defendant prevails in the action and the court finds that the claim of the party bringing the action was:

(1) filed for an improper purpose;

(2) not warranted by existing law or by a nonfrivolous argument for the extension, modification or reversal of existing law or the establishment of new law; or

(3) was based on allegations or factual contentions not supported.

Chapter 49 Section 10 Laws 2004

Section 10. CERTAIN ACTIONS BARRED.--

A. A court shall not have jurisdiction of an action brought pursuant to the Medicaid False Claims Act against a department official if the action is substantially based on evidence or information known to the department when the action was brought.

B. A person shall not bring an action pursuant to the Medicaid False Claims Act that is substantially based upon allegations or transactions that are the subject of a civil suit or an administrative proceeding in which the department is already a party.

C. A court shall not have jurisdiction over an action pursuant to the Medicaid False Claims Act substantially based upon the public disclosure of allegations or actions in a criminal, civil or administrative hearing or from the news media, unless the action is brought by the department or the person bringing the action is an original source of the information. For the purposes of this subsection, "original source" means the person bringing suit that has independent knowledge, including knowledge based on the person's own investigation of the defendant's conduct, of the information on which the allegations are based and has voluntarily provided or verified the information on which the allegations are based or has voluntarily provided the information to the department before filing an action pursuant to this section that is based on the information.

Chapter 49 Section 11 Laws 2004

Section 11. DEPARTMENT NOT LIABLE FOR CERTAIN EXPENSES.--The department shall not be liable for expenses that a person incurs in bringing an action pursuant to the Medicaid False Claims Act.

Chapter 49 Section 12 Laws 2004

Section 12. EMPLOYEE PROTECTION.--Any employee who is discharged, demoted, suspended, threatened, harassed or otherwise discriminated against in the terms and conditions of employment by the employer because of lawful acts done by the employee on behalf of the employee or others in disclosing information to the department or in furthering a false claims action pursuant to the Medicaid False Claims Act, including investigation for, initiation of, testimony for or assistance in an action filed or to be filed pursuant to that act, shall be entitled to all relief necessary to make the employee whole. Such relief shall include reinstatement with the same seniority status that the employee would have had but for the discrimination, two times the amount of back pay, interest on the back pay and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorney fees. An employee may bring an action in the appropriate court of the state for the relief provided in this subsection.

Chapter 49 Section 13 Laws 2004

Section 13. FALSE CLAIMS AND REPORTING PROCEDURE.--

A. A civil action shall be brought within the limitations set forth in Section 37-1-4 NMSA 1978.

B. In any action brought pursuant to the Medicaid False Claims Act, the department or the person bringing the action shall be required to prove all essential elements of the cause of action, including damages, by a preponderance of the evidence.

C. Notwithstanding any other provision of law, a final judgment rendered in favor of the department in any criminal proceeding charging fraud or false statements, whether upon a verdict after trial or upon a plea of guilty, shall preclude the defendant from denying the essential elements of the offense in any action that involves the same transaction as in the criminal proceeding and that is brought pursuant to the Medicaid False Claims Act.

Chapter 49 Section 14 Laws 2004

Section 14. APPLICATION OF OTHER LAW.--The application of a civil remedy pursuant to this law does not preclude the application of other laws, statutes or regulatory remedy, except that a person may not be liable for a civil remedy pursuant to the Medicaid False Claims Act and civil damages or recovery pursuant to the Medicaid Fraud Act if the civil remedy and the civil damages or recoveries are assessed for the same conduct by another government agency.

Chapter 49 Section 15 Laws 2004

Section 15. USE OF FUNDS.--

A. Damages collected pursuant to the Medicaid False Claims Act on behalf of the state shall be remitted to the state treasurer for deposit in the general fund to be used for the state's medicaid program.

B. Penalties, legal fees or costs of investigation recovered pursuant to the Medicaid False Claims Act on behalf of the state shall be remitted to the state treasurer for deposit in the general fund to be used for the state's medicaid program.

C. Pursuant to Subsection C of Section 30-44-8 NMSA 1978, penalties recovered pursuant to the Medicaid False Claims Act on behalf of the state may be claimed by the attorney general pursuant to procedures established by the department and the attorney general.

HJC/House Bill 468
Approved March 3, 2004

LAWS 2004, CHAPTER 50

AN ACT

RELATING TO HEALTH FACILITIES; PROVIDING FOR OVERSIGHT OF HOSPITALS, LONG-TERM CARE FACILITIES AND PRIMARY CARE CLINICS BY THE SECRETARY OF HEALTH; ENACTING A NEW SECTION OF THE PUBLIC HEALTH ACT.

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

Chapter 50 Section 1 Laws 2004

Section 1. Section 24-1-1 NMSA 1978 (being Laws 1973, Chapter 359, Section 1) is amended to read:

"24-1-1. SHORT TITLE.--Chapter 24, Article 1 NMSA 1978 may be cited as the "Public Health Act"."

Chapter 50 Section 2 Laws 2004

Section 2. A new section of the Public Health Act is enacted to read:

"REPORTING REQUIREMENTS.--

A. A hospital, a long-term care facility or a primary care clinic, shall provide information sufficient for the secretary to make a reasonable assessment based on clear and convincing evidence of its financial viability, sustainability and potential impact on health care access. Information provided to the secretary pursuant to this section shall remain confidential, is exempt from the Inspection of Public Records Act, unless disclosure or use is mandated by the state or federal law, and shall not be used as a basis for suspension, revocation or issuance of a license. The hospital, long-term care facility or primary care clinic shall provide this information to the secretary at least sixty days before the anticipated effective date of a proposed licensure, closure, disposition or acquisition of the hospital, the long-term care facility or the primary care clinic or its essential services.

B. The secretary shall issue a notice of finding to the facility within sixty days of receiving information from the facility.

C. For the purposes of this section:

(1) "hospital" means a facility providing emergency or urgent care, inpatient medical care and nursing care for acute illness, injury, surgery or obstetrics. "Hospital" includes a facility licensed by the department as a critical access hospital, general hospital, long-term acute care hospital, psychiatric hospital, rehabilitation hospital, limited services hospital and special hospital;

(2) "long-term care facility" means a nursing home licensed by the department to provide intermediate or skilled nursing care; and

(3) "primary care clinic" means a community-based clinic that provides the first level of basic or general health care for an individual's health needs, including diagnostic and treatment services and, if integrated into the clinic's service array, mental health services."

Chapter 50 Section 3 Laws 2004

Section 3. TEMPORARY PROVISION--OVERSIGHT OF OTHER HEALTH FACILITIES.--The secretary of health shall evaluate the need to apply the provisions of this act to all other health facilities as defined in Section 24-1-2 NMSA 1978. The secretary shall report findings and recommendations to the legislative health and human services committee by

October 1, 2004.

SPAC/Senate Bill 315, aa
Approved March 3, 2004

LAWS 2004, CHAPTER 51

AN ACT

RELATING TO HEALTH CARE; REQUIRING THE DEPARTMENT OF HEALTH TO DEVELOP
A COMPREHENSIVE STRATEGIC PLAN FOR HEALTH; DECLARING AN EMERGENCY.

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

Chapter 51 Section 1 Laws 2004

Section 1. A new section of the Department of Health Act is enacted to read:

"COMPREHENSIVE STRATEGIC PLAN FOR HEALTH.--

A. The department, in conjunction with the New Mexico health policy commission and other state agencies, pursuant to Section 9-7-11.1 NMSA 1978, shall develop a comprehensive strategic plan for health that emphasizes prevention, personal responsibility, access and quality.

B. The department shall publish the comprehensive strategic plan for health by July 1, 2004 and July 1 of subsequent even-numbered years. By July 1 of odd-numbered years, the department shall review and update or amend the plan in response to changes and developments.

C. The department shall include the legislature, health care providers, consumer and patient advocates, health care financing organizations, managed care organizations, major insurers in the state, the human services department, the children, youth and families department, the state agency on aging, pharmaceutical manufacturers and other stakeholders in its development of the comprehensive strategic plan for health so as to give geographic representation to all areas of the state. The department shall ensure that public participation and public input are integrated into the planning process. The department shall convene regional meetings on the proposed plan to allow public review and comment including oral and written testimony, pursuant to the Open Meetings Act.

D. The department shall consult with the governments of Indian nations, tribes and pueblos located wholly or partially within New Mexico to include Indian nations, tribes and pueblos in the development of the comprehensive strategic plan for health.

E. The department shall report its findings, recommendations and goals in its biennial comprehensive strategic plan for health. The plan shall address the following areas and others that the governor and the legislature may from time to time request:

(1) a summary of the state's health care system that includes the financial, administrative and delivery structure in both the public and private sector;

(2) the diseases, injuries and risk factors for physical, behavioral and oral health that are the greatest cause of illness, injury or death in the state, with special attention to and recognition of the disparities that currently exist for different population groups;

(3) key indicators of and barriers to health care coverage and access, with specific emphasis on reducing the number of uninsured New Mexicans;

(4) the role of the department, other state agencies and the private sector in identifying strategies and interventions to provide health care coverage, access and quality;

(5) a continuum of care model that emphasizes prevention, early intervention and health promotion and that includes public health services, emergency medical services, primary care, acute care, specialized care, tertiary care and long-term care;

(6) health education, wellness, nutrition and exercise initiatives that emphasize personal health responsibility;

(7) workforce initiatives to identify, recruit and retain health care professionals;

(8) health care facility infrastructure, capacity, capitalization and financial viability in both the public and private sector;

(9) licensing, credentialing, oversight and tracking initiatives designed to improve health care quality and outcome measurements;

(10) programs, services and activities designed to address the needs of the disabled, elderly and other special-needs populations;

(11) anticipated demands and challenges on the health care system as the need for long-term care services increases;

(12) data and information addressing key health status and system indicators, statistics, benchmarks, targets and goals for the state and comparing it nationally, regionally and to other states of similar size and demographics; provided that individually identifiable health information and other proprietary information is protected as required by state or federal law; and

(13) planning and response to public health emergencies, including bioterrorism, pandemic flu, disease outbreaks and other situations that will require a coordinated response by the health care system."

Chapter 51 Section 2 Laws 2004

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

Senate Bill 34, aa, w/ec
Approved March 3, 2004

LAWS 2004, CHAPTER 52

AN ACT

RELATING TO PRESCRIPTION DRUGS; REVISING FEES FOR CERTAIN PHARMACEUTICAL BUSINESS LICENSES; AMENDING AND ENACTING SECTIONS OF THE PHARMACY ACT.

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

Chapter 52 Section 1 Laws 2004

Section 1. Section 61-11-14 NMSA 1978 (being Laws 1969, Chapter 29, Section 13, as amended) is amended to read:

"61-11-14. PHARMACY LICENSURE--WHOLESALE DRUG DISTRIBUTION BUSINESS LICENSURE--REQUIREMENTS--FEES--REVOICATION.--

A. Any person who desires to operate or maintain the operation of a pharmacy or who engages in a wholesale drug distribution business in this state shall apply to the board for the proper license and shall meet the requirements of the board and pay the annual fee for the license and its renewal.

B. The board shall issue the following classes of licenses that shall be defined and limited by regulation of the board:

- (1) retail pharmacy;
- (2) nonresident pharmacy;
- (3) wholesale drug distributor;
- (4) drug manufacturer;
- (5) hospital pharmacy;
- (6) industrial health clinic;
- (7) community health clinic;
- (8) department of health public health offices;
- (9) custodial care facility;

(10) home care services;

(11) emergency medical services;

(12) animal control facilities;

(13) wholesaler, retailer or distributor of veterinary drugs bearing the legend: "caution: federal law restricts this drug to use by or on the order of a licensed veterinarian". Such drugs may be sold or dispensed by any person possessing a retail pharmacy license, wholesale drug distributor's license or drug manufacturer's license issued by the board, without the necessity of acquiring an additional license for veterinary drugs;

(14) returned drugs processors;

(15) drug research facilities; and

(16) drug warehouses.

C. Every application for the issuance or annual renewal of:

(1) a license for a retail pharmacy, nonresident pharmacy, hospital pharmacy or drug research facility shall be accompanied by a fee set by the board in an amount not to exceed three hundred dollars (\$300);

(2) a license for a wholesale drug distributor, drug manufacturer or drug warehouse shall be accompanied by an annual fee not to exceed five thousand dollars (\$5,000); provided that the annual fee shall not exceed one thousand dollars (\$1,000) upon the implementation of a medicare prescription drug benefit program, pursuant to Sections 1860D-1 through 1860D-24, except Section 1860D-4, of Public Law 108-173, the Medicare Prescription Drug, Improvement, and Modernization Act of 2003;

(3) a license for a custodial care facility or a returned drugs processor business shall be accompanied by a fee set by the board in an amount not to exceed two hundred dollars (\$200); and

(4) a license for an industrial health clinic; a community health clinic; a department of health public health office; home care services; emergency medical services; animal control facilities; or wholesaler, retailer or distributor of veterinary drugs shall be accompanied by a fee set by the board in an amount not to exceed two hundred dollars (\$200).

D. If it is desired to operate or maintain a pharmaceutical business at more than one location, a separate license shall be obtained for each location.

E. Each application for a license shall be made on forms prescribed and furnished by the board.

F. Any person making application to the board for a license to operate a facility or business listed in Subsection B of this section in this state shall submit to the board an application for licensure indicating:

(1) the name under which the business is to be operated;

(2) the address of each location to be licensed and the address of the principal office of the business;

(3) in the case of a retail pharmacy, the name and address of the owner, partner or officer or director of a corporate owner;

(4) the type of business to be conducted at each location;

(5) a rough drawing of the floor plan of each location to be licensed;

(6) the proposed days and hours of operation of the business; and

(7) other information the board may require.

G. After preliminary approval of the application for a license for any facility or business listed in Paragraphs (1) through (8) and (10) through (16) of Subsection B of this section, a request for an inspection, together with an inspection fee not to exceed two hundred dollars (\$200), shall be submitted to the board for each business location, and an inspection shall be made of each location by the board or its agent.

H. Following a deficiency-free inspection, the executive director of the board may issue a temporary license to the applicant. The temporary license shall expire at the close of business on the last day of the next regular board meeting.

I. Licenses, except temporary licenses provided pursuant to Subsection H of this section, issued by the board pursuant to this section are not transferable and shall expire on December 31 of each year unless renewed. Any person failing to renew his license on or before December 31 of each year shall not have his license reinstated except upon reapplication and payment of a reinstatement fee set by the board in an amount not to exceed one hundred dollars (\$100) and all delinquent renewal fees.

J. The board, after notice and a refusal or failure to comply, may suspend or revoke any license issued under the provisions of the Pharmacy Act at any time examination or inspection of the operation for which the license was granted discloses that the operation is not being conducted according to law or regulations of the board.

K. Pharmaceutical sales representatives who carry dangerous drugs shall provide the board with a written statement from the representative's employer that describes the employer's policy relating to the safety and security of the handling of dangerous drugs and to the employer's compliance with the federal Prescription Drug Marketing Act of 1987. Pharmaceutical sales representatives are not subject to the licensing provisions of the Pharmacy Act."

Chapter 52 Section 2 Laws 2004

Section 2. Section 61-11-19 NMSA 1978 (being Laws 1969, Chapter 29, Section 18, as amended) is amended to read:

"61-11-19. FUND ESTABLISHED--DISPOSITION--METHOD OF PAYMENT.--

A. There is established in the state treasury the "pharmacy fund".

B. All funds received by the board and all money collected under the Pharmacy Act or any other act administered by the board shall be deposited with the state treasurer for credit to the pharmacy fund.

C. Payments from the pharmacy fund shall be made upon warrants of the secretary of finance and administration on vouchers issued in accordance with the budget approved by the department of finance and administration.

D. Amounts paid into the pharmacy fund pursuant to Paragraph (2) of Subsection C of Section 61-11-14 NMSA 1978 shall be used for a prescription drug program for persons over the age of sixty-five; provided that the board enters into an arrangement with a state agency or a state-created entity for the operation of the program.

E. All amounts paid into the pharmacy fund shall only be used for the purpose of meeting necessary expenses incurred in the enforcement of the purposes of the Pharmacy Act and any other acts administered by the board, the duties imposed thereby and the promotion of pharmacy education and standards in this state. All money unused at the end of the fiscal year shall remain in the pharmacy fund for use in accordance with the provisions of the Pharmacy Act.

F. All funds which may have accumulated to the credit of the pharmacy fund shall be continued for use by the board in administration of the Pharmacy Act."

Chapter 52 Section 3 Laws 2004

Section 3. APPLICABILITY.--The provisions of Paragraph (2) of Subsection C of Section 61-11-14 NMSA 1978 shall apply to the issuance of a license or annual renewal in calendar year 2004 and subsequent years; provided that the 2004 fee is collectible immediately and that any fee already paid shall be credited to the new fee amount.

SFC/Senate Bill 536
Approved March 3, 2004

LAWS 2004, CHAPTER 53

AN ACT

RELATING TO LONG-TERM CARE; ENACTING THE PATIENT CARE MONITORING ACT;
ESTABLISHING AUTHORIZATION AND USE OF MONITORING DEVICES; PROVIDING FOR
WAIVERS; PROVIDING FOR ENFORCEMENT AND PENALTIES.

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

Chapter 53 Section 1 Laws 2004

Section 1. SHORT TITLE.--This act may be cited as the "Patient Care Monitoring Act".

Chapter 53 Section 2 Laws 2004

Section 2. DEFINITIONS.--As used in the Patient Care Monitoring Act:

A. "agency" means the state agency on aging;

B. "facility" means a long-term care facility licensed pursuant to the provisions of Section 24-1-5 NMSA 1978, other than an intermediate care facility for the mentally retarded, and may also include:

- (1) a skilled nursing facility;
- (2) an intermediate care nursing facility;
- (3) a nursing facility;
- (4) an adult residential shelter care home;
- (5) a boarding home;
- (6) any adult care home or adult residential care facility; and
- (7) any swing bed in an acute care facility or extended care facility;

C. "monitoring device" means a surveillance instrument that broadcasts or records activity, but does not include a still camera;

D. "patient" means a person who is a resident of a facility;

E. "program" means the New Mexico long-term care ombudsman program; and

F. "surrogate" means a legal guardian or a legally appointed substitute decision-maker who is authorized to act on behalf of a patient.

Chapter 53 Section 3 Laws 2004

Section 3. MONITORING DEVICE--AUTHORIZATION AND USE.--

A. A patient or a surrogate may authorize installation and use of a monitoring device in a facility provided that:

- (1) the facility is given notice of the installation;

(2) if the monitoring device records activity visually, such recording shall include a record of the date and time;

(3) the monitoring device and all installation and maintenance costs are paid for by the patient; and

(4) written consent is given by each patient or surrogate of each patient occupying the same room.

B. The patient may establish and the facility shall accommodate limits on the use, including the time of operation, direction, focus or volume, of a monitoring device.

Chapter 53 Section 4 Laws 2004

Section 4. MONITORING DEVICE OPTION--INSTALLATION--ACCOMMODATION BY FACILITY.--

A. At the time of admission to a facility, a patient shall be offered the option to have a monitoring device, and a record of the patient's authorization or choice not to have a monitoring device shall be kept by the facility and shall be made accessible to the program.

B. After authorization, consent and notice, a patient or surrogate may install, operate and maintain a monitoring device in the patient's room at the patient's expense.

C. The facility shall cooperate to accommodate the installation of the monitoring device, provided the installation does not place undue burden on the facility.

Chapter 53 Section 5 Laws 2004

Section 5. CONSENT--WAIVER.--

A. Consent to the authorization for the installation and use of a monitoring device may be given only by the patient or the surrogate.

B. Consent to the authorization for the installation and use of a monitoring device shall include a release of liability for the facility for a violation of the patient's right to privacy insofar as the use of the monitoring device is concerned.

C. A patient or the surrogate may reverse a choice to have or not have a monitoring device installed and used at any time, after notice to the facility and to the program upon a form prescribed by the agency.

Chapter 53 Section 6 Laws 2004

Section 6. AUTHORIZATION FORM--CONTENTS.--The form for the authorization of installation and use of a monitoring device shall provide for:

A. consent of the patient or the surrogate authorizing the installation and use of the monitoring device;

B. notice to the facility of the patient's installation of a monitoring device and specifics as to its type, function and use;

C. consent of any other patient or that patient's surrogate sharing the same room;

D. notice of release from liability for privacy violation through the use of the monitoring device; and

E. waiver of the patient's right to privacy in conjunction with the use of the monitoring device.

Chapter 53 Section 7 Laws 2004

Section 7. IMMUNITY--UNAUTHORIZED USE.--

A. In any civil action against the facility, material obtained through the use of a monitoring device may not be used if the monitoring device was installed or used without the knowledge of the facility or without the prescribed form.

B. Compliance with the provisions of the Patient Care Monitoring Act shall be a complete defense against any civil or criminal action brought against the patient, surrogate or facility for the use or presence of a monitoring device.

Chapter 53 Section 8 Laws 2004

Section 8. NOTICE TO CURRENT PATIENTS.--Within six months of the effective date of the Patient Care Monitoring Act, all facilities shall provide to each patient or surrogate a form prescribed by the agency explaining the provisions of the Patient Care Monitoring Act and giving each patient or surrogate a choice to have a monitoring device installed in the patient's room. Copies of the completed form shall be kept by the facility and shall be made accessible to the program.

Chapter 53 Section 9 Laws 2004

Section 9. NOTICE.--The facility shall post a notice in a conspicuous place at the entrance to a room with a monitoring device that a monitoring device is in use in that room of the facility.

Chapter 53 Section 10 Laws 2004

Section 10. RULES.--The agency shall adopt rules necessary to implement the provisions of the Patient Care Monitoring Act.

Chapter 53 Section 11 Laws 2004

Section 11. PROHIBITED ACTS.--No person or patient shall be denied admission to or discharged from a facility or be otherwise discriminated against or retaliated against because of a choice to authorize installation and use of a monitoring device. Any person who violates this section shall be subject to the provisions of Section 28-17-19 NMSA 1978.

Chapter 53 Section 12 Laws 2004

Section 12. CRIMINAL ACTS.--Any person other than a patient or surrogate found guilty of intentionally hampering, obstructing, tampering with or destroying a monitoring device or a recording made by a monitoring device installed in a facility pursuant to the Patient Care Monitoring Act is guilty of a fourth degree felony and shall be sentenced pursuant to Section 31-18-15 NMSA 1978.

Senate Bill 401, aa
Approved March 3, 2004

LAWS 2004, CHAPTER 54

AN ACT

RELATING TO MEDICAID FRAUD; AUTHORIZING PENALTY FUNDS RECOVERED BY THE MEDICAID FRAUD UNIT TO BE EXPENDED BY THAT UNIT TO FURTHER INVESTIGATE AND PROSECUTE MEDICAID FRAUD; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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

Chapter 54 Section 1 Laws 2004

Section 1. Section 30-44-8 NMSA 1978 (being Laws 1989, Chapter 286, Section 8, as amended) is amended to read:

"30-44-8. CIVIL PENALTIES--CREATED--ENUMERATED--PRESUMPTION--
LIMITATION OF ACTION.--

A. Any person who receives payment for furnishing treatment, services or goods under the program, which payment the person is not entitled to receive by reason of a violation of the Medicaid Fraud Act, shall, in addition to any other penalties or amounts provided by law, be liable for:

(1) payment of interest on the amount of the excess payments at the maximum legal rate in effect on the date the payment was made, for the period from the date payment was made to the date of repayment to the state;

(2) a civil penalty in an amount of up to three times the amount of excess payments;

(3) payment of a civil penalty of up to ten thousand dollars (\$10,000) for each false or fraudulent claim submitted or representation made for providing treatment, services or goods; and

(4) payment of legal fees and costs of investigation and enforcement of civil remedies.

B. Interest amounts, legal fees and costs of enforcement of civil remedies assessed under this section shall be remitted to the state treasurer for deposit in the general fund.

C. Any penalties and costs of investigation recovered on behalf of the state shall be remitted to the state treasurer for deposit in the general fund except an amount not to exceed two hundred fifty thousand dollars (\$250,000) in fiscal year 2004, one hundred twenty-five thousand dollars (\$125,000) in fiscal year 2005 and seventy-five thousand dollars (\$75,000) in fiscal year 2006 may be retained by the unit and expended, consistent with federal regulations and state law, for the purpose of carrying out the unit's duties.

D. A criminal action need not be brought against a person as a condition precedent to enforcement of civil liability under the Medicaid Fraud Act.

E. The remedies under this section are separate from and cumulative to any other administrative and civil remedies available under federal or state law or regulation.

F. The department may adopt regulations for the administration of the civil penalties contained in this section.

G. No action under this section shall be brought after the expiration of five years from the date the action accrues."

Chapter 54 Section 2 Laws 2004

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

Senate Bill 213, aa,w/ec
Approved March 3, 2004

LAWS 2004, CHAPTER 55

AN ACT

RELATING TO ENERGY; ENACTING THE ADVANCED ENERGY TECHNOLOGIES ECONOMIC DEVELOPMENT ACT; CREATING A FUND; CREATING A GRANTS PROGRAM TO PROMOTE RESEARCH AND DEVELOPMENT OF ENERGY CONSERVATION TECHNOLOGIES.

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

Chapter 55 Section 1 Laws 2004

Section 1. SHORT TITLE.--This act may be cited as the "Advanced Energy Technologies Economic Development Act".

Chapter 55 Section 2 Laws 2004

Section 2. FINDINGS.--The legislature finds that advancing the development of hydrogen, fuel cell, renewable energy and energy efficiency technologies is important for the state's economic future and energy stability, and to protect the public health of its citizens and the state's environment. The legislature further finds that there is a need to assist in the development of early market demand that will advance the commercialization and widespread application of these emerging energy technologies. The legislature further finds that New Mexico is ideally positioned to stimulate advanced energy technology economic development due to its abundance of natural and renewable energy sources, a successful research and development track record, an ability to attract significant research and development federal dollars and the establishment of a variety of entrepreneurial support programs.

Chapter 55 Section 3 Laws 2004

Section 3. PURPOSE.--The Advanced Energy Technologies Economic Development Act provides funds to stimulate the market for and promote the statewide utilization of advanced energy technologies. That act further provides for a targeted program that advances the creation of a hydrogen and fuel cell industry cluster.

Chapter 55 Section 4 Laws 2004

Section 4. DEFINITIONS.--As used in the Advanced Energy Technologies Economic Development Act:

A. "alternative fuel" means natural gas, liquefied petroleum gas, electricity, hydrogen, a fuel mixture containing not less than eighty-five percent ethanol or methanol, a fuel mixture containing not less than twenty percent vegetable oil or a water-phased hydrocarbon fuel emulsion consisting of a hydrocarbon base and water in an amount not less than twenty percent by volume of the total water-phased fuel emulsion;

B. "clean energy" means alternative fuels, energy efficiency, renewable energy and fuel cells;

C. "department" means the energy, minerals and natural resources department;

D. "energy efficiency" means the application of technology resulting in the reduced or improved use of energy;

E. "fuel cell" means equipment using an electrochemical process to generate electricity and heat;

F. "fund" means the clean energy grants fund;

G. "renewable energy" means thermal or electrical energy generated by means of a low- or zero-emissions generation technology that has substantial long-term production potential, including solar, wind, geothermal, landfill gas or biomass, but does not include fossil fuel or nuclear power; and

H. "secretary" means the secretary of energy, minerals and natural resources.

Chapter 55 Section 5 Laws 2004

Section 5. CLEAN ENERGY GRANTS FUND.--The "clean energy grants fund" is created in the state treasury. The fund shall consist of money appropriated and transferred to the fund and tax revenues distributed to the fund by law. Earnings from investment of the fund shall be credited to the fund. Money in the fund is subject to appropriation by the legislature to the department for the purpose of administering the clean energy grants program pursuant to the Advanced Energy Technologies Economic Development Act. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert. Disbursements from the fund shall be made upon warrants drawn by the secretary of finance and administration pursuant to vouchers signed by the secretary of energy, minerals and natural resources.

Chapter 55 Section 6 Laws 2004

Section 6. CLEAN ENERGY GRANTS PROGRAM.--

A. The secretary shall establish the clean energy grants program to provide clean energy grants to:

- (1) municipalities and county governments;
- (2) state agencies;
- (3) state universities;
- (4) public schools;
- (5) post-secondary educational institutions; and

(6) Indian nations, tribes and pueblos.

B. The secretary may make grants from the fund for physical projects utilizing clean energy technologies and clean energy education, technical assistance and training programs. The department may use no more than one hundred thousand dollars (\$100,000) from the fund for the administration of the grants program and to conduct research or studies directly related to the Advanced Energy Technologies Economic Development Act.

C. The department may adopt rules establishing the application procedure and required qualifications of projects. No single entity shall receive greater than one hundred thousand dollars (\$100,000) from the fund. Factors that may be considered in approving or denying disbursements from the fund are:

(1) the geographic area of the state in which the project is to be conducted in relation to other projects;

(2) percentage of cash or in-kind contributions applied to the total project;

(3) the extent to which the project incorporates an innovative new technology or an innovative application of an existing technology;

(4) the degree to which the project will reduce the entity's energy-related expenditures;

(5) the degree to which the project fosters the general public's, students' or a specific government or industry sector's overall understanding and appreciation of clean energy technologies; and

(6) the extent to which the project stimulates in-state economic development, including jobs creation, and further development of a commercial market for clean energy technologies.

D. Except as provided otherwise in this section, the department shall disburse:

(1) no less than three hundred thousand dollars (\$300,000) to municipalities and county governments;

(2) no less than three hundred thousand dollars (\$300,000) to state universities and post-secondary educational institutions;

(3) no less than three hundred thousand dollars (\$300,000) to Indian nations, tribes and pueblos; and

(4) no more than two hundred thousand dollars (\$200,000) to state agencies and public schools.

E. The minimum disbursements designated in this section may be amended by the department if an insufficient number of qualified projects are applied for by entities seeking grant funding within a particular category or categories.

F. The department shall report on disbursements made from the fund to the legislative finance committee prior to each regular legislative session. The report shall include:

- (1) a list of recipients receiving disbursements;
- (2) the amount of each disbursement;
- (3) the date of each disbursement;
- (4) a description of each project or expansion funded with a disbursement;
- (5) a description of each project's contribution to the state's knowledge and use of clean energy technologies; and
- (6) a description of the extent to which the grants program is benefitting the state's environment, public health and economic development.

Chapter 55 Section 7 Laws 2004

Section 7. HYDROGEN AND FUEL CELL TECHNOLOGIES DEVELOPMENT PROGRAM.--

A. The secretary of economic development, in collaboration with the department, shall establish a hydrogen and fuel cell technologies development program for the purpose of fostering the development of hydrogen and fuel cell-related commercialization and economic development in the state. The program shall include:

- (1) establishing a public-private partnership between the state, national laboratories, nonprofit organizations and the hydrogen and fuel cell technologies industry sector to provide guidance and support for hydrogen and fuel cell initiatives;
- (2) supporting activities to adopt uniform hydrogen safety codes and standards and provide education and training to communicate these codes and standards to the appropriate fire and regulatory entities;
- (3) developing demonstration projects by pursuing federal funds and other available funds to augment state resources, advancing public education about hydrogen and fuel cell technology and building the necessary infrastructure to support commercial use and adoption of hydrogen and fuel cell technologies; and
- (4) coordinating and supporting research and education activities in hydrogen and fuel cells between state universities and federally funded research and development organizations in the state to promote closer cooperation and advance the state's overall capabilities and programs in hydrogen and fuel cell technologies.

B. The economic development department shall report on the status and progress of the hydrogen and fuel cell technologies development program to the legislative

finance committee prior to each regular legislative session. The report shall include the type and amount of expenditures made pursuant to the appropriation in this section.

House Bill 251, aa
Approved March 4, 2004

LAWS 2004, CHAPTER 56

AN ACT

RELATING TO HORSE RACING; PROVIDING FOR BACKGROUND CHECKS ON APPLICANTS FOR A LICENSE OR LICENSE RENEWAL.

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

Chapter 56 Section 1 Laws 2004

Section 1. Section 60-1-5 NMSA 1978 (being Laws 1973, Chapter 323, Section 3, as amended) is amended to read:

"60-1-5. LICENSES--QUALIFICATIONS.--

A. All persons engaged in racing, or employed on a licensee's premises by those engaged in racing, or operating a horse racing meeting, and persons operating concessions for or under authority of any licensee or employed by the concessionaire shall be licensed by the state racing commission after a background check has been conducted. The commission shall develop policies and procedures for conducting the background checks. The policies and procedures shall:

(1) require two fingerprint cards to be submitted for each applicant for a license or license renewal, one card to be transmitted to the department of public safety for a statewide check and the other to be transmitted to the federal bureau of investigation for a nationwide check;

(2) if an application for license or license renewal is denied, provide the applicant with the ability to inspect or challenge the validity of the record upon which the denial was based;

(3) provide that arrest record information, received from the department of public safety or the federal bureau of investigation, is privileged and shall not be disclosed to persons not directly involved in the decision affecting the specific applicant or employee; and

(4) require the applicant to pay the cost of the background check.

B. Racetracks shall be licensed each calendar year.

C. The state racing commission may provide by regulation for the issuance of licenses for terms not to exceed five years for horse owners, trainers, jockeys and their

employees; veterinarians; and employees of a racetrack. Fees for licenses under this subsection, not to exceed one hundred dollars (\$100), shall be set by regulation of the commission.

D. The state racing commission shall not issue or renew a license and shall revoke or suspend any license issued pursuant to this section if, after due consideration for the proper protection of public health, safety, morals, good order and the general welfare of the inhabitants of this state, it finds that the issuance of the license or the holding of the license is inconsistent with the public interest. The burden of proving his qualifications to receive and hold a license under this section shall be at all times on the applicant or licensee. The state racing commission shall establish by regulation such qualifications for licenses to be issued pursuant to this section as it deems in the public interest.

E. Any person who is addicted to or uses narcotic drugs or who has been convicted of a violation of any federal or state narcotics law shall not be licensed on any New Mexico racetrack, unless sufficient evidence of rehabilitation is presented to the state racing commission.

F. If the state racing commission finds that any person has done any of the following acts, the person shall not be licensed by the commission for a period of five years from the date of the finding that the person, for the purpose of stimulating or depressing a horse or affecting its speed or stamina in a race or workout:

(1) administered, attempted to administer or conspired with others to administer to any horse, in or prior to a race, any dope, drug, chemical agent, stimulant or depressant, either internally, externally or hypodermically;

(2) attempted to use, used or conspired with others to use in any race any electrical or mechanical buzzer, goad, device, implement or instrument, excepting only the ordinary whip and spur, or acted to sponge the nostrils or windpipe of a racehorse; or

(3) used any method, injurious or otherwise, for the purpose of stimulating or depressing a horse or affecting its speed or stamina in a race or workout.

G. The validity of any license issued by the state racing commission shall be conditioned upon the licensee not engaging in racing, operating a horse racing meeting or participating as an employee or concessionaire at any racetrack in New Mexico operating or permitting to be operated an organized wagering system not licensed by the commission. Any licensee not complying with that condition shall, after reasonable notice and hearing, have his license revoked, and the license shall not be reissued until the expiration of one year from the date of revocation."

House Bill 541, aa
Approved March 4, 2004

LAWS 2004, CHAPTER 57

AN ACT

RELATING TO ECONOMIC DEVELOPMENT; ADOPTING INVESTMENT ALLOCATIONS AND DEFINITIONS RELATED TO THE NEW MEXICO SMALL BUSINESS INVESTMENT COUNCIL.

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

Chapter 57 Section 1 Laws 2004

Section 1. Section 7-27-5.15 NMSA 1978 (being Laws 1990, Chapter 126, Section 5, as amended by Laws 2003, Chapter 399, Section 2 and by Laws 2003, Chapter 401, Section 1 and also by Laws 2003, Chapter 406, Section 1) is amended to read:

"7-27-5.15. NEW MEXICO PRIVATE EQUITY FUNDS AND BUSINESS INVESTMENTS.--

A. No more than six percent of the market value of the severance tax permanent fund may be invested in New Mexico private equity funds or New Mexico businesses under this section.

B. In making investments pursuant to Subsection A of this section, the council shall make investments in New Mexico private equity funds or New Mexico businesses whose investments or enterprises enhance the economic development objectives of the state.

C. The state investment officer shall make investments pursuant to Subsection A of this section only upon approval of the council, upon review of the recommendation of the private equity investment advisory committee and within guidelines and policies established by the council.

D. As used in this section:

(1) "New Mexico business" means, in the case of a corporation or limited liability company, a business with its principal office and a majority of its full-time employees located in New Mexico or, in the case of a limited partnership, a business with its principal place of business and eighty percent of its assets located in New Mexico; and

(2) "New Mexico private equity fund" means a limited partnership, limited liability company or corporation organized and operating in the United States and maintaining an office staffed by a full-time investment officer in New Mexico that:

(a) has as its primary business activity the investment of funds in return for equity in or debt of businesses for the purpose of providing capital for start-up, expansion, product or market development, recapitalization or similar business purposes;

(b) holds out the prospects for capital appreciation from such investments;

(c) has at least one full-time manager with at least three years of professional experience in assessing the growth prospects of businesses or evaluating business plans and who has established permanent residency in the state;

(d) is committed to investing or helps secure investing by others, in an amount at least equal to the total investment made by the state investment officer in that fund pursuant to this section, in businesses with a principal place of business in the state and that hold promise for attracting additional capital from individual or institutional investors nationwide for businesses in the state; and

(e) accepts investments only from accredited investors as that term is defined in Section 2 of the federal Securities Act of 1933, as amended (15 USCA Section 77(b)), and rules and regulations promulgated pursuant to that section.

E. The state investment officer is authorized to make investments in New Mexico businesses to create new job opportunities and to support new, emerging or expanding businesses in a manner consistent with the constitution of New Mexico if:

(1) the investments are made in conjunction with cooperative investment agreements with parties that have demonstrated abilities and relationships in making investments in new, emerging or expanding businesses;

(2) an investment in any one business does not exceed ten percent of the amount available for investment pursuant to this section; and

(3) the investments represent no more than fifty-one percent of the total investment capital in a business; provided, however, that nothing in this subsection prohibits the ownership of more than fifty-one percent of the total investment capital in a New Mexico business if the additional ownership interest:

(a) is due to foreclosure or other action by the state investment officer pursuant to agreements with the business or other investors in that business;

(b) is necessary to protect the investment; and

(c) does not require an additional investment of the severance tax permanent fund.

F. The state investment officer shall make a commitment to the small business investment corporation pursuant to the Small Business Investment Act to invest one-half percent of the market value of the severance tax permanent fund by July 1, 2001 to create new job opportunities by providing capital for land, buildings or infrastructure for facilities to support new or expanding businesses and to otherwise make investments to create new job opportunities to support new or expanding businesses in a manner consistent with the constitution of New Mexico. On July 1, 2003 and on each July 1 thereafter, the state investment officer shall determine whether the invested capital in the small business investment corporation is less than one-half percent of the market value of the severance tax permanent fund. If the invested capital in the small business investment corporation equals less than one-half percent of the market value of the severance tax permanent fund, further commitments shall be made until the invested capital is equal to one-half percent of the market value of the fund.

G. The state investment officer shall report semiannually on the New Mexico private equity investments made pursuant to this section. Annually, a report shall be submitted to the legislature prior to the beginning of each regular legislative session and a second report no later than October 1 each year to the legislative finance committee, the revenue stabilization and tax policy committee and any other appropriate interim committee. Each report shall provide the amounts invested in each New Mexico private equity fund, as well as information about the objectives of the funds, the companies in which each fund is invested and how each investment enhances the economic development objectives of the state. Each report shall provide the amounts invested in each New Mexico business."

Chapter 57 Section 2 Laws 2004

Section 2. Section 58-29-3 NMSA 1978 (being Laws 2000, Chapter 97, Section 5, as amended) is amended to read:

"58-29-3. DEFINITIONS.--As used in the Small Business Investment Act:

A. "board" means the corporation's board;

B. "cooperative agreement" means an agreement entered into by the corporation with a party that:

(1) has demonstrated the capability to provide business assistance to new and expanding businesses; and

(2) is primarily engaged or proposes to primarily engage in the business of providing business services and debt or equity capital to new and expanding businesses;

C. "corporation" means the small business investment corporation;

D. "debt investment" means direct or indirect loans or other debt obligations, the proceeds of which shall be used to:

(1) support the acquisition or development of land, buildings or infrastructure;

(2) create job opportunities; or

(3) otherwise enhance the economic development objectives of the state;

E. "equity investment" means direct or indirect ownership interests in New Mexico businesses, the proceeds of which investment shall be used to:

(1) support the acquisition or development of land, buildings or infrastructure;

(2) create job opportunities; or

(3) otherwise enhance the economic development objectives of the state;

F. "fund" means the small business investment corporation fund;

G. "New Mexico business" means a business with its principal office and a majority of its full-time employees located in New Mexico, including a sole proprietorship, partnership, limited partnership, limited liability company or corporation; and

H. "president" means the president of the corporation."

Chapter 57 Section 3 Laws 2004

Section 3. Section 58-29-5.1 NMSA 1978 (being Laws 2003, Chapter 399, Section 9) is amended to read:

"58-29-5.1. PERMITTED INVESTMENTS.--The corporation may:

A. make equity investments in New Mexico businesses, provided that:

(1) the investments are made pursuant to cooperative agreements;

(2) an equity investment in any one business may not exceed ten percent of the fund; provided, however, that the restrictions of this paragraph shall not apply to equity investments in entities that are parties to cooperative agreements, but shall apply to investments made by such entities pursuant to cooperative agreements; and

(3) the investments represent no more than forty-nine percent of the total equity capital of a business; provided, however, that the restrictions of this paragraph shall not apply to equity investments in entities that are parties to cooperative agreements, but shall apply to investments made by such entities pursuant to cooperative agreements; or

B. make debt investments in New Mexico businesses, provided that:

(1) the investments are made pursuant to cooperative agreements; and

(2) a debt investment in any one business may not exceed ten percent of the fund; provided, however, that the restrictions of this paragraph shall not apply to debt investments in entities that are parties to cooperative agreements, but shall apply to debt investments made by such entities pursuant to cooperative agreements."

House Bill 387

Approved March 4, 2004

LAWS 2004, CHAPTER 58

AN ACT

RELATING TO TAXATION; ADJUSTING DISTRIBUTIONS TO THE STATE AVIATION FUND;
DECLARING AN EMERGENCY.

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

Chapter 58 Section 1 Laws 2004

Section 1. Section 7-1-6.7 NMSA 1978 (being Laws 1994, Chapter 5, Section 2, as amended) is amended to read:

"7-1-6.7. DISTRIBUTIONS--STATE AVIATION FUND.--

A. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the state aviation fund in an amount equal to four and seventy-nine hundredths percent of the taxable gross receipts attributable to the sale of fuel specially prepared and sold for use in turboprop or jet-type engines as determined by the department.

B. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the state aviation fund in an amount equal to twenty-six hundredths percent of gasoline taxes, exclusive of penalties and interest, collected pursuant to the Gasoline Tax Act.

C. From July 1, 2002 through June 30, 2007, a distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the state aviation fund in an amount equal to forty-six thousandths percent of the net receipts attributable to the gross receipts tax distributable to the general fund."

Chapter 58 Section 2 Laws 2004

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

House Bill 234, w/ec
Approved March 4, 2004

LAWS 2004, CHAPTER 59

AN ACT

RELATING TO MOTOR VEHICLES; MAKING TECHNICAL ADJUSTMENTS TO THE WEIGHT DISTANCE TAX; PROVIDING FOR LICENSE ENDORSEMENT FEES; CHANGING AND CREATING DEFINITIONS IN THE MOTOR VEHICLE CODE AND IN THE NEW MEXICO COMMERCIAL DRIVER'S LICENSE ACT; CHANGING VEHICLE REGISTRATION REQUIREMENTS; PROVIDING CERTAIN POWERS TO THE MOTOR VEHICLE DIVISION; DEFINING GROUNDS FOR WHICH THE MOTOR VEHICLE DIVISION MAY REFUSE, SUSPEND OR REVOKE VEHICLE REGISTRATION OR CERTIFICATE OF TITLE; PROVIDING FOR VEHICLE REGISTRATION REFUNDS; CHANGING DRIVER'S LICENSE ISSUANCE, CONTENT AND CHANGE OF ADDRESS OR NAME REQUIREMENTS; CHANGING COMMERCIAL DRIVER'S LICENSE CONTENT, APPLICATION, ISSUANCE AND DISQUALIFICATION REQUIREMENTS; PROVIDING CONVICTION INFORMATION DISCLOSURE REQUIREMENTS; PROVIDING FOR PRORATION OF DRIVER'S LICENSE AND COMMERCIAL DRIVER'S LICENSE FEES IN CERTAIN CIRCUMSTANCES;

PROVIDING FOR DONOR STATUS ON IDENTIFICATION CARDS; INCREASING HEALTH STANDARDS ADVISORY BOARD MEMBERSHIP AND CHANGING PER DIEM REQUIREMENTS FOR BOARD MEMBERS; CHANGING DISTRIBUTIONS; PROVIDING A PENALTY; AMENDING SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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

Chapter 59 Section 1 Laws 2004

Section 1. Section 7-15A-6 NMSA 1978 (being Laws 1988, Chapter 73, Section 33, as amended) is amended to read:

"7-15A-6. TAX RATE FOR MOTOR VEHICLES OTHER THAN BUSES--REDUCTION OF RATE FOR ONE-WAY HAULS.--

A. For on-highway operations of motor vehicles other than buses, the weight distance tax shall be computed in accordance with the following schedule:

Declared Gross Weight (Gross Vehicle Weight)	Tax Rate (Mills per Mile)
26,001 to 28,000	11.01
28,001 to 30,000	11.88
30,001 to 32,000	12.77
32,001 to 34,000	13.64
34,001 to 36,000	14.52
36,001 to 38,000	15.39
38,001 to 40,000	16.73
40,001 to 42,000	18.05
42,001 to 44,000	19.36
44,001 to 46,000	20.69
46,001 to 48,000	22.01
48,001 to 50,000	23.33
50,001 to 52,000	24.65

52,001 to 54,000 25.96
54,001 to 56,000 27.29
56,001 to 58,000 28.62
58,001 to 60,000 29.93
60,001 to 62,000 31.24
62,001 to 64,000 32.58
64,001 to 66,000 33.90
66,001 to 68,000 35.21
68,001 to 70,000 36.52
70,001 to 72,000 37.86
72,001 to 74,000 39.26
74,001 to 76,000 40.71
76,001 to 78,000 42.21
78,001 and over 43.78.

B. All motor vehicles for which the tax is computed under Subsection A of this section shall pay a tax that is two-thirds of the tax computed under Subsection A of this section if:

(1) the motor vehicle is customarily used for one-way haul;

(2) forty-five percent or more of the mileage traveled by the motor vehicle for a registration year is mileage that is traveled empty of all load; and

(3) the registrant, owner or operator of the vehicle attempting to qualify under this subsection has made a sworn application to the department to be classified under this subsection for a registration year and has given whatever information is required by the department to determine the eligibility of the vehicle to be classified under this subsection and the vehicle has been so classified."

Chapter 59 Section 2 Laws 2004

Section 2. Section 7-15A-7 NMSA 1978 (being Laws 1988, Chapter 73, Section 34, as amended) is amended to read:

"7-15A-7. TAX RATE FOR BUSES.--For all buses, the weight distance tax shall be computed in accordance with the following schedule:

Declared Gross Weight (Gross Vehicle Weight)	Tax Rate (Mills per Mile)
26,001 to 28,000	11.01
28,001 to 30,000	11.88
30,001 to 32,000	12.77
32,001 to 34,000	13.64
34,001 to 36,000	14.52
36,001 to 38,000	15.39
38,001 to 40,000	16.73
40,001 to 42,000	18.05
42,001 to 44,000	19.36
44,001 to 46,000	20.69
46,001 to 48,000	22.01
48,001 to 50,000	23.33
50,001 to 52,000	24.65
52,001 to 54,000	25.96
54,001 and over	27.29."

Chapter 59 Section 3 Laws 2004

Section 3. Section 66-1-4.16 NMSA 1978 (being Laws 1990, Chapter 120, Section 17, as amended by Laws 2003, Chapter 142, Section 7 and by Laws 2003, Chapter 164, Section 2) is amended to read:

"66-1-4.16. DEFINITIONS.--As used in the Motor Vehicle Code:

A. "safety glazing materials" means glazing materials constructed, treated or combined with other materials to reduce substantially, in comparison with ordinary sheet glass

or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they are cracked and broken;

B. "safety zone" means the area or space that is officially set apart within a highway for the exclusive use of pedestrians and that is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone;

C. "school bus" means a commercial motor vehicle used to transport preprimary, primary or secondary school students from home to school, from school to home or to and from school-sponsored events, but not including a vehicle:

(1) operated by a common carrier, subject to and meeting all requirements of the public regulation commission but not used exclusively for the transportation of pupils;

(2) operated solely by a government-owned transit authority, if the transit authority meets all safety requirements of the public regulation commission but is not used exclusively for the transportation of pupils; or

(3) operated as a per capita feeder as defined in Section 22-16-6 NMSA 1978;

D. "seal" means the official seal of the taxation and revenue department as designated by the secretary;

E. "secretary" means the secretary of taxation and revenue, and, except for the purposes of Sections 66-2-3 and 66-2-12 NMSA 1978, also includes the deputy secretary and any division director delegated by the secretary;

F. "semitrailer" means a vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some significant part of its weight and that of its load rests upon or is carried by another vehicle;

G. "sidewalk" means a portion of street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians;

H. "slow-moving vehicle" means a vehicle that is ordinarily moved, operated or driven at a speed less than twenty-five miles per hour;

I. "solid tire" means every tire of rubber or other resilient material that does not depend upon compressed air for the support of the load;

J. "special mobile equipment" means a vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including but not limited to farm tractors, road construction or maintenance machinery, ditch-digging apparatus, well-boring apparatus and concrete mixers;

K. "specially constructed vehicle" means a vehicle of a type required to be registered under the Motor Vehicle Code not originally constructed under a distinctive name,

make, model or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction;

L. "state" means a state, territory or possession of the United States, the District of Columbia or a province of the Dominion of Canada;

M. "state highway" means a public highway that has been designated as a state highway by the legislature, the state transportation commission or the secretary of transportation;

N. "stop", when required, means complete cessation from movement;

O. "stop, stopping or standing", when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal;

P. "street" or "highway" means a way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel, even though it may be temporarily closed or restricted for the purpose of construction, maintenance, repair or reconstruction;

Q. "subsequent offender" means a person who was previously a first offender and who again, under state law, federal law or a municipal ordinance or a tribal law, has been adjudicated guilty of the charge of driving a motor vehicle while under the influence of intoxicating liquor or any drug that rendered him incapable of safely driving a motor vehicle, regardless of whether the person's sentence was suspended or deferred; and

R. "suspension" means that a person's driver's license and privilege to drive a motor vehicle on the public highways are temporarily withdrawn."

Chapter 59 Section 4 Laws 2004

Section 4. Section 66-2-9 NMSA 1978 (being Laws 1978, Chapter 35, Section 13, as amended) is amended to read:

"66-2-9. SEIZURE OF DOCUMENTS AND PLATES.--

A. The division may take possession of any documents issued by it, including but not limited to any certificate of title, evidence of registration, permit, license or registration plate, upon expiration, revocation, cancellation or suspension thereof or that is fictitious or that has been unlawfully or erroneously issued.

B. If the division determines that any documents purporting to be of a type described in Subsection A of this section are fictitious, the division shall turn them over to the proper law enforcement agency for use in prosecution.

C. The division may retrieve a registration plate from a motor carrier that is prohibited from operating a motor vehicle by order of a state or federal agency."

Chapter 59 Section 5 Laws 2004

Section 5. Section 66-3-7 NMSA 1978 (being Laws 1978, Chapter 35, Section 27, as amended) is amended to read:

"66-3-7. GROUNDS FOR REFUSING, SUSPENDING OR REVOKING REGISTRATION OR CERTIFICATE OF TITLE.--The division may refuse, suspend or revoke registration or issuance of a certificate of title or a transfer of registration upon the ground that:

A. the application contains a false or fraudulent statement or that the applicant failed to furnish the required information or reasonable additional information requested by the division or that the applicant is not entitled to the issuance of a certificate of title or registration of the vehicle under the Motor Vehicle Code;

B. the vehicle is mechanically unfit or unsafe to be operated or moved upon the highways;

C. a commercial motor vehicle is operated by a commercial motor carrier that is prohibited from operating the vehicle by order of a state or federal agency;

D. the division has a reasonable ground to believe that the vehicle is a stolen or embezzled vehicle or the granting of registration or the issuance of a certificate of title would constitute a fraud against the rightful owner or other person having valid lien upon the vehicle;

E. the registration of the vehicle stands suspended or revoked for any reason as provided in the motor vehicle laws of this state;

F. the required fee has not been paid;

G. the motor vehicle excise tax has not been paid;

H. the weight distance tax has not been paid;

I. international fuel tax agreement taxes have not been paid;

J. if the vehicle is a mobile home, the property tax has not been paid;

K. the owner's address, as shown in the records of the division, is within a class A county or within a municipality that has a vehicle emission inspection and maintenance program and the applicant has applied at an office outside the designated county or municipality; or

L. the owner is required to but has failed to provide proof of compliance with a vehicle emission inspection and maintenance program, if required in the county or municipality in which the owner resides."

Chapter 59 Section 6 Laws 2004

Section 6. Section 66-3-8 NMSA 1978 (being Laws 1978, Chapter 35, Section 28, as amended) is amended to read:

"66-3-8. EXAMINATION OF REGISTRATION RECORDS AND INDEX OF STOLEN AND RECOVERED VEHICLES.--The department, upon receiving application for original registration of a vehicle or a certificate of title, except a title issued on a manufactured home, shall first check the engine or other standard identification number provided by the manufacturer of the vehicle shown in the application against its own records, the records of the national crime information center and other records as appropriate."

Chapter 59 Section 7 Laws 2004

Section 7. Section 66-3-20.1 NMSA 1978 (being Laws 1988, Chapter 94, Section 1, as amended) is amended to read:

"66-3-20.1. PROVIDING FOR EXTENDED REGISTRATION PERIODS FOR CERTAIN MOTOR VEHICLES--CREDIT FOR UNEXPIRED PORTION OF FEE.--

A. Registrations of vehicles, motorcycles or trucks with a declared gross weight of twenty-six thousand pounds or less may be for a period of up to two years; provided, the extended registration period shall begin on the first day of any month and expire on the last day of any month.

B. The fee for an extended registration period shall be the fee for a registration for one year divided by four and multiplied by the number of calendar quarters in the registration period with any fraction of a quarter year to be considered a full quarter.

C. A refund shall not be permitted for the first year of registration. A refund shall be permitted during the second year of registration for a quarter during which a person applying for the refund did not own the vehicle for which the refund is requested.

D. If the owner of a vehicle that is registered for an extended registration period sells, transfers or assigns title or interest to the vehicle and applies to have the registration number assigned to another vehicle, upon assignment, a credit amount representing the unexpired portion of the registration fee plus an administrative fee to be determined by the department shall be applied, on a pro rata basis, to the registration fee for the vehicle to which the registration number is assigned."

Chapter 59 Section 8 Laws 2004

Section 8. Section 66-3-23 NMSA 1978 (being Laws 1978, Chapter 35, Section 43) is amended to read:

"66-3-23. NOTICE OF CHANGE OF ADDRESS OR NAME.--

A. Whenever any person after making application for or obtaining the registration of a vehicle or a certificate of title moves from the address named in the application or shown upon a registration card or certificate of title, he shall, within ten days thereafter, excluding Saturdays,

Sundays and legal holidays, notify the division in writing of his old and new addresses or by electronic media pursuant to department regulations.

B. Whenever the name of any person who has made application for or obtained the registration of a vehicle or a certificate of title is changed by marriage or otherwise, the person shall, within ten days, excluding Saturdays, Sundays and legal holidays, make application for a new certificate of title and registration to the division. The division may require such evidence as it deems satisfactory regarding the change of name."

Chapter 59 Section 9 Laws 2004

Section 9. Section 66-3-424.6 NMSA 1978 (being Laws 2003, Chapter 178, Section 2) is amended to read:

"66-3-424.6. SPECIAL WILDLIFE ARTWORK REGISTRATION PLATES--
PROCEDURES--FEE.--

A. The department shall establish and issue a standardized special registration plate with a logo specified in Section 66-3-424 NMSA 1978 featuring artwork of New Mexico wildlife for any private motor vehicle except a motorcycle. The department shall adopt procedures for application for and issuance of the special wildlife artwork registration plates.

B. The director of the department of game and fish shall designate a "share with wildlife" logo design committee that shall recommend to the director the color and design of the special wildlife artwork logo. The director in cooperation with the secretary shall determine the design of the special wildlife artwork logo. No personalized or vanity design variation of the special wildlife artwork registration plates shall be issued.

C. For a fee of twenty-five dollars (\$25.00), which shall be in addition to the regular motor vehicle registration fees, an owner of a motor vehicle may apply for the issuance of a special wildlife artwork registration plate. The owner of a motor vehicle shall apply for the plate and pay the twenty-five-dollar (\$25.00) fee for the first year and ten dollars (\$10.00) for each subsequent year if he wishes to retain and renew the special wildlife artwork registration plate.

D. The revenue from the additional fee for a special wildlife artwork registration plate shall be distributed as follows:

(1) ten dollars (\$10.00) of the initial fee collected shall be retained by the division and is appropriated to the division to defray the cost of making and issuing special registration plates for wildlife artwork; and

(2) fifteen dollars (\$15.00) of the initial fee and the entire renewal fee collected shall be distributed to the share with wildlife program of the game protection fund."

Chapter 59 Section 10 Laws 2004

Section 10. Section 66-5-6 NMSA 1978 (being Laws 1978, Chapter 35, Section 228, as amended by Laws 1995, Chapter 135, Section 16 and also by Laws 1995, Chapter 136, Section 1) is amended to read:

"66-5-6. HEALTH STANDARDS ADVISORY BOARD.--

A. There shall be a "health standards advisory board" consisting of five members of the healing arts professions appointed by the secretary with the assistance of the secretary of health.

B. The health standards advisory board shall advise the secretary on physical and mental criteria and vision standards relating to the licensing of drivers under the provisions of the Motor Vehicle Code.

C. The department, having cause to believe that a licensed driver or applicant may not be physically, visually or mentally qualified to be licensed, may obtain the advice of the health standards advisory board. The board may formulate its advice from records and reports or may cause an examination and report to be made by one or more members of the board or any other qualified person it may designate. The licensed driver or applicant may cause a written report to be forwarded to the board by a healing arts practitioner of his choice, and it shall be given due consideration by the board only after the licensed driver or applicant has again undergone an on-the-road examination and any physical, visual or mental tests as recommended by the board. These examinations and tests may not be waived by the department.

D. Members of the health standards advisory board and other persons making examinations shall not be held liable for their opinions and recommendations presented pursuant to this section.

E. The secretary shall pay members of the health standards advisory board per diem and mileage as provided in the Per Diem and Mileage Act and, in addition, may determine and pay an hourly rate for work performed not to exceed fifty dollars (\$50.00) per hour and not to exceed twenty hours per month.

F. Reports received or made by the health standards advisory board or its members for the purpose of assisting the department in determining whether a person is qualified to be licensed are for the confidential use of the board or the department and may not be divulged to any person or used as evidence in any trial."

Chapter 59 Section 11 Laws 2004

Section 11. Section 66-5-15 NMSA 1978 (being Laws 1978, Chapter 35, Section 237, as amended) is amended to read:

"66-5-15. LICENSES ISSUED TO APPLICANTS.--The department shall, upon payment of the required fee, issue to every qualified applicant a driver's license as applied for. The license shall bear the full name, date of birth, current New Mexico physical or mailing address, a full face or front-view photograph of the license holder and a brief description of the licensee and

the signature of the licensee. A license shall not be valid unless it bears the signature of the licensee."

Chapter 59 Section 12 Laws 2004

Section 12. Section 66-5-18 NMSA 1978 (being Laws 1978, Chapter 35, Section 240) is amended to read:

"66-5-18. ALTERED, FORGED OR FICTITIOUS LICENSE--PENALTY.--

A. A person who uses or possesses an altered, forged or fictitious driver's license, permit or identification card is guilty of a misdemeanor.

B. A person who alters or forges a driver's license, permit or identification card or who makes a fictitious driver's license, permit or identification card is guilty of a fourth degree felony.

C. A person who possesses or uses a fraudulent, counterfeit or forged document to apply for or renew a driver's license, permit or identification card is guilty of a fourth degree felony."

Chapter 59 Section 13 Laws 2004

Section 13. Section 66-5-21 NMSA 1978 (being Laws 1978, Chapter 35, Section 243, as amended) is amended to read:

"66-5-21. EXPIRATION OF LICENSE--FOUR-YEAR ISSUANCE PERIOD--EIGHT-YEAR ISSUANCE PERIOD.--

A. Except as provided in Subsection B of this section, Section 66-5-19 NMSA 1978 and Section 66-5-67 NMSA 1978, all driver's licenses shall be issued for a period of four years, and each license shall expire thirty days after the applicant's birthday in the fourth year after the effective date of the license. A license issued pursuant to Section 66-5-19 NMSA 1978 shall expire thirty days after the applicant's birthday in the year in which the license expires. Each license is renewable within ninety days prior to its expiration or at an earlier date approved by the department. The fee for the license shall be as provided in Section 66-5-44 NMSA 1978. The department may provide for renewal by mail of a driver's license issued pursuant to the provisions of this subsection, pursuant to regulations adopted by the department and may require an examination upon renewal of the driver's license.

B. At the option of an applicant, a driver's license may be issued for a period of eight years, provided that the applicant:

(1) pays the amount required for a driver's license issued for a term of eight years;

(2) otherwise qualifies for a four-year driver's license; and

(3) will not reach the age of seventy-five during the last four years of the eight-year license period.

C. A driver's license issued pursuant to the provisions of Subsection B of this section shall expire thirty days after the applicant's birthday in the eighth year after the effective date of the license.

D. The director may adopt regulations providing for the proration of driver's license fees and commercial driver's license fees due to shortened licensure periods permitted pursuant to Subsection A of Section 66-5-19 NMSA 1978."

Chapter 59 Section 14 Laws 2004

Section 14. Section 66-5-22 NMSA 1978 (being Laws 1978, Chapter 35, Section 244) is amended to read:

"66-5-22. NOTICE OF CHANGE OF ADDRESS OR NAME.--Whenever a person, after applying for or receiving a driver's license, moves from the address named in the application or in the issued license or when the name of a licensee is changed by marriage or otherwise, the person shall, within ten days, notify the division of the new address in writing or by electronic media pursuant to department regulations. In the event of a change of name, the license must be delivered by the licensee to the division and the change of name be accomplished on the license itself. The division may require such evidence as it deems satisfactory regarding the change of name."

Chapter 59 Section 15 Laws 2004

Section 15. A new section of the New Mexico Commercial Driver's License Act is enacted to read:

"LICENSE ENDORSEMENT FEES.--The division shall establish a schedule of fees to be paid by a licensee for receipt or renewal of an "H" or "X" endorsement pursuant to Section 66-5-65 NMSA 1978. The fee for an endorsement shall be based on the actual cost of conducting federal and state required background checks not to exceed one hundred twenty-five dollars (\$125). Money from fees collected shall be retained by the division to defray the costs of background checks."

Chapter 59 Section 16 Laws 2004

Section 16. Section 66-5-54 NMSA 1978 (being Laws 1989, Chapter 14, Section 3, as amended) is amended to read:

"66-5-54. DEFINITIONS.--As used in the New Mexico Commercial Driver's License Act:

A. "commerce" means:

(1) trade, traffic or transportation within the jurisdiction of the United States between a place in New Mexico and a place outside of New Mexico, including a place outside of the United States; and

(2) trade, traffic or transportation in the United States that affects any trade, traffic or transportation described in Paragraph (1) of this subsection;

B. "commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(1) has a gross combination weight rating of more than twenty-six thousand pounds inclusive of a towed unit with a gross vehicle weight rating of more than ten thousand pounds;

(2) has a gross vehicle weight rating of more than twenty-six thousand pounds;

(3) is designed to transport sixteen or more passengers, including the driver; or

(4) is of any size and is used in the transportation of hazardous materials, which requires the motor vehicle to be placarded under applicable law;

C. "disqualification" means:

(1) a suspension, revocation or cancellation of a commercial driver's license by the state or jurisdiction that issued the commercial driver's license;

(2) a withdrawal of a person's privileges to drive a commercial motor vehicle by a state or other jurisdiction as the result of a violation of state or local law relating to motor vehicle control other than a parking, vehicle weight or vehicle defect violation; and

(3) a determination by the federal motor carrier safety administration that a person is not qualified to operate a motor vehicle;

D. "driving a commercial motor vehicle while under the influence of alcohol" means:

(1) driving a commercial motor vehicle while the driver has an alcohol concentration in the driver's blood or breath of four one hundredths or more;

(2) driving a commercial motor vehicle while the driver is under the influence of intoxicating liquor; or

(3) refusal to submit to chemical tests administered pursuant to Section 66-8-107 NMSA 1978;

E. "employee" means an operator of a commercial motor vehicle, including full-time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers; and

independent owner-operator contractors, while in the course of operating a commercial motor vehicle, who is either directly employed by or under lease to an employer;

F. "employer" means a person, including the United States, a state and a political subdivision of a state or their agencies or instrumentalities, who owns or leases a commercial motor vehicle or assigns employees to operate such

a vehicle;

G. "fatality" means the death of a person as a result of a motor vehicle accident;

H. "gross combination weight rating" means the value specified by the manufacturer as the loaded weight of a combination vehicle. In the absence of a value specified by the manufacturer, gross combination weight rating shall be determined by adding the gross vehicle weight rating of the power unit and the total weight of the towed unit or units and any load thereon;

I. "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of a single vehicle;

J. "imminent hazard" means a condition that presents a substantial likelihood that death, serious illness, severe personal injury or a substantial endangerment to health, property or the environment will occur before the reasonable foreseeable completion date of a formal proceeding to lessen the risk of that death, illness, injury or endangerment;

K. "noncommercial motor vehicle" means a motor vehicle or combination of motor vehicles that is not a commercial motor vehicle;

L. "nonresident commercial driver's license" means a commercial driver's license issued by another state to a person domiciled in that state or by a foreign country to a person domiciled in that country;

M. "out-of-service order" means a declaration by an authorized enforcement officer of a federal, state, Canadian, Mexican or local jurisdiction that a driver, a commercial motor vehicle or a motor carrier operation is temporarily prohibited from operating;

N. "railroad-highway grade crossing violation"

means a violation of a provision of Section 66-7-341 or 66-7-343 NMSA 1978 or a violation of federal or local law or rule pertaining to stopping at or crossing a railroad-highway grade crossing; and

O. "serious traffic violation" means conviction of any of the following if committed when operating a commercial motor vehicle:

(1) speed of fifteen miles or more per hour above the posted limits;

(2) reckless driving as defined by Section 66-8-113 NMSA 1978 or a municipal ordinance or the law of another state;

(3) homicide by vehicle, as defined in Section 66-8-101 NMSA 1978;

(4) injury to pregnant woman by vehicle as defined in Section 66-8-101.1 NMSA 1978 or a municipal ordinance or the law of another state;

(5) any other violation of law relating to motor vehicle traffic control, other than a parking violation, that the secretary determines by regulation to be a serious traffic violation. "Serious traffic violation" does not include a vehicle weight or vehicle defect violation;

(6) improper or erratic lane changes in violation of Section 66-7-317 NMSA 1978;

(7) following another vehicle too closely in violation of Section 66-7-318 NMSA 1978;

(8) directly or indirectly causing death or great bodily injury to a human being in the unlawful operation of a motor vehicle in violation of Section 66-8-101 NMSA 1978;

(9) driving a commercial motor vehicle without possession of a commercial driver's license in violation of Section 66-5-59 NMSA 1978;

(10) driving a commercial motor vehicle without the proper class of commercial driver's license and endorsements pursuant to Section 66-5-65 NMSA 1978 and the Motor Carrier Safety Act for the specific vehicle group operated or for the passengers or type of cargo transported; or

(11) driving a commercial motor vehicle without obtaining a commercial driver's license in violation of Section 66-5-59 NMSA 1978."

Chapter 59 Section 17 Laws 2004

Section 17. Section 66-5-64 NMSA 1978 (being Laws 1989, Chapter 14, Section 13, as amended) is amended to read:

"66-5-64. COMMERCIAL DRIVER'S LICENSE--CONTENT.--The commercial driver's license shall be marked "commercial driver's license" or "CDL". It shall include, but not be limited to, the following information:

- A. the person's name and current New Mexico physical or mailing address;
- B. the person's full face or front-view color photograph;
- C. a physical description of the person, including sex, height, weight and eye color;
- D. the person's date of birth;
- E. the person's signature;

F. the class or type of commercial motor vehicle that the person is authorized to drive, together with any endorsements or restrictions;

G. the name of this state; and

H. the dates between which the license is valid."

Chapter 59 Section 18 Laws 2004

Section 18. Section 66-5-68 NMSA 1978 (being Laws 1989, Chapter 14, Section 17, as amended by Laws 2003, Chapter 51, Section 5 and by Laws 2003, Chapter 90, Section 2) is amended to read:

"66-5-68. DISQUALIFICATION.--

A. The department shall disqualify a person from driving a commercial motor vehicle for at least thirty days if the federal motor carrier safety administration reports to the division that the person poses an imminent hazard.

B. The department shall disqualify a person from driving a commercial motor vehicle for a period of not less than one year if the person:

(1) refuses to submit to a chemical test when requested pursuant to the provisions of the Implied Consent Act; or

(2) is convicted of a violation of:

(a) driving a commercial motor vehicle while under the influence of intoxicating liquor or drugs in violation of Section 66-8-102 NMSA 1978, an ordinance of a municipality of this state or the law of another state;

(b) leaving the scene of an accident involving a commercial motor vehicle driven by the person in violation of Section 66-7-201 NMSA 1978 or an ordinance of a municipality of this state or the law of another state;

(c) using a commercial motor vehicle in the commission of a felony;

(d) driving a commercial motor vehicle after the driver's commercial driver's license is revoked, suspended, disqualified or canceled for violations while operating a commercial motor vehicle; or

(e) causing a fatality in the unlawful operation of a motor vehicle pursuant to Section 66-8-101 NMSA 1978.

C. The department shall disqualify a person from driving a commercial motor vehicle for a period of not less than three years if any of the violations specified in Subsection B of this section occur while transporting a hazardous material required to be placarded.

D. The department shall disqualify a person from driving a commercial motor vehicle for life if convicted of two or more violations of any of the offenses specified in Subsection B of this section, or any combination of those offenses, arising from two or more separate incidents, but the secretary may issue regulations establishing guidelines, including conditions, under which a disqualification for life under this subsection may be reduced to a period of not less than ten years. This subsection applies only to those offenses committed after July 1, 1989.

E. The department shall disqualify a person from driving a commercial motor vehicle for life if the person uses a commercial motor vehicle in the commission of any felony involving the manufacture, distribution or dispensing of a controlled substance or the possession with intent to manufacture, distribute or dispense a controlled substance.

F. The department shall disqualify a person from driving a commercial motor vehicle for a period of not less than sixty days if convicted of two serious traffic violations or one hundred twenty days if convicted of three serious traffic violations, if the violations were committed while driving a commercial motor vehicle, arising from separate incidents occurring within a three-year period.

G. The department shall disqualify a person from driving a commercial motor vehicle for a period of not less than one hundred eighty days nor more than two years if the person is convicted of a first violation of an out-of-service order while transporting hazardous materials required to be placarded pursuant to the federal Hazardous Materials Transportation Act or while operating a motor vehicle designed to transport more than fifteen passengers, including the driver. The department shall disqualify a person from driving a commercial motor vehicle for a period of not less than three years nor more than five years if, during any ten-year period, the person is convicted of any subsequent violations of out-of-service orders, in separate incidents, while transporting hazardous materials required to be placarded pursuant to that act or while operating a motor vehicle designed to transport more than fifteen passengers, including the driver.

H. The department shall disqualify a person from driving a commercial motor vehicle for sixty days if:

(1) the person has been convicted of two serious traffic violations in separate incidents within a three-year period; and

(2) the second conviction results in revocation, cancellation or suspension of the person's commercial driver's license or noncommercial motor vehicle driving privileges for sixty days.

I. The department shall disqualify a person from driving a commercial motor vehicle for one hundred twenty days if:

(1) the person has been convicted of more than two serious traffic violations within a three-year period; and

(2) the third or a subsequent conviction results in the revocation, cancellation or suspension of the person's commercial driver's license or noncommercial motor vehicle driving privileges.

J. When a person is disqualified from driving a commercial motor vehicle, any commercial driver's license held by that person is invalidated without separate proceeding of any kind and the driver is not eligible to apply for a commercial driver's license until the period of time for which the driver was disqualified has elapsed.

K. The department shall disqualify a person from driving a commercial motor vehicle for not less than:

(1) sixty days if the person is convicted of a first violation of a railroad-highway grade crossing violation;

(2) one hundred twenty days if, during any three-year period, the person is convicted of a second railroad-highway grade crossing violation in a separate incident; and

(3) one year if, during any three-year period, the person is convicted of a third or subsequent railroad-highway grade crossing violation in a separate incident.

L. After disqualifying, suspending, revoking or canceling a commercial driver's license, the department shall, within ten days, update its records to reflect that action. After disqualifying, suspending, revoking or canceling a nonresident commercial driver's privileges, the department shall, within ten days, notify the licensing authority of the state that issued the commercial driver's license.

M. The department shall post and enforce any disqualification sent by the federal motor carrier safety administration to the division that indicates that a commercial motor vehicle driver poses an imminent hazard."

Chapter 59 Section 19 Laws 2004

Section 19. Section 66-5-69 NMSA 1978 (being Laws 1989, Chapter 14, Section 18) is amended to read:

"66-5-69. NOTIFICATION OF TRAFFIC CONVICTIONS.--Within ten days after receiving a report of the conviction of a holder of a nonresident commercial driver's license for a violation of state law or local ordinance relating to motor vehicle traffic control other than a parking violation, committed in a commercial motor vehicle or a noncommercial motor vehicle, the division, after receipt of conviction information required pursuant to Section 66-5-28 NMSA 1978, shall forward the conviction information to the licensing authority that issued the commercial driver's license. A resident's conviction information shall be posted on the resident's motor vehicle record with the same speed used to post a nonresident's conviction information on the nonresident's motor vehicle record."

Chapter 59 Section 20 Laws 2004

Section 20. Section 66-5-401 NMSA 1978 (being Laws 1978, Chapter 35, Section 328, as amended) is amended to read:

"66-5-401. IDENTIFICATION CARDS.--

A. A person who does not have a valid New Mexico driver's license may be issued an identification card by the department certified by the applicant as to true name, correct age and other identifying data as the department may require. Every application for an identification card shall be signed by the applicant or the applicant's parent or guardian. The secretary may, for good cause, revoke or deny the issuance of an identification card.

B. Within the forms prescribed by the department for identification card applications, a space shall be provided to show whether the applicant is a donor as provided in the Uniform Anatomical Gift Act. A person applying for an identification card may indicate that person's status on the space provided on the application. The donor status indicated by the applicant shall be displayed on the identification card. The form and identification card shall be signed by the donor in the presence of a witness who shall also sign the form in the donor's presence."

Chapter 59 Section 21 Laws 2004

Section 21. Section 66-5-405 NMSA 1978 (being Laws 1978, Chapter 35, Section 332, as amended) is amended to read:

"66-5-405. CONTENTS OF CARD.--The identification card shall adequately describe the registrant and bear his picture that shall show a full face or front view for all registrants and indicate donor status. All identification cards of persons under the age of twenty-one years shall have a printed legend indicating that the person is under twenty-one. The identification card shall bear the following statement:

"STATE OF NEW MEXICO IDENTIFICATION

CARD NO. _____

This card is provided solely for the purpose of establishing that the bearer described on the card was not the holder of a New Mexico driver's license as of the date of issuance of this card. This identification card is not a license. ISSUED FOR IDENTIFICATION PURPOSES ONLY". "

Chapter 59 Section 22 Laws 2004

Section 22. Section 66-6-23 NMSA 1978 (being Laws 1978, Chapter 35, Section 358, as amended by Laws 2003, Chapter 175, Section 3 and by Laws 2003, Chapter 197, Section 3 and by Laws 2003, Chapter 198, Section 3 and by Laws 2003, Chapter 201, Section 3 and also by Laws 2003, Chapter 270, Section 6) 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 three dollars (\$3.00) per identification card or motor vehicle or motorboat registration or title transaction performed; and

(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;

(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 fifty cents (\$.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 Section 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 C 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 J and K 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; and

(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;

(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 tire recycling 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; and

(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.

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 59 Section 23 Laws 2004

Section 23. APPLICABILITY.--The distributions of fees pursuant to Section 22 of this act are applicable for fees collected on or after April 1, 2004.

Chapter 59 Section 24 Laws 2004

Section 24. EFFECTIVE DATE.--The effective date of the provisions of Sections 1 and 2 of this act is July 1, 2004.

Chapter 59 Section 25 Laws 2004

Section 25. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

HTC/House Bill 175, aa, w/ec
Approved March 4, 2004

LAWS 2004, CHAPTER 60

AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; CHANGING THE BASIS FOR CALCULATING THE AMOUNT OF EXCESS CASH BALANCE OF SCHOOL DISTRICTS AND CHARTER SCHOOLS.

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

Chapter 60 Section 1 Laws 2004

Section 1. Section 22-8-41 NMSA 1978 (being Laws 1967, Chapter 16, Section 99, as amended) is amended to read:

"22-8-41. RESTRICTION ON OPERATIONAL FUNDS--EMERGENCY ACCOUNTS--CASH BALANCES.--

A. A school district shall not expend money from its operational fund for the acquisition of a building site or for the construction of a new structure, unless the school district has bonded itself to practical capacity or the secretary determines and certifies to the legislative finance committee that the expending of money from the operational fund for this purpose is necessary for an adequate public educational program and will not unduly hamper the school district's current operations.

B. A school district or charter school may budget out of cash balances carried forward from the previous fiscal year an amount not to exceed five percent of its proposed operational fund expenditures for the ensuing fiscal year as an emergency account. Money in the emergency account shall be used only for unforeseen expenditures incurred after the annual budget was approved and shall not be expended without the prior written approval of the secretary.

C. In addition to the emergency account, school districts or charter schools may also budget operational fund cash balances carried forward from the previous fiscal year for operational expenditures, exclusive of salaries and payroll, upon specific prior approval of the secretary. The secretary shall notify the legislative finance committee in writing of his approval of such proposed expenditures. For fiscal years 2004 and 2005, with the approval of the secretary, a school district or charter school may budget so much of its operational cash balance as is needed for nonrecurring expenditures, including capital outlay.

D. Notwithstanding the provisions of Subsection C of this section, beginning with fiscal year 2006, prior to approval of a school district's or charter school's budget, the secretary shall verify that the reductions from the state equalization guarantee distribution have been taken pursuant to this section.

E. The allowable limit for a school district's or charter school's ending operational cash balance is:

(1) if the current year program cost is less than five million dollars (\$5,000,000), nine percent of the budgeted expenditures;

(2) if the current year program cost is five million dollars (\$5,000,000) but less than ten million dollars (\$10,000,000), seven and one-half percent of the budgeted expenditures;

(3) if the current year program cost is ten million dollars (\$10,000,000) but less than twenty-five million dollars (\$25,000,000), six percent of the budgeted expenditures;

(4) if the current year program cost is twenty-five million dollars (\$25,000,000) but less than two hundred million dollars (\$200,000,000), four and one-half percent of the budgeted expenditures; and

(5) if the current year program cost is two hundred million dollars (\$200,000,000) or more, for fiscal year 2004, two and one-half percent of the budgeted expenditures and, for subsequent fiscal years, three percent of the budgeted expenditures.

F. Except as otherwise provided in this section, for the 2006 and subsequent fiscal years, the secretary shall reduce the state equalization guarantee distribution, calculated pursuant to Section 22-8-25 NMSA 1978, to each school district or charter school by an amount equal to the school district's or charter school's excess cash balance. As used in this section, "excess cash balance" means the difference between a school district's or a charter school's actual operational cash balance and the allowable limit calculated pursuant to Subsection E of this section. Provided, however, that:

(1) for a school district or charter school with a current year program cost that exceeds two hundred million dollars (\$200,000,000), if the excess cash balance is greater than twenty percent of the allowable unrestricted, unreserved operational cash balance and the emergency reserve, then the reduction pursuant to this subsection shall equal twenty percent of the allowable unrestricted, unreserved operational cash balance and the emergency reserve; and

(2) for other school districts and charter schools, if the excess cash balance is greater than eighteen percent of the allowable unrestricted, unreserved operational cash balance and the emergency reserve, then the reduction pursuant to this subsection shall equal eighteen percent of the allowable unrestricted, unreserved operational cash balance and the emergency reserve.

G. In developing budgets, school districts and charter schools shall not budget current year cash balances without the approval of the secretary.

H. A school district or charter school whose enrollment growth exceeds one percent from the prior year and whose facility master plan includes the addition of a new school within two years may request from the secretary a waiver of up to fifty percent of the reduction otherwise required by Subsection F of this section.

I. Notwithstanding the provisions of Subsection F of this section, for fiscal year 2004, the reduction from the state equalization guarantee distribution shall be the greater of the amount calculated pursuant to that subsection or ten dollars (\$10.00) per MEM.

J. For the purposes of this section, "operational cash balance" means the allowable, unrestricted, unreserved operational cash balance and the emergency reserve.

K. For the purposes of this section, "allowable, unrestricted, unreserved operational cash balance and the emergency reserve" means the proportional share not attributable to revenue derived from the school district property tax, forest reserve funds and impact aid for which the state takes credit in determining a school district's or charter school's state equalization guarantee distribution."

House Bill 158
Approved March 4, 2004

LAWS 2004, CHAPTER 61

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 61 Section 1 Laws 2004

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 to the following qualified entities for the following public projects on terms and conditions established by the authority:

1. to the administrative office of the courts for infrastructure, building and equipment projects statewide;
2. to Alamogordo public schools in Otero county for refinancing projects;
3. to Alamogordo in Otero county for building, equipment and refinancing projects;
4. to the Albuquerque international sunport in Bernalillo county for infrastructure, building, equipment and refinancing projects;
5. to Albuquerque public schools in Bernalillo and Sandoval counties for building and refinancing projects;
6. to Albuquerque in Bernalillo county for special assessment district projects 228, building, land acquisition and rehabilitation and 229, infrastructure and refinancing projects;
7. to Angel Fire in Colfax county for road, building, equipment and special assessment district projects;

8. to Artesia public schools in Eddy and Chaves counties for refinancing projects;
9. to Artesia in Eddy county for building and equipment projects;
10. to Aztec in San Juan county for infrastructure, building and equipment projects;
11. to Belen consolidated school district number 2 in Valencia county for building and refinancing projects;
12. to Belen in Valencia county for infrastructure projects;
13. to Bernalillo county for infrastructure projects in Bernalillo county;
14. to Bernalillo public schools in Sandoval county for refinancing projects;
15. to Bernalillo in Sandoval county for infrastructure and equipment projects;
16. to Bloomfield school district number 6 in San Juan county for building and equipment projects;
17. to Bloomfield in San Juan county for building and equipment projects;
18. to Carlsbad municipal schools in Eddy county for building, equipment and refinancing projects;
19. to Carlsbad in Eddy county for equipment, building, infrastructure and refinancing projects;
20. to Carrizozo municipal school district number 7 in Lincoln county for building projects;
21. to the Catron county-Cruzville-Apache Creek volunteer fire department in Catron county for an equipment acquisition project;
22. to the Catron county-Wild Horse volunteer fire department in Catron county for an equipment acquisition project;
23. to Chaves county for refinancing projects in Chaves county;
24. to the Chaves county-East Grand Plains volunteer fire department in Chaves county for a building project;
25. to Cibola county for infrastructure and refinancing projects in Cibola county;
26. to the Cibola county-Bluewater fire department in Cibola county for an equipment acquisition project;

27. to the Cibola county-San Rafael volunteer fire department in Cibola county for an equipment acquisition project;

28. to Cloudcroft municipal schools in Otero county for building, equipment and refinancing projects;

29. to Clovis municipal schools in Curry county for building and equipment projects;

30. to Clovis in Curry county for infrastructure and building projects;

31. to Colfax county for infrastructure, building, equipment, refinancing and land acquisition projects in Colfax county;

32. to Cuba independent schools in Sandoval county for building and refinancing projects;

33. to Cuba in Sandoval county for vehicle, building, equipment and land acquisition projects;

34. to the Curry county-Broadview fire department in Curry county for an equipment acquisition project;

35. to the Curry county-Field fire department in Curry county for an equipment acquisition project;

36. to the De Baca county-Valley fire district in De Baca county for a building project;

37. to Deming in Luna county for infrastructure and building projects;

38. to Dexter consolidated schools in Chaves county for equipment and refinancing projects;

39. to Dona Ana county for infrastructure and refinancing projects in Dona Ana county;

40. to Dora consolidated school district number 39 in Roosevelt county for equipment projects;

41. to the Eddy county-Happy Valley fire department in Eddy county for an equipment acquisition project;

42. to the Eddy county-La Huerta fire department in Eddy county for a vehicle acquisition project;

43. to Espanola public school district number 45 in Rio Arriba county for building projects;

44. to Espanola in Rio Arriba and Santa Fe counties for infrastructure, equipment, refinancing and land acquisition projects;
45. to the expo New Mexico-state fair in Bernalillo county for infrastructure, building, equipment and refinancing projects;
46. to Floyd municipal school district number 59 in Roosevelt county for building and equipment projects;
47. to the Fort Sumner irrigation district in Guadalupe county for a refinancing project;
48. to Gadsden independent schools in Dona Ana and Otero counties for refinancing projects;
49. to Gallup in McKinley county for building, equipment and infrastructure projects;
50. to Gallup-McKinley county public schools in McKinley county for building projects;
51. to Grady municipal school district number 61 in Curry county for building projects;
52. to the Grant county-Santa Rita volunteer fire department in Grant county for an equipment acquisition project;
53. to the Grant county-Sapillo creek volunteer fire department in Grant county for an equipment acquisition project;
54. to Grants in Cibola county for infrastructure and refinancing projects;
55. to Guadalupe county for infrastructure, building, refinancing and equipment projects in Guadalupe county;
56. to the Guadalupe county-Puerto de Luna fire department in Guadalupe county for a vehicle acquisition project;
57. to Hagerman municipal schools in Chaves county for refinancing projects;
58. to Hatch valley public schools in Dona Ana county for building and refinancing projects;
59. to Hidalgo county for infrastructure and equipment projects in Hidalgo county;
60. to Hobbs in Lea county for building, equipment and refinancing projects;
61. to Jemez Springs in Sandoval county for a vehicle acquisition project;

62. to the Laguna development corporation in Cibola county for building, infrastructure, water, wastewater and highway projects;

63. to Las Cruces public schools in Dona Ana county for building, equipment and refinancing projects;

64. to Las Cruces in Dona Ana county for building, equipment, infrastructure and refinancing projects;

65. to the Sierra county Las Lomas fire district in Sierra county for an equipment project;

66. to Las Vegas in San Miguel county for infrastructure, building, refinancing and equipment projects;

67. to Lincoln county for infrastructure projects in Lincoln county;

68. to Los Alamos county for building, infrastructure, equipment and refinancing projects in Los Alamos county;

69. to Los Alamos public schools in Los Alamos county for building, equipment and refinancing projects;

70. to Los Lunas public schools in Valencia county for building and refinancing projects;

71. to Los Lunas in Valencia county for infrastructure projects;

72. to Lovington in Lea county for building, equipment and refinancing projects;

73. to Luna county for infrastructure and refinancing projects in Luna county;

74. to Magdalena in Socorro county for a vehicle acquisition project;

75. to Mesa technical college in Quay county for infrastructure, building and equipment projects;

76. to Mesilla in Dona Ana county for water and wastewater projects;

77. to the Mora county-CHET fire department in Mora county for a building project;

78. to Moriarty in Torrance county for infrastructure, building, equipment and refinancing projects;

79. to New Mexico highlands university in San Miguel county for refinancing projects;

80. to the New Mexico retiree health care authority in Santa Fe county for a building project;

81. to New Mexico state university in Dona Ana county for building and refinancing projects;

82. to northern New Mexico community college in Rio Arriba county for infrastructure, building and equipment projects;

83. to Pojoaque Valley public schools in Santa Fe county for refinancing projects;

84. to Portales in Roosevelt county for infrastructure and refinancing projects;

85. to Quay county for an equipment acquisition project in Quay county;

86. to Questa in Taos county for an equipment acquisition project;

87. to Raton in Colfax county for infrastructure, refinancing and solid waste projects;

88. to Rio Arriba county for infrastructure and refinancing projects in Rio Arriba county;

89. to Rio Rancho public school district number 94 in Sandoval county for building projects;

90. to Rio Rancho in Sandoval county for building, equipment, event center and refinancing projects;

91. to Roosevelt county for infrastructure and refinancing projects in Roosevelt county;

92. to Roswell independent schools in Chaves county for refinancing projects;

93. to Roswell in Chaves county for building, infrastructure and refinancing projects;

94. to Ruidoso in Lincoln county for infrastructure, equipment and refinancing projects;

95. to San Jon in Quay county for a building project;

96. to San Miguel county for building, road, equipment and refinancing projects in San Miguel county;

97. to the San Miguel county-Conchas dam fire and rescue in San Miguel county for a building project;

98. to the Pueblo of Sandia in Bernalillo county for infrastructure and building projects;
99. to Sandoval county for infrastructure projects in Sandoval county;
100. to Santa Clara in Grant county for vehicle acquisition and refinancing projects;
101. to Santa Fe county for roads, building and equipment projects in Santa Fe county;
102. to Santa Fe public schools in Santa Fe county for building, equipment and refinancing projects;
103. to Santa Fe in Santa Fe county for infrastructure and building projects;
104. to Santa Rosa in Guadalupe county for infrastructure projects;
105. to the Sierra county-Arrey/Derry volunteer fire department in Sierra county for a building project;
106. to Socorro county for infrastructure projects in Socorro county;
107. to the Socorro county-San Antonio fire department in Socorro county for an equipment acquisition project;
108. to the Socorro county-Veguita fire department in Socorro county for an equipment acquisition project;
109. to Socorro in Socorro county for infrastructure projects;
110. to Taos county for Weimar-Cunyngham special improvement district infrastructure and equipment projects in Taos county;
111. to Taos municipal school district no. 1 in Taos county for equipment projects;
112. to Taos in Taos county for building, infrastructure, equipment and refinancing projects;
113. to Texico municipal schools in Curry and Roosevelt counties for building, equipment and refinancing projects;
114. to Truth or Consequences municipal schools in Sierra county for building projects;
115. to Truth or Consequences in Sierra county for infrastructure and electric projects;

116. to Tucumcari public schools in Quay county for building and refinancing projects;
117. to Tucumcari in Quay county for building, equipment and refinancing projects;
118. to Union county for infrastructure, building and equipment projects in Union county;
119. to the university of New Mexico-Gallup campus in McKinley county for land purchase projects;
120. to Valencia county for building, infrastructure and equipment projects in Valencia county;
121. to Vaughn in Guadalupe county for a building project;
122. to the Ventana West public improvements district in Sandoval county for building and equipment projects;
123. to Wagon Mound in Mora county for a building project;
124. to Williamsburg in Sierra county for an equipment acquisition project;
125. to the Pueblo of Zuni in McKinley county for infrastructure, building and equipment projects;
126. to the Agua Fria community water association in Santa Fe county for a refinancing project;
127. to the Albuquerque-Bernalillo water utility authority in Bernalillo county for water and wastewater projects;
128. to the Alto Lakes water and sanitation district in Lincoln county for water, building and equipment projects;
129. to Clayton in Union county for equipment acquisition projects;
130. to Corrales in Bernalillo and Sandoval counties for equipment, software, infrastructure and property conservation projects;
131. to the department of transportation for road and refinancing projects;
132. to Texico in Curry county for building and equipment projects;
133. to Torrance county for building and equipment projects in Torrance county;
- and

134. to the Sangre de Cristo solid waste authority in San Miguel county for a solid waste project.

Chapter 61 Section 2 Laws 2004

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 2007 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 61 Section 3 Laws 2004

Section 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

House Bill 124, aa, w/ec, w/cc
Approved March 4, 2004

LAWS 2004, CHAPTER 62

AN ACT

RELATING TO PROCUREMENT; PROVIDING ADDITIONAL EXEMPTIONS TO THE PROCUREMENT CODE.

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

Chapter 62 Section 1 Laws 2004

Section 1. Section 13-1-98 NMSA 1978 (being Laws 1984, Chapter 65, Section 71, as amended by Laws 2001, Chapter 291, Section 8 and by Laws 2001, Chapter 292, Section 3 and by Laws 2001, Chapter 305, Section 28 and also by Laws 2001, Chapter 312, Section 13) is amended to read:

"13-1-98. EXEMPTIONS FROM THE PROCUREMENT CODE.--The provisions of the Procurement Code shall not apply to:

A. procurement of items of tangible personal property or services by a state agency or a local public body from a state agency, a local public body or external procurement unit except as otherwise provided in Sections 13-1-135 through 13-1-137 NMSA 1978;

B. procurement of tangible personal property or services for the governor's mansion and grounds;

C. printing and duplicating contracts involving materials that are required to be filed in connection with proceedings before administrative agencies or state or federal courts;

D. purchases of publicly provided or publicly regulated gas, electricity, water, sewer and refuse collection services;

E. purchases of books and periodicals from the publishers or copyright holders thereof;

F. travel or shipping by common carrier or by private conveyance or to meals and lodging;

G. purchase of livestock at auction rings or to the procurement of animals to be used for research and experimentation or exhibit;

H. contracts with businesses for public school transportation services;

I. procurement of tangible personal property or services, as defined by Sections 13-1-87 and 13-1-93 NMSA 1978, by the corrections industries division of the corrections department pursuant to regulations adopted by the corrections commission, which shall be reviewed by the purchasing division of the general services department prior to adoption;

J. minor purchases not exceeding five thousand dollars (\$5,000) consisting of magazine subscriptions, conference registration fees and other similar purchases where prepayments are required;

K. municipalities having adopted home rule charters and having enacted their own purchasing ordinances;

L. the issuance, sale and delivery of public securities pursuant to the applicable authorizing statute, with the exception of bond attorneys and general financial consultants;

M. contracts entered into by a local public body with a private independent contractor for the operation, or provision and operation, of a jail pursuant to Sections 33-3-26 and 33-3-27 NMSA 1978;

N. contracts for maintenance of grounds and facilities at highway rest stops and other employment opportunities, excluding those intended for the direct care and support of persons with handicaps, entered into by state agencies with private, nonprofit, independent contractors who provide services to persons with handicaps;

O. contracts and expenditures for services or items of tangible personal property to be paid or compensated by money or other property transferred to New Mexico law enforcement agencies by the United States department of justice drug enforcement administration;

P. contracts for retirement and other benefits pursuant to Sections 22-11-47 through 22-11-52 NMSA 1978;

Q. contracts with professional entertainers;

R. contracts and expenditures for litigation expenses in connection with proceedings before administrative agencies or state or federal courts, including experts, mediators, court reporters, process servers and witness fees, but not including attorney contracts;

S. contracts for service relating to the design, engineering, financing, construction and acquisition of public improvements undertaken in improvement districts pursuant to Subsection L of Section 3-33-14.1 NMSA 1978 and in county improvement districts pursuant to Subsection L of Section 4-55A-12.1 NMSA 1978;

T. works of art for museums or for display in public buildings or places;

U. contracts entered into by a local public body with a person, firm, organization, corporation or association or a state educational institution named in Article 12, Section 11 of the constitution of New Mexico for the operation and maintenance of a hospital pursuant to Chapter 3, Article 44 NMSA 1978, lease or operation of a county hospital pursuant to the Hospital Funding Act or operation and maintenance of a hospital pursuant to the Special Hospital District Act;

V. purchases of advertising in all media, including radio, television, print and electronic;

W. purchases of promotional goods intended for resale by the tourism department; and

X. procurement by or through the public education department from the federal department of education relating to parent training and information centers designed to increase parent participation, projects and initiatives designed to improve outcomes for students with disabilities and other projects and initiatives relating to the administration of improvement strategy programs pursuant to the federal Individuals with Disabilities Education Act; provided that the exemption applies only to procurement of services not to exceed two hundred thousand dollars (\$200,000)."

Chapter 62 Section 2 Laws 2004

Section 2. Section 13-1-99 NMSA 1978 (being Laws 1984, Chapter 65, Section 72, as amended) is amended to read:

"13-1-99. EXCLUDED FROM CENTRAL PURCHASING THROUGH THE STATE PURCHASING AGENT.--Excluded from the requirement of procurement through the state purchasing agent but not from the requirements of the Procurement Code are the following:

A. procurement of professional services;

B. small purchases having a value not exceeding one thousand five hundred dollars (\$1,500);

- C. emergency procurement;
- D. procurement of highway construction or reconstruction by the department of transportation;
- E. procurement by the judicial branch of state government;
- F. procurement by the legislative branch of state government;
- G. procurement by the boards of regents of state educational institutions named in Article 12, Section 11 of the constitution of New Mexico;
- H. procurement by the state fair commission of tangible personal property, services and construction under ten thousand dollars (\$10,000);
- I. purchases from the instructional material fund;
- J. procurement by all local public bodies;
- K. procurement by regional education cooperatives;
- L. procurement by charter schools; and
- M. procurement by each state health care institution that provides direct patient care and that is, or a part of which is, medicaid certified and participating in the New Mexico medicaid program."

Chapter 62 Section 3 Laws 2004

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2004.

House Bill 239, aa
Approved March 4, 2004

LAWS 2004, CHAPTER 63

AN ACT

MAKING AN APPROPRIATION OF PROCEEDS OF THE SALE OF THE LABOR DEPARTMENT BUILDING IN SANTA FE FOR A REPLACEMENT BUILDING; PROVIDING FOR FEDERAL APPROVAL OF THE SALE AND PURCHASE; DECLARING AN EMERGENCY.

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

Chapter 63 Section 1 Laws 2004

Section 1. APPROPRIATION--CONTINGENCY.--

A. The provisions of Section 15-3B-20 NMSA 1978 notwithstanding, the proceeds from the sale of the labor department building in Santa Fe are appropriated to the property control division of the general services department for expenditure in fiscal years 2004 through 2008 to acquire land or a building and to plan, design, construct or renovate a building for a workforce development center for the labor department in Santa Fe. Any unexpended or unencumbered balance remaining at the end of fiscal year 2008 shall revert to the federal government.

B. The appropriation in Subsection A of this section is contingent upon the legislature's approval of the sale of the property at 301 West De Vargas street, more particularly described in the joint resolution before the legislature that proposes the sale, and the approval of the federal government to sell the property and to use the proceeds for a replacement building.

Chapter 63 Section 2 Laws 2004

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

House Bill 545, aa, w/ec
Approved March 4, 2004

LAWS 2004, CHAPTER 64

AN ACT

RELATING TO AGRICULTURE; AMENDING SECTIONS OF THE ORGANIC COMMODITY ACT TO COMPLY WITH FEDERAL REGULATIONS.

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

Chapter 64 Section 1 Laws 2004

Section 1. Section 76-22-5 NMSA 1978 (being Laws 1990, Chapter 122, Section 5) is amended to read:

"76-22-5. ORGANIC MARKET DEVELOPMENT FUND CREATED.--There is created in the state treasury the "organic market development fund". No money appropriated to this fund or accruing to it through cooperative research agreements, gifts, grants, bequests, including bequests from a private, public, nonprofit or any other source, advertising, fees from conferences or workshops, civil penalties, sales of promotional items or educational materials, speaker fees, agricultural input approval fees, handbooks, grant administrative costs or any other sources, shall be transferred to another fund or encumbered or disbursed in any manner except for activities conducted pursuant to the Organic Commodity Act. The fund shall not revert at the end of any fiscal year. All interest earned on the fund shall remain in the fund. Disbursements from the fund shall be made only upon warrant drawn by the secretary of

finance and administration pursuant to vouchers signed by the chairman of the commission or his designee for the purpose of paying the cost of the commission's activities conducted pursuant to the Organic Commodity Act."

Chapter 64 Section 2 Laws 2004

Section 2. Section 76-22-6 NMSA 1978 (being Laws 1990, Chapter 122, Section 6, as amended) is amended to read:

"76-22-6. ORGANIC COMMODITY COMMISSION CREATED.--

A. There is created the "organic commodity commission" to achieve the purposes set forth in Section 76-22-2 NMSA 1978.

B. The commission shall be composed of five members appointed by the governor with the advice and consent of the senate.

C. The commission shall elect one of its members to serve as chairman, one to serve as vice chairman, one to serve as secretary and one to serve as ombudsman. A majority of the members of the commission constitutes a quorum for the transaction of business.

D. All commission members shall be residents of New Mexico, and, if a commissioner is certified by the commission, that commissioner shall also be certified by another certifying agent.

E. The commission members shall serve staggered terms of four years with a minimum term of two years.

F. Members of the commission shall be compensated as provided in the Per Diem and Mileage Act, but shall receive no other compensation, perquisite or allowance."

Chapter 64 Section 3 Laws 2004

Section 3. Section 76-22-14.1 NMSA 1978 (being Laws 2001, Chapter 157, Section 5) is amended to read:

"76-22-14.1. CERTIFYING AGENTS--REPORTS TO COMMISSION.--A certifying agent, other than the commission, that certifies any food article in New Mexico as being organically produced shall:

A. simultaneous with its issuance, report to the commission any information regarding denials of certification, notifications of noncompliance, notifications of noncompliance correction, notifications of proposed suspension or revocation and notifications of suspension or revocation sent to any person in New Mexico;

B. on January 2 of each year, submit to the commission a list, including the name, address and telephone number of each operation granted certification in New Mexico during the preceding year; and

C. pay an annual fee to the commission that shall reasonably reflect the cost of enforcing the Organic Commodity Act with respect to that certifying agent."

Chapter 64 Section 4 Laws 2004

Section 4. Section 76-22-16 NMSA 1978 (being Laws 1990, Chapter 122, Section 16, as amended) is amended to read:

"76-22-16. LEVY OF ASSESSMENT--ORGANICALLY PRODUCED FOOD ARTICLES--SALES.--

A. The commission may impose and collect assessments as follows:

(1) producers and handlers shall be assessed at an annual rate not to exceed one-half percent of the total gross sales of the organically produced food articles;

(2) certified handling operations may be assessed at an annual rate of one-fourth percent of the total price of the services; and

(3) purveyors of materials as set forth in the federal materials list shall be registered with the commission and assessed at an annual rate not to exceed one-half percent of the total gross sales of the class of materials appearing on that list.

B. The commission, following notice and comment, may adjust the assessment rate up or down by no more than one hundred percent."

Chapter 64 Section 5 Laws 2004

Section 5. Section 76-22-22 NMSA 1978 (being Laws 1990, Chapter 122, Section 22) is amended to read:

"76-22-22. STATE ORGANIC CHEMIST--DUTIES.--The commission may designate a "state organic chemist". The state organic chemist shall hold a doctoral degree in chemistry or a related field and shall be knowledgeable and experienced in the techniques used for testing soil and plant and animal tissue for pesticide and fertilizer residues. The chemist may be an employee of a private laboratory or an employee of an agency of the state. The chemist shall perform duties as prescribed by the commission."

House Bill 203, aa
Approved March 4, 2004

LAWS 2004, CHAPTER 65

AN ACT

RELATING TO UTILITIES; PROVIDING FOR RENEWABLE ENERGY RULES FOR PUBLIC UTILITIES.

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

Chapter 65 Section 1 Laws 2004

Section 1. SHORT TITLE.--This act may be cited as the "Renewable Energy Act".

Chapter 65 Section 2 Laws 2004

Section 2. FINDINGS AND PURPOSES.--

A. The legislature finds that:

(1) the generation of electricity through the use of renewable energy presents opportunities to promote energy self-sufficiency, preserve the state's natural resources and pursue an improved environment in New Mexico;

(2) the use of renewable energy by public utilities subject to commission oversight in accordance with the Renewable Energy Act can bring significant economic benefits to New Mexico;

(3) public utilities should be required to include prescribed amounts of renewable energy in their electric energy supply portfolios for sales to retail customers in New Mexico by prescribed dates;

(4) public utilities should be able to recover their reasonable costs incurred to procure or generate energy from renewable energy resources used to meet the requirements of the Renewable Energy Act; and

(5) public utilities should not be required to acquire energy generated from renewable energy resources that could result in costs above a reasonable cost threshold.

B. The purposes of the Renewable Energy Act are to:

(1) prescribe the amounts of renewable energy resources that public utilities shall include in their electric energy supply portfolios for sales to retail customers in New Mexico by prescribed dates;

(2) allow public utilities to recover costs through the rate-making process incurred for procuring or generating renewable energy used to comply with the prescribed amount; and

(3) protect public utilities and their ratepayers from renewable energy costs that are above a reasonable cost threshold.

Chapter 65 Section 3 Laws 2004

Section 3. DEFINITIONS.--As used in the Renewable Energy Act:

A. "commission" means the public regulation commission;

B. "public utility" means an entity certified by the commission to provide retail electric service in New Mexico pursuant to the Public Utility Act but does not include rural electric cooperatives;

C. "reasonable cost threshold" means the cost established by the commission above which a public utility shall not be required to add renewable energy to its electric energy supply portfolio pursuant to the renewable portfolio standard;

D. "renewable energy" means electric energy:

(1) generated by use of low- or zero-emissions generation technology with substantial long-term production potential; and

(2) generated by use of renewable energy resources that may include:

(a) solar, wind, hydropower and geothermal resources;

(b) fuel cells that are not fossil fueled; and

(c) biomass resources, such as agriculture or animal waste, small diameter timber, salt cedar and other phreatophyte or woody vegetation removed from river basins or watersheds in New Mexico, landfill gas and anaerobically digested waste biomass; but

(3) does not include electric energy generated by use of fossil fuel or nuclear energy; and

E. "renewable portfolio standard" means the percentage of retail sales by a public utility to electric consumers in New Mexico that is required by the Renewable Energy Act to be supplied by renewable energy.

Chapter 65 Section 4 Laws 2004

Section 4. RENEWABLE PORTFOLIO STANDARD.--

A. A public utility shall meet the renewable portfolio standard requirements, as provided in this section, to include renewable energy in its electric energy supply portfolio. Requirements of the renewable portfolio standard are:

(1) no later than January 1, 2006, renewable energy shall comprise no less than five percent of each public utility's total retail sales to New Mexico customers;

(2) the renewable portfolio standard shall increase by one percent per year thereafter until January 1, 2011, when the renewable portfolio standard shall reach a level of ten percent of a public utility's annual retail sales in New Mexico and shall remain fixed at ten percent for each year thereafter;

(3) the renewable portfolio standard established by this section shall be reduced, as necessary, to provide for the following specific procurement requirements for nongovernmental customers at a single location or facility, regardless of the number of meters at that location or facility, with consumption exceeding ten million kilowatt-hours per year. On and after January 1, 2006, the kilowatt-hours of renewable energy procured for these customers shall be limited so that the additional cost of the renewable portfolio standard to each customer does not exceed the lower of one percent of that customer's annual electric charges or forty-nine thousand dollars (\$49,000). This procurement limit criteria shall increase by one-fifth percent or ten thousand dollars (\$10,000) per year until January 1, 2011, when the procurement limit criteria shall remain fixed at the lower of two percent of that customer's annual electric charges or ninety-nine thousand dollars (\$99,000). After January 1, 2012, the commission may adjust the ninety-nine-thousand-dollar (\$99,000) limit for inflation. Nothing contained in this paragraph shall be construed as affecting a public utility's right to recover all reasonable costs of complying with the renewable portfolio standard, pursuant to Section 6 of the Renewable Energy Act. The commission may authorize deferred recovery of the costs of complying with the renewable portfolio standard, including carrying charges;

(4) the renewable portfolio shall be diversified as to the type of renewable energy resource, taking into consideration the overall reliability, availability, dispatch flexibility and cost of the various renewable energy resources made available by suppliers and generators; and

(5) renewable energy resources that are in a public utility's electric energy supply portfolio on July 1, 2004 shall be counted in determining compliance with this section.

B. If a public utility finds that, in any given year, the cost of renewable energy that would need to be procured or generated for purposes of compliance with the renewable portfolio standard would be greater than the reasonable cost threshold as established by the commission pursuant to this section, the public utility shall not be required to incur that cost; provided that the existence of this condition excusing performance in any given year shall not operate to delay the annual increases in the renewable portfolio standard in subsequent years. When a public utility can generate or procure renewable energy at or below the reasonable cost threshold, it shall be required to add renewable energy resources to meet the renewable portfolio standard applicable in the year when the renewable energy resources are being added.

C. By December 31, 2004, the commission shall establish, after notice and hearing, the reasonable cost threshold above which level a public utility shall not be required to add renewable energy to its electric energy supply portfolio pursuant to the renewable portfolio standard. The commission may thereafter modify the reasonable cost threshold as changing circumstances warrant, after notice and hearing. In establishing and modifying the reasonable cost threshold, the commission shall take into account:

(1) the price of renewable energy at the point of sale to the public utility;

(2) the transmission and interconnection costs required for the delivery of renewable energy to retail customers;

(3) the impact of the cost for renewable energy on overall retail customer rates;

(4) the overall diversity, reliability, availability, dispatch flexibility, cost per kilowatt-hour and life cycle cost on a net present value basis of renewable energy resources available from suppliers; and

(5) other factors, including public benefits, the commission deems relevant; provided that nothing in the Renewable Energy Act shall be construed to permit regulation by the commission of the production or sale price at the point of production of the renewable energy.

D. By September 1 of each year until 2012, and thereafter as determined necessary by the commission, a public utility shall file a report to the commission on its purchases of renewable energy during the prior calendar year and a procurement plan that includes:

(1) the cost of procurement for any new renewable energy resource in the next calendar year required to comply with the renewable portfolio standard; and

(2) testimony and exhibits that demonstrate that the proposed procurement is reasonable as to its terms and conditions considering price, availability, dispatchability, any renewable energy certificate values and diversity of the renewable energy resource; or

(3) demonstration that the plan is otherwise in the public interest.

E. The commission shall approve or modify a public utility's procurement or transitional procurement plan within sixty days and may approve the plan without a hearing, unless a protest is filed that demonstrates to the commission's reasonable satisfaction that a hearing is necessary. The commission may modify a plan after notice and hearing. The commission may, for good cause, extend the time to approve a procurement plan for an additional sixty days. If the commission does not act within the sixty-day period, the procurement plan is deemed approved.

F. The commission may reject a procurement or transitional procurement plan if it finds that the plan does not contain the required information and, upon the rejection, may suspend the public utility's obligation to procure additional resources for the time necessary to file a revised plan; provided that the total amount of renewable energy to be procured by the public utility shall not change.

G. A public utility may file a transitional procurement plan requesting that the commission determine that the costs of renewable energy resources that the public utility has committed to, or may commit to, prior to the commission's establishing a reasonable cost threshold, are reasonable and recoverable pursuant to Section 6 of the Renewable Energy Act. The requirements of annual procurement plan filings shall be applicable to any transitional procurement plan filing pursuant to this section.

Chapter 65 Section 5 Laws 2004

Section 5. RENEWABLE ENERGY CERTIFICATES--COMMISSION DUTIES.--
The commission shall establish:

A. a system of renewable energy certificates that can be used by a public utility to establish compliance with the renewable portfolio standard and that may include certificates that are monitored, accounted for or transferred by or through a regional system or trading program for any region in which a public utility is located. The kilowatt-hour value of renewable energy certificates may be varied by renewable energy resource or technology; provided that each renewable energy certificate shall have a minimum value of one kilowatt-hour of renewable energy represented by the certificate for purposes of compliance with the renewable portfolio standard; and

B. requirements and procedures concerning renewable energy certificates that include the provisions that:

(1) renewable energy certificates:

(a) are owned by the generator of the renewable energy unless: 1) the renewable energy certificates are transferred to the purchaser of the energy through specific agreement with the generator; 2) the generator is a qualifying facility, as defined by the federal Public Utility Regulatory Policies Act of 1978, in which case the renewable energy certificates are owned by the public utility purchaser of the renewable energy unless retained by the generator through specific agreement with the public utility purchaser of the energy; or 3) a contract for the purchase of renewable energy is in effect prior to January 1, 2004, in which case the renewable energy certificates are owned by the purchaser of the energy for the term of such contract;

(b) may be traded, sold or otherwise transferred by their owner to any other party; provided that the transfers and use of the certificate by a public utility for compliance with the renewable energy portfolio standard shall require the electric energy represented by the certificate to be contracted for delivery in New Mexico unless the commission determines that there is a regional market for exchanging renewable energy certificates;

(c) that are used once by a public utility to satisfy the renewable portfolio standard and are retired or that are traded, sold or otherwise transferred by the public utility shall not be further used by the public utility; and

(d) that are not used by a public utility to satisfy the renewable portfolio standard or that are not traded, sold or otherwise transferred by the public utility may be carried forward for up to four years from the date of issuance and, if not used by that time, shall be retired by the public utility; and

(2) a public utility shall be responsible for demonstrating that a renewable energy certificate used for compliance with the renewable portfolio standard is derived from eligible renewable energy resources and has not been retired, traded, sold or otherwise transferred to another party.

Chapter 65 Section 6 Laws 2004

Section 6. COST RECOVERY FOR RENEWABLE ENERGY.--

A. A public utility that procures or generates renewable energy shall recover, through the rate-making process, the reasonable costs of complying with the renewable portfolio standard. Costs that are consistent with commission approval of procurement plans or transitional procurement plans shall be deemed to be reasonable.

B. The commission shall not exclude from such recovery reasonable interconnection and transmission costs incurred by the public utility in order to deliver renewable energy to retail New Mexico customers.

Chapter 65 Section 7 Laws 2004

Section 7. COMMISSION--ADDITIONAL POWERS AND DUTIES.--The commission:

A. shall adopt rules regarding the renewable portfolio standard, including a provision for public utility records and reports;

B. may require that a public utility offer its retail customers a voluntary program for purchasing renewable energy that is in addition to energy provided by the public utility pursuant to the renewable portfolio standard, under rates and terms that are approved by the commission; and

C. may exempt from compliance with the renewable portfolio standard a public utility that has an all-requirements electric supply contract on July 1, 2004, and the contract would not reasonably permit it to procure renewable energy for purposes of meeting the renewable portfolio standard. When the electricity supply contract is amended or renegotiated, the commission may require that a renewable portfolio standard become applicable.

Chapter 65 Section 8 Laws 2004

Section 8. RURAL ELECTRIC COOPERATIVES--VOLUNTARY TARIFFS.--The commission may require that a rural electric cooperative:

A. offer its retail customers a voluntary program for purchasing renewable energy under rates and terms that are approved by the commission, but only to the extent that the cooperative's suppliers make renewable energy available under wholesale power contracts; and

B. report to the commission the demand for renewable energy pursuant to a voluntary program.

Chapter 65 Section 9 Laws 2004

Section 9. EXISTING RULES.--The commission shall establish and amend rules and regulations for the implementation of renewable portfolio standards consistent with the Renewable Energy Act.

Chapter 65 Section 10 Laws 2004

Section 10. FEDERAL REQUIREMENTS.--Renewable energy procured or generated by a public utility to meet a federal renewable portfolio standard may be used to satisfy the required procurements of the Renewable Energy Act.

SFL/Senate Bill 43
Approved March 4, 2004

LAWS 2004, CHAPTER 66

AN ACT

RELATING TO TAXATION; PROVIDING AN EXEMPTION FROM MOTOR VEHICLE EXCISE TAX FOR CERTAIN NEW FUEL-EFFICIENT VEHICLES.

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

Chapter 66 Section 1 Laws 2004

Section 1. Section 7-9-22 NMSA 1978 (being Laws 1969, Chapter 144, Section 15, as amended) is amended to read:

"7-9-22. EXEMPTION--GROSS RECEIPTS TAX--VEHICLES.--Exempted from the gross receipts tax are the receipts from selling vehicles on which a tax is imposed by the Motor Vehicle Excise Tax Act, vehicles subject to registration under Section 66-3-16 NMSA 1978 and vehicles exempt from the motor vehicle excise tax pursuant to Subsection F of Section 7-14-6 NMSA 1978."

Chapter 66 Section 2 Laws 2004

Section 2. Section 7-9-23 NMSA 1978 (being Laws 1969, Chapter 144, Section 16, as amended) is amended to read:

"7-9-23. EXEMPTION--COMPENSATING TAX--VEHICLES.--Exempted from the compensating tax is the use of vehicles on which the tax imposed by the Motor Vehicle Excise Tax Act has been paid, the use of vehicles subject to registration under Section 66-3-16 NMSA 1978 and the use of vehicles exempt from the motor vehicle excise tax pursuant to Subsection F of Section 7-14-6 NMSA 1978."

Chapter 66 Section 3 Laws 2004

Section 3. Section 7-14-6 NMSA 1978 (being Laws 1988, Chapter 73, Section 16, as amended) is amended to read:

"7-14-6. EXEMPTIONS FROM TAX.--

A. Persons who acquire a vehicle out of state thirty or more days before establishing a domicile in this state are exempt from the tax if the vehicle was acquired for personal use.

B. Persons applying for a certificate of title for a vehicle registered in another state are exempt from the tax if they have previously registered and titled the vehicle in New Mexico and have owned the vehicle continuously since that time.

C. Certificates of title for all vehicles owned by this state or any political subdivision are exempt from the tax.

D. A vehicle subject to registration under Section 66-3-16 NMSA 1978 is exempt from the tax.

E. Persons who acquire vehicles for subsequent lease shall be exempt from the tax if:

(1) the person does not use the vehicle in any manner other than holding it for lease or sale or leasing or selling it in the ordinary course of business;

(2) the lease is for a term of more than six months;

(3) the receipts from the subsequent lease are subject to the gross receipts tax; and

(4) the vehicle does not have a gross vehicle weight of over twenty-six thousand pounds.

F. From July 1, 2004 through June 30, 2009, vehicles that are gasoline-electric hybrid vehicles with a United States environmental protection agency fuel economy rating of at least twenty-seven and one-half miles per gallon are eligible for a one-time exemption from the tax at the time of the issuance of the original certificate of title for the vehicle."

Chapter 66 Section 4 Laws 2004

Section 4. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2004.

Senate Bill 86, aa
Approved March 4, 2004

LAWS 2004, CHAPTER 67

AN ACT

MAKING AN APPROPRIATION FOR THE PURCHASE OF ADJACENT LANDS AT SUGARITE, MANZANO AND OTHER LEGISLATURE-APPROVED STATE PARKS FROM

THE PROCEEDS OF THE SALE OF THE COTTONWOOD-WALNUT CREEK PROPERTY IN EDDY COUNTY.

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

Chapter 67 Section 1 Laws 2004

Section 1. APPROPRIATION.--The proceeds from the sale of the Cottonwood-Walnut Creek property in Eddy county are appropriated to the state parks division of the energy, minerals and natural resources department for expenditure in fiscal years 2004 through 2014 for the purpose of matching federal funds and purchasing adjacent lands at Sugarite and Manzano state parks or at other parks authorized or to be authorized for acquisition by the legislature. This appropriation is contingent upon legislative ratification and approval of the sale and the sale of the Cottonwood-Walnut Creek property. Any unexpended or unencumbered balance remaining at the end of fiscal year 2014 shall revert to the general fund.

Senate Bill 326
Approved March 4, 2004

LAWS 2004, CHAPTER 68

AN ACT

RELATING TO THE RETIREMENT OF PUBLIC EMPLOYEES; AMENDING THE PUBLIC EMPLOYEES RETIREMENT ACT TO DEFINE "STATE LEGISLATOR MEMBER", TO EXPAND THE PERIOD IN WHICH CERTAIN ELECTED OFFICIALS MAY ELECT TO BE EXCLUDED FROM MEMBERSHIP, TO CHANGE THE CONDITIONS FOR CERTAIN MEMBERS TO PURCHASE SERVICE CREDIT, TO CHANGE THE CONTRIBUTION REQUIREMENTS FOR CERTAIN RETIREES WHO RETURN TO WORK AND FOR CERTAIN EMPLOYERS AND TO PROVIDE MEMBERSHIP FOR CERTAIN RETIREES TO RETURN TO WORK; DECLARING AN EMERGENCY.

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

Chapter 68 Section 1 Laws 2004

Section 1. A new section of the Public Employees Retirement Act is enacted to read:

"ADDITIONAL DEFINITION--STATE LEGISLATOR MEMBER.--As used in the Public Employees Retirement Act, "state legislator member" means a person who is currently serving or who has served as a state legislator or lieutenant governor and who has elected to participate in a state legislator member retirement plan. A former state legislator or former lieutenant governor may be a state legislator member whether or not currently receiving a pension under a state legislator member coverage plan."

Chapter 68 Section 2 Laws 2004

Section 2. Section 10-11-3 NMSA 1978 (being Laws 1987, Chapter 253, Section 3, as amended) is amended to read:

"10-11-3. MEMBERSHIP--REQUIREMENTS--EXCLUSIONS--

TERMINATION.--

A. Except as may be provided for in the Volunteer Firefighters Retirement Act, the Judicial Retirement Act, the Magistrate Retirement Act, the Educational Retirement Act and the provisions of Sections 29-4-1 through 29-4-11 NMSA 1978 governing the state police pension fund, each employee and elected official of every affiliated public employer shall be a member of the association, unless excluded from membership in accordance with Subsection B of this section.

B. The following employees and elected officials are excluded from membership in the association:

(1) elected officials who file with the association a written application for exemption from membership within twenty-four months of taking office;

(2) elected officials who file with the association a written application for exemption from membership within twenty-four months of the date the elected official's public employer becomes an affiliated public employer;

(3) employees designated by the affiliated public employer as seasonal or student employees;

(4) employees who file with the association a written application for exemption from membership within thirty days of the date the employee's public employer becomes an affiliated public employer;

(5) employees of an affiliated public employer that is making contributions to a private retirement program on behalf of the employee as part of a compensation arrangement who file with the association a written application for exemption within thirty days of employment, unless the employee has previously retired under the provisions of the Public Employees Retirement Act;

(6) employees of an affiliated public employer who have retired under and are receiving a pension pursuant to the provisions of the Educational Retirement Act; and

(7) retired members who return to work pursuant to Section 10-11-8 NMSA 1978 and are exempted from membership by the provisions of that section.

C. Employees designated as seasonal and student employees shall be notified in writing by their affiliated public employer of the designation and the consequences of the designation with respect to membership, service credit and benefits. A copy of the notification shall be filed with the association within thirty days of the date of employment.

D. An exemption from membership by an elected official shall expire at the end of the term of office for which filed.

E. Employees and elected officials who have exempted themselves from membership may subsequently withdraw the exemption by filing a membership application. Membership shall commence the first day of the first pay period following the date the application is filed.

F. The membership of an employee or elected official shall cease if the employee terminates employment with an affiliated public employer or the elected official leaves office and the employee or elected official requests and receives a refund of member contributions."

Chapter 68 Section 3 Laws 2004

Section 3. Section 10-11-7 NMSA 1978 (being Laws 1987, Chapter 253, Section 7, as amended) is amended to read:

"10-11-7. CREDITED SERVICE--PURCHASE OF SERVICE.--

A. A member who entered a uniformed service of the United States may purchase service credit for periods of active duty in the uniformed services subject to the following conditions:

(1) the member pays the association the purchase cost determined according to Subsection E of this section;

(2) the member has five or more years of service credit acquired as a result of personal service rendered in the employ of an affiliated public employer;

(3) the aggregate amount of service credit purchased pursuant to this subsection does not exceed five years reduced by any period of service credit acquired for military service pursuant to any other provision of the Public Employees Retirement Act;

(4) service credit may not be purchased for periods of service in the uniformed services that are used to obtain or increase a benefit from another retirement program; and

(5) the member must not have received a discharge or separation from uniformed service under other than honorable conditions.

B. A member who was a civilian prisoner of war captured while in service to the United States as an employee of the federal government or as an employee of a contractor with the federal government may purchase service credit for the period of internment as a civilian prisoner of war, provided that:

(1) the member provides proof of employment with the federal government or as a contractor to the federal government in a form acceptable to the association;

(2) the member provides proof of the period of internment in a form acceptable to the association;

(3) the member has at least five years of service credit acquired as a result of personal service rendered in the employ of an affiliated public employer;

(4) the aggregate amount of service credit purchased pursuant to this subsection does not exceed five years reduced by any period of service credit acquired for military service pursuant to any other provision of the Public Employees Retirement Act;

(5) service credit may not be purchased for periods of service in internment as a civilian prisoner of war if such periods are used to obtain or increase a benefit from another retirement program; and

(6) the member pays the association the purchase cost determined according to Subsection E of this section.

C. A member who was employed by a utility company, library, museum, transit company or nonprofit organization administering federally funded public service programs, which utility company, library, museum, transit company or nonprofit organization administering federally funded public service programs or federally funded public service programs administered by a nonprofit organization are subsequently taken over by an affiliated public employer, or a member who was employed by an entity created pursuant to a joint powers agreement between two or more affiliated public employers for the purpose of administering or providing drug or alcohol addiction treatment services irrespective of whether the entity is subsequently taken over by an affiliated public employer, may purchase credited service for the period of employment subject to the following conditions:

(1) the member pays the association the purchase cost determined according to Subsection E of this section;

(2) the member has five or more years of credited service acquired as a result of personal service rendered in the employ of an affiliated public employer; and

(3) the aggregate amount of credited service purchased pursuant to this subsection does not exceed five years.

D. A member who was appointed to participate in a cooperative work study training program established jointly by the state highway and transportation department and the university of New Mexico or New Mexico state university may purchase credited service for the period of participation subject to the following conditions:

(1) the member pays the association the purchase cost determined according to Subsection E of this section;

(2) the member has five or more years of credited service acquired as a result of personal service rendered in the employ of an affiliated public employer; and

(3) the aggregate amount of credited service purchased pursuant to this subsection does not exceed five years.

E. Except for service to be used under a state legislator coverage plan, the purchase cost for each month of credited service purchased pursuant to the provisions of this section is equal to the member's final average salary multiplied by the sum of the member contribution rate and employer contribution rate, determined in accordance with the coverage plan applicable to the member at the time of the written election to purchase. The purchase cost for each year of credited service to be used under a state legislator coverage plan is equal to three times the normal member contribution per year of credited service under the state legislator coverage plan applicable to the member. Full payment shall be made in a single lump sum within sixty days of the date the member is informed of the amount of the payment. The portion of the purchase cost derived from the employer contribution rate shall be credited to the employer's accumulation fund and shall not be paid out of the association in the event of cessation of membership. In no case shall a member be credited with a month of service for less than the purchase cost as defined in this section.

F. A member shall be refunded, upon written request filed with the association, the portion of the purchase cost of credited service purchased pursuant to this section that the association determines to have been unnecessary to provide the member with the maximum pension applicable to the member. The association shall not pay interest on the portion of the purchase cost refunded to the member.

G. A member of the magistrate retirement system who during his service as a magistrate was eligible to become a member of the public employees retirement system and elected not to become a member of that system may purchase service credit pursuant to the public employees retirement system for the period for which the magistrate elected not to become a public employees retirement system member, by paying the amount of the increase in the actuarial present value of the magistrate pension as a consequence of the purchase as determined by the association. Full payment shall be made in a single lump-sum amount in accordance with procedures established by the retirement board. Except as provided in Subsection F of this section, seventy-five percent of the purchase cost shall be considered to be employer contributions and shall not be refunded to the member in the event of cessation of membership.

H. At any time prior to retirement, any member may purchase service credit in monthly increments, subject to the following conditions:

(1) the member has at least five years of service credit acquired as a result of personal service rendered in the employ of an affiliated public employer;

(2) the aggregate amount of service credit purchased pursuant to this subsection does not exceed one year;

(3) the member pays full actuarial present value of the amount of the increase in the employee's pension as a consequence of the purchase as determined by the association;

(4) the member pays the full cost of the purchase within sixty days of the date the member is informed of the amount of the payment; and

(5) the purchase of service under this subsection cannot be used to determine the final average salary or the pension factor or be used to exceed the pension maximum."

Chapter 68 Section 4 Laws 2004

Section 4. 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 or E of this section, a retired member may be subsequently employed by an affiliated public employer if the following conditions apply:

(1) the member has not been employed as an employee of an affiliated public employer for at least ninety consecutive days from the date of retirement to the commencement of employment or re-employment with an affiliated public employer. If the retired member returns to employment without first completing ninety consecutive days of retirement:

(a) the retired member's pension shall be suspended immediately and the previously retired member shall become a member; and

(b) upon termination of the subsequent employment, the previously retired member's pension shall be calculated pursuant to Paragraph (2) of Subsection E of this section;

(2) effective the first day of the month following the month in which the retired member's earnings total twenty-five thousand dollars (\$25,000) during a calendar year, a retired member who returns to employment shall be required to make contributions to the fund

as specified in the Public Employees Retirement Act; provided, however, that after December 31, 2006, no additional contributions shall be required pursuant to this paragraph;

(3) until the subsequent employment is terminated, the affiliated public employer that employs the retired member shall make contributions to the fund in the amount specified in the Public Employees Retirement Act or in a higher amount adjusted for full actuarial cost as determined annually by the association; and

(4) a retired member who returns to employment during retirement pursuant to this subsection is entitled to receive retirement benefits but is not entitled to acquire service credit or to acquire or purchase service credit in the future for the period of the retired member's re-employment with an affiliated public employer.

D. The provisions of Paragraphs (2) and (3) of Subsection C of this section that require employee or employer contributions do not apply to:

(1) a retired member who is appointed chief of police of an affiliated public employer, other than the affiliated public employer from which the retired member retired, or who is appointed undersheriff; provided that:

(a) the retired member files an irrevocable exemption from membership with the association within thirty days of appointment;

(b) each sheriff's office shall be limited to one undersheriff qualifying pursuant to this paragraph;

(c) the irrevocable exemption shall be for the chief of police's or the undersheriff's term of office; and

(d) filing an irrevocable exemption shall irrevocably bar the retired member from acquiring service credit for the period of exemption from membership; or

(2) a retired member employed by the legislature for legislative session work.

E. At any time during a retired member's subsequent employment pursuant to Subsection C of this section, the retired member may elect to suspend the pension. When the pension is suspended, the following conditions shall apply:

(1) the retired member who is subsequently employed by an affiliated public employer shall become a member. 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 a previously retired member terminates the subsequent employment with an affiliated public employer, he 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.

F. 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 68 Section 5 Laws 2004

Section 5. TEMPORARY PROVISION--APPLICABILITY.--The provisions of this act that change any contribution or the refundability of any contribution are applicable to salaries received in the first full pay period beginning after the effective date of this act.

Chapter 68 Section 6 Laws 2004

Section 6. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

Senate Bill 426, aa, w/ec
Approved March 4, 2004

LAWS 2004, CHAPTER 69

AN ACT

RELATING TO GOVERNMENTAL GROSS RECEIPTS; EXPANDING THE DEFINITION OF "GOVERNMENTAL GROSS RECEIPTS".

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

Chapter 69 Section 1 Laws 2004

Section 1. Section 7-9-3.2 NMSA 1978 (being Laws 1991, Chapter 8, Section 1, as amended) is amended to read:

"7-9-3.2. ADDITIONAL DEFINITION.--

A. As used in the Gross Receipts and Compensating Tax Act, "governmental gross receipts" means receipts of the state or an agency, institution, instrumentality or political subdivision from:

(1) the sale of tangible personal property other than water from facilities open to the general public;

(2) the performance of or admissions to recreational, athletic or entertainment services or events in facilities open to the general public;

(3) refuse collection or refuse disposal or both;

(4) sewage services;

(5) the sale of water by a utility owned or operated by a county, municipality or other political subdivision of the state; and

(6) the renting of parking, docking or tie-down spaces or the granting of permission to park vehicles, tie-down aircraft or dock boats.

"Governmental gross receipts" includes receipts from the sale of tangible personal property handled on consignment when sold from facilities open to the general public but excludes cash discounts taken and allowed, governmental gross receipts tax payable on transactions reportable for the period and any type of time-price differential.

B. As used in this section, "facilities open to the general public" does not include point of sale registers or electronic devices at a bookstore owned or operated by a public post-secondary educational institution when the registers or devices are utilized in the sale of textbooks or other materials required for courses at the institution to a student enrolled at the institution who displays a valid student identification card."

Senate Bill 23

Approved March 4, 2004

LAWS 2004, CHAPTER 70

AN ACT

RELATING TO HEALTH; DELAYING THE REPEAL OF REQUIRED COVERAGE OF PATIENT COSTS INCURRED IN CANCER CLINICAL TRIALS.

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

Chapter 70 Section 1 Laws 2004

Section 1. DELAYED REPEAL.--Laws 2001, Chapter 27, Section 2 is amended to read as follows:

Chapter 70 Section 2 Laws 2004

"Section 2. DELAYED REPEAL.--Section 1 of this act is repealed on July 1, 2009."

Senate Bill 73, aa
Approved March 4, 2004

LAWS 2004, CHAPTER 71

AN ACT

RELATING TO BEHAVIORAL HEALTH; PROVIDING A LOAN PROGRAM FOR FUNDING CAPITAL PROJECTS FOR NONPROFIT BEHAVIORAL HEALTH FACILITIES; ENACTING THE BEHAVIORAL HEALTH CAPITAL FUNDING ACT.

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

Chapter 71 Section 1 Laws 2004

Section 1. SHORT TITLE.--This act may be cited as the "Behavioral Health Capital Funding Act".

Chapter 71 Section 2 Laws 2004

Section 2. PURPOSE.--The purpose of the Behavioral Health Capital Funding Act is to provide funding for capital projects to eligible entities in order to increase behavioral health care services to sick and indigent patients.

Chapter 71 Section 3 Laws 2004

Section 3. DEFINITIONS.--As used in the Behavioral Health Capital Funding Act:

- A. "authority" means the New Mexico finance authority;
- B. "capital project" means repair, renovation or construction of a behavioral health facility; purchase of land; or acquisition of capital equipment of a long-term nature;
- C. "department" means the department of health;
- D. "eligible entity" means a nonprofit behavioral health facility that has assets totaling less than ten million dollars (\$10,000,000), is a 501(c)(3) nonprofit corporation for federal income tax purposes and serves primarily sick and indigent patients; and
- E. "fund" means the behavioral health capital fund.

Chapter 71 Section 4 Laws 2004

Section 4. BEHAVIORAL HEALTH CAPITAL FUND.--

- A. The "behavioral health capital fund" is created as a revolving fund in the authority. The fund shall consist of appropriations, loan repayments, gifts, grants, donations and interest earned on investment of the fund. Money in the fund shall not revert at the end of a fiscal year.
- B. Money in the fund is appropriated to the authority for the purpose of making loans to eligible entities for capital projects pursuant to the Behavioral Health Capital Funding Act.
- C. The fund shall be administered by the authority. Administrative costs of the authority or department shall not be paid from the fund.

Chapter 71 Section 5 Laws 2004

Section 5. DEPARTMENT--AUTHORITY--RULES.--The department, in conjunction with the authority, shall adopt rules to administer and implement the provisions of the Behavioral Health Capital Funding Act, including provisions:

- A. establishing procedures and forms for applying for loans for capital projects;
- B. specifying the documentation required to be provided by the applicant to justify the need for the capital project;
- C. specifying the documentation required to be provided by the applicant to demonstrate that the applicant is an eligible entity;
- D. establishing procedures for review, evaluation and approval of loans, including the programmatic, organizational and financial information necessary to review, evaluate and approve an application;

E. for evaluating the ability and competence of an applicant to provide efficiently and adequately for the completion of a proposed capital project;

F. for the approval of loan applications, including provisions that accord priority attention to areas with the greatest need for behavioral health services;

G. that ensure fair geographic distribution of loans;

H. establishing requirements for repayment of loans, including payment schedules, interest rates, loan terms and other requirements;

I. for ensuring the state's interest in any capital project by the filing of a lien equal to the total of the state's financial participation in the project; and

J. for such other requirements deemed necessary by the department and the authority to ensure that the state receives the behavioral health services for which the legislature appropriates money and that the state's interest in a capital project is protected.

Chapter 71 Section 6 Laws 2004

Section 6. DEPARTMENT--AUTHORITY--POWERS AND DUTIES.--

A. The department and the authority shall administer the loan programs established pursuant to the provisions of the Behavioral Health Capital Funding Act. The department and the authority shall:

(1) enter into joint powers agreements with each other or other appropriate public agencies to carry out the provisions of that act; and

(2) apply to any appropriate federal, state or local governmental agency or private organization for grants and gifts to carry out the provisions of that act.

B. The department and the authority may:

(1) make and enter into contracts and agreements necessary to carry out their powers and duties pursuant to the provisions of the Behavioral Health Capital Funding Act; and

(2) do all things necessary or appropriate to carry out the provisions of the Behavioral Health Capital Funding Act.

C. The authority is responsible for all financial duties of the programs, including:

(1) administering the fund;

(2) accounting for all money received, controlled or disbursed for capital projects in accordance with the provisions of the Behavioral Health Capital Funding Act;

(3) evaluating and approving loans, including determining the financial capacity of an eligible entity;

(4) enforcing contract provisions of loans, including the ability to sue to recover money or property owed the state;

(5) determining interest rates and other financial aspects of a loan and relevant terms of a contract for services; and

(6) performing other duties in accordance with the provisions of the Behavioral Health Capital Funding Act, rules promulgated pursuant to that act or joint powers agreements entered into with the department.

D. The department is responsible for the following duties:

(1) defining sick and medically indigent persons for purposes of the Behavioral Health Capital Funding Act;

(2) establishing priorities for loans;

(3) determining the appropriateness of a capital project;

(4) evaluating the capability of an applicant to provide and maintain behavioral health services;

(5) selecting recipients of loans; and

(6) determining that capital projects comply with all state and federal licensing and procurement requirements.

E. The authority may make a loan to an eligible entity to acquire, construct, renovate or otherwise improve a capital project, provided there is a finding:

(1) by the department that the project will provide behavioral health services to sick and indigent persons as defined by the department; and

(2) by the authority that there is adequate protection, including loan guarantees, real property liens, title insurance, security interests in or pledges of accounts and other assets, loan covenants and warranties or restrictions or other encumbrances and pledges for the state funds extended for the loan.

Chapter 71 Section 7 Laws 2004

Section 7. ELIGIBLE ENTITY--CHANGE IN STATUS.--If an eligible entity that has received a loan for a capital project ceases to maintain its nonprofit status or ceases to deliver behavioral health services at the site of the capital project for twelve consecutive months, the state may pursue the remedies provided in the loan agreement or as provided by law.

Chapter 71 Section 8 Laws 2004

Section 8. REPORT.--The department and the authority shall report jointly to the governor and the legislature by December 1 of each year on the behavioral health capital funding program.

Senate Bill 248
Approved March 4, 2004

LAWS 2004, CHAPTER 72

AN ACT

RELATING TO PROBATE; CLARIFYING PARENT AND CHILD RELATIONSHIP INTESTATE INHERITANCE.

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

Chapter 72 Section 1 Laws 2004

Section 1. Section 45-2-114 NMSA 1978 (being Laws 1993, Chapter 174, Section 16) is amended to read:

"45-2-114. PARENT AND CHILD RELATIONSHIP.--

A. Except as provided in Subsections B and C of this section, for purposes of intestate succession by, through or from a person, an individual is the child of his natural parents, regardless of their marital status. The parent and child relationship may be established under the Uniform Parentage Act.

B. An adopted individual is the child of his adopting parent or parents and not of his natural parents, but adoption of a child by the spouse of either natural parent has no effect on:

(1) the relationship between the child and that natural parent; or

(2) the right of the child or a descendant of the child to inherit from or through that nonsevered natural parent.

C. Inheritance from or through a child by either natural parent or his kindred is precluded unless that natural parent has openly treated the child as his and has not refused to support the child."

Senate Bill 499
Approved March 4, 2004

LAWS 2004, CHAPTER 73

AN ACT

REPEALING OBSOLETE STATUTES PERTAINING TO PUBLIC MONEY.

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

Chapter 73 Section 1 Laws 2004

Section 1. REPEAL.--Sections 6-1-7 and 6-12-3 NMSA 1978 (being Laws 1935, Chapter 27, Section 2 and Laws 1941, Chapter 172, Section 1) are repealed.

Senate Bill 421
Approved March 4, 2004

LAWS 2004, CHAPTER 74

AN ACT

RELATING TO THE CHILDREN'S TRUST FUND; PROVIDING A CHANGE IN FUNDS DEEMED INCOME; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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

Chapter 74 Section 1 Laws 2004

Section 1. Section 24-19-4 NMSA 1978 (being Laws 1986, Chapter 15, Section 4, as amended by Laws 1993, Chapter 175, Section 1 and also by Laws 1993, Chapter 199, Section 1) is amended to read:

"24-19-4. CHILDREN'S TRUST FUND CREATED--EXPENDITURE LIMITATIONS.--

A. There is created in the state treasury the "children's trust fund". The children's trust fund may be used for any purpose enumerated in Section 24-19-2 NMSA 1978. All income received from investment of the fund shall be credited to the fund. No money appropriated to the fund or otherwise accruing to it shall be disbursed in any manner except as provided in the Children's Trust Fund Act.

B. The children's trust fund shall be administered by the department for the purpose of funding children's projects from the income received from investment of the fund; provided that none of the income shall be used for capital expenditures. All income from investment of the fund is appropriated to the department for that purpose or for administrative costs as provided in Subsection C of this section. Grants, appropriations and transfers of money from the fund shall be made only from the income received from investment of the fund.

C. Up to ten percent of the income received from investment of the children's trust fund may be expended for costs of administration of the fund and administration of the children's projects undertaken with fund money. Administrative costs include per diem and mileage, staff salaries and expenses related to administration of the fund.

D. Disbursements from income credited to the children's trust fund and appropriated to the department shall be made only upon warrants drawn by the secretary of finance and administration pursuant to vouchers signed by the secretary of children, youth and families or his designated representative for the purpose of funding children's projects approved by the board.

E. One-half of the money transferred to the children's trust fund pursuant to Section 40-1-11 NMSA 1978 and all of the money transferred to the children's trust fund pursuant to Section 66-3-420 NMSA 1978 shall be deemed income received from investment of the fund."

Chapter 74 Section 2 Laws 2004

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

Senate Bill 381, w/ec
Approved March 4, 2004

LAWS 2004, CHAPTER 75

AN ACT

RELATING TO CORRECTIONS; PROVIDING EARNED MERITORIOUS DEDUCTIONS FOR PAROLEES; AMENDING A SECTION OF THE NMSA 1978.

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

Chapter 75 Section 1 Laws 2004

Section 1. Section 33-2-34 NMSA 1978 (being Laws 1999, Chapter 238, Section 1, as amended) is amended to read:

"33-2-34. ELIGIBILITY FOR EARNED MERITORIOUS DEDUCTIONS.--

A. To earn meritorious deductions, a prisoner confined in a correctional facility designated by the corrections department must be an active participant in programs recommended for the prisoner by the classification committee and approved by the warden. Meritorious deductions shall not exceed the following amounts:

(1) for a prisoner confined for committing a serious violent offense, up to a maximum of four days per month of time served;

(2) for a prisoner confined for committing a nonviolent offense, up to a maximum of thirty days per month of time served;

(3) for a prisoner confined following revocation of parole for the alleged commission of a new felony offense or for absconding from parole, up to a maximum of four days per month of time served during the parole term following revocation; and

(4) for a prisoner confined following revocation of parole for a reason other than the alleged commission of a new felony offense or absconding from parole, up to a maximum of eight days per month of time served during the parole term following revocation.

B. A prisoner may earn meritorious deductions upon recommendation by the classification committee, based upon the prisoner's active participation in approved programs and the quality of the prisoner's participation in those approved programs. A prisoner may not earn meritorious deductions unless the recommendation of the classification committee is approved by the warden.

C. If a prisoner's active participation in approved programs is interrupted by a lockdown at a correctional facility, he may continue to be awarded meritorious deductions at the rate he was earning meritorious deductions prior to the lockdown, unless the warden determines that the prisoner's conduct contributed to the initiation or continuance of the lockdown.

D. A prisoner confined in a correctional facility designated by the corrections department is eligible for lump-sum meritorious deductions as follows:

(1) for successfully completing an approved vocational, substance abuse or mental health program, one month; except when the prisoner has a demonstrable physical, mental health or developmental disability that prevents the prisoner from successfully earning a general education diploma, in which case, the prisoner shall be awarded three months;

(2) for earning a general education diploma, three months;

(3) for earning an associate's degree, four months;

(4) for earning a bachelor's degree, five months;

(5) for earning a graduate qualification, five months; and

(6) for engaging in a heroic act of saving life or property, engaging in extraordinary conduct for the benefit of the state or the public that is at great expense, risk or effort on behalf of the inmate, or engaging in extraordinary conduct far in excess of normal program assignments that demonstrates the prisoner's commitment to rehabilitate himself. The classification committee and the warden may recommend the number of days to be awarded in each case based upon the particular merits, but any award shall be determined by the director of the adult institutions division of the corrections department.

E. Lump-sum meritorious deductions, provided in Paragraphs (1) through (6) of Subsection D of this section, may be awarded in addition to the meritorious deductions provided in Subsections A and B of this section. Lump-sum meritorious deductions shall not exceed one

year per award and shall not exceed a total of one year for all lump-sum meritorious deductions awarded in any consecutive twelve-month period.

F. A prisoner is not eligible to earn meritorious deductions if the prisoner:

- 1978;
- (1) disobeys an order to perform labor, pursuant to Section 33-8-4 NMSA
 - (2) is in disciplinary segregation;
 - (3) is within the first sixty days of receipt by the corrections department; or
 - (4) is not an active participant in programs recommended and approved for him by the classification committee.

G. The provisions of this section shall not be interpreted as providing eligibility to earn meritorious deductions from a sentence of life imprisonment or a sentence of death.

H. The corrections department shall promulgate rules to implement the provisions of this section, and the rules shall be matters of public record. A concise summary of the rules shall be provided to each prisoner, and each prisoner shall receive a quarterly statement of the meritorious deductions earned.

I. A New Mexico prisoner confined in a federal or out-of-state correctional facility is eligible to earn meritorious deductions for active participation in programs on the basis of the prisoner's conduct and program reports furnished by that facility to the corrections department. All decisions regarding the award and forfeiture of meritorious deductions at such facility are subject to final approval by the director of the adult institutions division of the corrections department or the director's designee.

J. In order to be eligible for meritorious deductions, a prisoner confined in a federal or out-of-state correctional facility designated by the corrections department must actively participate in programs that are available. If a federal or out-of-state correctional facility does not have programs available for a prisoner, the prisoner may be awarded meritorious deductions at the rate the prisoner could have earned meritorious deductions if the prisoner had actively participated in programs.

K. A prisoner confined in a correctional facility in New Mexico that is operated by a private company, pursuant to a contract with the corrections department, is eligible to earn meritorious deductions in the same manner as a prisoner confined in state-run correctional facilities. All decisions regarding the award or forfeiture of meritorious deductions at such facilities are subject to final approval by the director of the adult institutions division of the corrections department or the director's designee.

L. As used in this section:

- (1) "active participant" means a prisoner who has begun, and is regularly engaged in, approved programs;

(2) "program" means work, vocational, educational, substance abuse and mental health programs, approved by the classification committee, that contribute to a prisoner's self-betterment through the development of personal and occupational skills. "Program" does not include recreational activities;

(3) "nonviolent offense" means any offense other than a serious violent offense; and

(4) "serious violent offense" means:

(a) second degree murder, as provided in Section 30-2-1 NMSA 1978;

(b) voluntary manslaughter, as provided in Section 30-2-3 NMSA 1978;

(c) third degree aggravated battery, as provided in Section 30-3-5 NMSA 1978;

(d) first degree kidnapping, as provided in Section 30-4-1 NMSA 1978;

(e) first and second degree criminal sexual penetration, as provided in Section 30-9-11 NMSA 1978;

(f) second and third degree criminal sexual contact of a minor, as provided in Section 30-9-13 NMSA 1978;

(g) first and second degree robbery, as provided in Section 30-16-2 NMSA 1978;

(h) second degree aggravated arson, as provided in Section 30-17-6 NMSA 1978;

(i) shooting at a dwelling or occupied building, as provided in Section 30-3-8 NMSA 1978;

(j) shooting at or from a motor vehicle, as provided in Section 30-3-8 NMSA 1978;

(k) aggravated battery upon a peace officer, as provided in Section 30-22-25 NMSA 1978;

(l) assault with intent to commit a violent felony upon a peace officer, as provided in Section 30-22-23 NMSA 1978;

(m) aggravated assault upon a peace officer, as provided in Section 30-22-22 NMSA 1978; and

(n) any of the following offenses, when the nature of the offense and the resulting harm are such that the court judges the crime to be a serious violent offense for the purpose of this section: 1) involuntary manslaughter, as provided in Section 30-2-3 NMSA 1978; 2) fourth degree aggravated assault, as provided in Section 30-3-2 NMSA 1978; 3) third degree assault with intent to commit a violent felony, as provided in Section 30-3-3 NMSA 1978; 4) third and fourth degree aggravated stalking, as provided in Section 30-3A-3.1 NMSA 1978; 5) second degree kidnapping, as provided in Section 30-4-1 NMSA 1978; 6) second degree abandonment of a child, as provided in Section 30-6-1 NMSA 1978; 7) first, second and third degree abuse of a child, as provided in Section 30-6-1 NMSA 1978;

8) third degree dangerous use of explosives, as provided in Section 30-7-5 NMSA 1978; 9) third and fourth degree criminal sexual penetration, as provided in Section 30-9-11 NMSA 1978; 10) fourth degree criminal sexual contact of a minor, as provided in Section 30-9-13 NMSA 1978; 11) third degree robbery, as provided in Section 30-16-2 NMSA 1978; 12) third degree homicide by vehicle or great bodily injury by vehicle, as provided in Section 66-8-101 NMSA 1978; and 13) battery upon a peace officer, as provided in Section 30-22-24 NMSA 1978.

M. Except for sex offenders, as provided in Section 31-21-10.1 NMSA 1978, an offender sentenced to confinement in a correctional facility designated by the corrections department who has been released from confinement and who is serving a parole term may be awarded earned meritorious deductions of up to thirty days per month upon recommendation of the parole officer supervising the offender, with the final approval of the adult parole board. The offender must be in compliance with all the conditions of the offender's parole to be eligible for earned meritorious deductions. The adult parole board may remove earned meritorious deductions previously awarded if the offender later fails to comply with the conditions of the offender's parole. The corrections department and the adult parole board shall promulgate rules to implement the provisions of this subsection."

Chapter 75 Section 2 Laws 2004

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2004.

Senate Bill 254
Approved March 4, 2004

LAWS 2004, CHAPTER 76

AN ACT

RELATING TO BOATING; CLARIFYING PENALTIES FOR A VIOLATION OF THE BOAT ACT; AMENDING AND REPEALING SECTIONS OF THE NMSA 1978.

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

Chapter 76 Section 1 Laws 2004

Section 1. Section 66-12-23 NMSA 1978 (being Laws 1963, Chapter 45, Section 9, as amended) is amended to read:

"66-12-23. PENALTIES.--A person who violates a provision of the Boat Act or a regulation of the state parks division of the energy, minerals and natural resources department promulgated pursuant to that act is guilty of a petty misdemeanor and shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978."

Chapter 76 Section 2 Laws 2004

Section 2. REPEAL.--Section 66-12-24 NMSA 1978 (being Laws 2003, Chapter 410, Section 8) is repealed.

Chapter 76 Section 3 Laws 2004

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2004.

Senate Bill 225
Approved March 4, 2004

LAWS 2004, CHAPTER 77

AN ACT

RELATING TO TRANSPORTATION; GRANTING THE DEPARTMENT OF TRANSPORTATION THE AUTHORITY TO SELL OR DISPOSE OF PROPERTY OR PROPERTY INTEREST; DISTRIBUTING THE PROCEEDS FROM THE SALE OF PROPERTY OR PROPERTY INTEREST TO THE STATE ROAD FUND; DECLARING AN EMERGENCY.

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

Chapter 77 Section 1 Laws 2004

Section 1. A new Section 67-3-8.2 NMSA 1978 is enacted to read:

"67-3-8.2. SECRETARY--AUTHORITY TO SELL OR OTHERWISE DISPOSE OF PROPERTY OR PROPERTY INTEREST.--

A. In the event the department acquires by condemnation or other means property or a property interest, including water, mineral and oil and gas rights in excess of the dimensions or amount necessary for public use, as determined by the department if the determination occurs within five years of the date of the acquisition, the prior owner from whom the property or property interest was acquired or the prior owner's personal representative or heirs shall have the option to purchase the property or property interest determined to be in excess. The persons may purchase the property or property interest at a price equal to the price paid for the excess property or property interest by the department to the prior owner at the time

of acquisition, plus interest at the rate of six percent per year, for the period beginning with the date the prior owner received final payment for the property or property interest taken and ending when the notice of intent to dispose is mailed, less the amount of any liens attached against the property or property interest while it was held by the department.

B. The notice of intent to dispose shall be mailed to the last known address of the prior owner by certified mail with a return receipt requested. The notice shall notify the prior owner of the prior owner's right to purchase, specify which portion of the property or property interest of the prior owner is available for purchase by the prior owner, the amount of money, both the principal and interest, required to repurchase it and the amount of any liens that may be deducted from the purchase price. If within thirty days after mailing the notice of intent to dispose, the prior owner or the prior owner's personal representative or heirs elect to exercise the option to purchase, the department shall enter into an agreement prepared and approved by the appropriate legal officer for the sale of the excess property or property interest to the prior owner or the prior owner's personal representative or heirs.

C. If the prior owner or the prior owner's personal representative or heirs have not elected to exercise the option within thirty days from the date of mailing the notice of intent to dispose, the department may sell the property or the property interest on the open market in a commercially reasonable manner. The proceeds from the sale of the property or property interest shall be deposited in the state road fund."

Chapter 77 Section 2 Laws 2004

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

Senate Bill 215, w/ec
Approved March 4, 2004

LAWS 2004, CHAPTER 78

AN ACT

RELATING TO MOTOR VEHICLES; PERMITTING THE TAXATION AND REVENUE DEPARTMENT TO CONDUCT BACKGROUND CHECKS FOR HAZARDOUS MATERIAL ENDORSEMENTS; ELIMINATING REQUIREMENTS PERTAINING TO HAZARDOUS MATERIALS TRANSPORTATION PERMITS; AMENDING AND REPEALING SECTIONS OF THE NMSA 1978.

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

Chapter 78 Section 1 Laws 2004

Section 1. Section 66-5-65 NMSA 1978 (being Laws 1989, Chapter 14, Section 14, as amended) is amended to read:

"66-5-65. CLASSIFICATIONS--ENDORSEMENTS--RESTRICTIONS.--

A. Commercial driver's licenses may be issued with the classifications, endorsements and restrictions enumerated in Subsections B, C and D of this section. The holder of a valid commercial driver's license may drive all vehicles in the class for which that license is issued and all lesser classes of vehicles except motorcycles and vehicles that require an endorsement, unless the proper endorsement appears on the license.

B. The following classifications shall apply to commercial driver's licenses:

(1) class A - any combination of vehicles with a gross combination weight rating of more than twenty-six thousand pounds, if the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand pounds;

(2) class B - any single vehicle with a gross vehicle weight rating of more than twenty-six thousand pounds and any such vehicle towing a vehicle with a gross vehicle weight rating of ten thousand pounds or less; and

(3) class C - any single vehicle or combination of vehicles that does not meet either the definition of Paragraph (1) or (2) of this subsection but is:

(a) designed to transport sixteen or more passengers, including the driver; or

(b) used in the transportation of hazardous materials, which requires the vehicle to be placarded under applicable law.

C. The secretary, by regulation, may provide for classifications in addition to those set forth in Subsection B of this section.

D. The following endorsements and restrictions shall apply to commercial driver's licenses:

(1) "H" - authorizes driving a vehicle transporting hazardous material;

(2) "L" - restricts the driver to vehicles not equipped with airbrakes;

(3) "T" - authorizes driving a vehicle towing more than one trailer;

(4) "P" - authorizes driving vehicles, other than school buses, carrying passengers;

(5) "N" - authorizes driving tank vehicles;

(6) "X" - represents a combination of the hazardous material ("H") and tank vehicle ("N") endorsements;

(7) "S" - authorizes driving a school bus; and

(8) "K" - restricts the driver to driving a commercial motor vehicle in intrastate commerce only.

E. The department shall require an applicant requesting a hazardous material ("H") endorsement to be subject to a background check pursuant to the federal Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001."

Chapter 78 Section 2 Laws 2004

Section 2. REPEAL.--Section 74-4F-3 NMSA 1978 (being Laws 1996, Chapter 37, Section 3) is repealed.

Chapter 78 Section 3 Laws 2004

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2004.

Senate Bill 40, aa
Approved March 4, 2004

LAWS 2004, CHAPTER 79

AN ACT

RELATING TO FINANCE; AMENDING THE NEW MEXICO SECURITIES ACT OF 1986 ANNUAL REPORT REQUIREMENTS.

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

Chapter 79 Section 1 Laws 2004

Section 1. Section 58-13B-12 NMSA 1978 (being Laws 1986, Chapter 7, Section 12) is amended to read:

"58-13B-12. ANNUAL REPORT AND FEE.--For as long as a broker-dealer, sales representative, investment adviser or investment adviser representative is licensed under the New Mexico Securities Act of 1986, he shall pay an annual fee specified in Subsection A of Section 58-13B-9 NMSA 1978, with the director or his designee, at a time and including that information that the director determines by rule or order is necessary or appropriate."

Senate Bill 152
Approved March 4, 2004

LAWS 2004, CHAPTER 80

AN ACT

RELATING TO PIPELINES; CREATING THE PIPELINE SAFETY FUND; AUTHORIZING THE IMPOSITION OF PIPELINE SAFETY INSPECTION FEES BY THE PUBLIC REGULATION COMMISSION; MAKING AN APPROPRIATION.

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

Chapter 80 Section 1 Laws 2004

Section 1. A new section of the Pipeline Safety Act is enacted to read:

"PIPELINE SAFETY FUND--CREATED--ASSESSMENT AND COLLECTION OF FEES.-

A. The "pipeline safety fund" is created in the state treasury for the purpose of enhancing the staffing and training of the pipeline safety bureau of the commission with the goal of assuming the function of inspection of interstate as well as intrastate pipelines. The fund shall consist of fees collected pursuant to Subsection D of this section, appropriations, gifts, grants, donations and earnings from investment of the fund. Balances in the fund shall not be transferred to the general fund at the end of any fiscal year.

B. The pipeline safety fund shall be administered by the commission. Money in the fund is appropriated to the commission to carry out its duties pursuant to the provisions of the Pipeline Safety Act and Chapter 62, Article 14 NMSA 1978. Not more than five percent of the fees collected pursuant to Subsection D of this section shall be used by the commission for administrative purposes.

C. Payments from the pipeline safety fund shall be made upon vouchers issued and signed by the director of the administrative services division of the commission or the director's authorized representative upon warrants drawn by the secretary of finance and administration.

D. The commission shall collect annual pipeline safety fees for the duties relating to inspection of intrastate pipelines from persons subject to the Pipeline Safety Act in accordance with and not to exceed the following amounts:

(1) for the transportation of gas:

(a) two dollars (\$2.00) per domestic service line;

(b) thirty-five dollars (\$35.00) per commercial service line;

(c) thirty-five dollars (\$35.00) per mile of line for the transportation of gas subject to inspection by the pipeline safety bureau, with a minimum assessment of four hundred dollars (\$400); and

(d) one hundred dollars (\$100) per master meter, direct sales lateral or liquified petroleum gas system; and

(2) for the transportation of oil, thirty-five dollars (\$35.00) per mile of transmission line subject to inspection by the pipeline safety bureau, with a minimum assessment of four hundred dollars (\$400). A fee shall not be assessed on mileage under the jurisdiction of or inspected by the federal department of transportation.

E. The commission shall annually conduct a public review of the fees collected and payments made from the fund and provide a summary to the legislative finance committee and the department of finance and administration. Based upon its findings, the commission shall adjust the annual fee rates authorized by Subsection D of this section in order to collect only that amount estimated to be necessary to carry out the provisions of the Pipeline Safety Act and Chapter 62, Article 14 NMSA 1978; provided that the fees shall not be greater than the amounts set forth in Subsection D of this section."

Chapter 80 Section 2 Laws 2004

Section 2. A new section of the Pipeline Safety Act is enacted to read:

"MASTER METER OUTREACH AND EDUCATION.--On the effective date of this legislation, the commission shall:

A. commence a continuing industry outreach to coordinate and conduct education and certification programs concerning pipeline safety laws and regulations with respect to master meters;

B. develop agreements with the building and construction oversight divisions of the state and of local governments with the intent of minimizing dual jurisdiction of master meters; and

C. apply the waiver provisions of Section 70-3-16 NMSA 1978 to violations of safety regulations pertaining to master meters occurring prior to July 1, 2004."

Chapter 80 Section 3 Laws 2004

Section 3. Section 70-3-12 NMSA 1978 (being Laws 1969, Chapter 71, Section 2, as amended) is amended to read:

"70-3-12. DEFINITIONS.--As used in the Pipeline Safety Act:

A. "person" means an individual, firm, joint venture, partnership, corporation, association, state, municipality, political subdivision, cooperative association, joint stock association or any combination thereof and includes any receiver, trustee, assignee or personal representative thereof;

B. "commission" means the public regulation commission;

C. "gas" means natural gas, flammable gas or gas that is toxic or corrosive;

D. "oil" means crude oil and liquid hydrocarbons and manufactured products derived from either;

E. "transportation of gas" means the gathering, transmission or distribution of gas by pipeline or its storage, except that it shall not include the gathering of gas in those rural locations that lie outside the limits of any municipality or unincorporated city, town or village or any residential or commercial area such as a subdivision, a business or shopping center, a community development or any similar populated area that the commission may define by order as a nonrural area;

F. "transportation of oil" means the transmission of oil by pipeline, except pipelines operated exclusively for the gathering of oil in any field or area or pipelines constituting a part of any tank farm, plant facilities of any processing plant, gasoline plant, refinery, carbon-black plant, recycling system or similar operations;

G. "gas pipeline facilities" means new and existing pipeline rights of way and any equipment, facility or structure used in the transportation of gas or the treatment of gas during the course of transportation;

H. "oil pipeline facilities" means new and existing pipeline rights of way and any equipment, facility or structure used in the transportation of oil;

I. "intrastate pipeline facilities" means oil pipeline facilities or gas pipeline facilities within the state that are not gas pipeline facilities subject to the jurisdiction of the federal energy regulatory commission pursuant to the federal Natural Gas Act or oil pipeline facilities used in the transportation of oil in interstate or foreign commerce, except that it shall include pipeline facilities within the state that transport gas from an interstate gas pipeline to a direct sales customer within the state purchasing gas for its own consumption;

J. "distribution main" means a pipeline other than a gathering or transmission line that serves as a common source of supply for more than one service line;

K. "master meter" means a pipeline system for distributing gas within, but not limited to, a definable area, such as a mobile home park, housing project or apartment complex, where the operator purchases metered gas from an outside source for resale through a gas distribution pipeline system. The master meter system supplies the ultimate consumer who either purchases the gas directly through a meter or by other means such as by rents, as more fully set forth in federal laws and regulations; and

L. "service line" means a pipeline that transports gas from a common source of supply, such as a distribution main, to:

(1) a customer meter or the connection to a customer's piping, whichever is further downstream; or

(2) the connection to a customer's piping if there is no customer meter. A "customer meter" is the meter that measures the transfer of gas from an operator to a consumer."

Chapter 80 Section 4 Laws 2004

Section 4. A new section of the Public Utility Act is enacted to read:

"PIPELINE SAFETY FEE.--A public utility that is assessed a pipeline safety fee shall be entitled to collect the fee from its rate payers without the requirement of a request for a change in rates. The utility shall notify the commission in writing of the imposition and amount of the fee and, if practicable, shall show the fee as a separate line item on its bill statements to consumers."

Chapter 80 Section 5 Laws 2004

Section 5. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2004.

SFC/Senate Bill 170, aa
Approved March 4, 2004

LAWS 2004, CHAPTER 81

AN ACT

RELATING TO UTILITIES; PROVIDING FOR RULES ON EX PARTE COMMUNICATIONS WITH ADVISORY STAFF FOR THE PUBLIC REGULATION COMMISSION.

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

Chapter 81 Section 1 Laws 2004

Section 1. Section 8-8-17 NMSA 1978 (being Laws 1998, Chapter 108, Section 17, as amended) is amended to read:

"8-8-17. EX PARTE COMMUNICATIONS.--

A. A commissioner shall not initiate, permit or consider a communication directly or indirectly with a party or his representative outside the presence of the other parties concerning a pending rulemaking after the record has been closed or a pending adjudication.

B. A hearing examiner shall not initiate, permit or consider a communication directly or indirectly with a party or his representative outside the presence of the other parties concerning a pending rulemaking or adjudication.

C. Notwithstanding the provisions of Subsections A and B of this section, the following ex parte communications are permitted:

(1) where circumstances require, ex parte communications for procedural or administrative purposes or emergencies that do not deal with substantive matters or issues

on the merits are allowed if the commissioner or hearing examiner reasonably believes that no party will gain an advantage as a result of the ex parte communication and the commissioner or hearing examiner makes provision to promptly notify all other parties of the substance of the ex parte communication;

(2) a commissioner may consult with another commissioner or with advisory staff whose function is to advise the commission in carrying out the commissioner's rulemaking or adjudicative responsibilities;

(3) a hearing examiner may consult with the commission's advisory staff;

(4) a commissioner or hearing examiner may obtain the advice of a nonparty expert on an issue raised in the rulemaking or adjudication if the commissioner or hearing examiner gives notice to the parties of the person consulted and the substance of the advice and affords the parties reasonable opportunity to respond; and

(5) pursuant to the public regulation commission's rulemaking authority a party to a proceeding may consult with the commission's advisory staff. By July 1, 2004, the commission shall establish such rules.

D. A commissioner or hearing examiner who receives or who makes or knowingly causes to be made a communication prohibited by this section shall disclose it to all parties and give other parties an opportunity to respond.

E. Upon receipt of a communication knowingly made or caused to be made by a party to a commissioner or hearing examiner in violation of this section, the commissioner or hearing examiner may, to the extent consistent with the interests of justice and the policy of the underlying statutes, require the party to show cause why his claim or interest in the proceeding should not be dismissed, denied, disregarded or otherwise adversely affected on account of the violation of this section."

Senate Bill 369, aa
Approved March 4, 2004

LAWS 2004, CHAPTER 82

AN ACT

RELATING TO STATE EMPLOYEES; REVISING THE GROUP INSURANCE CONTRIBUTIONS OF THE STATE; AMENDING SECTION 10-7-4 NMSA 1978 (BEING LAWS 1941, CHAPTER 188, SECTION 1 AS AMENDED).

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

Chapter 82 Section 1 Laws 2004

Section 1. Section 10-7-4 NMSA 1978 (being Laws 1941, Chapter 188, Section 1, as amended) is amended to read:

"10-7-4. GROUP INSURANCE--CAFETERIA PLAN--CONTRIBUTIONS FROM PUBLIC FUNDS.--

A. All state departments and institutions and all political subdivisions of the state, excluding municipalities, counties and political subdivisions of the state with twenty-five employees or fewer, shall cooperate in providing group term life, medical or disability income insurance for the benefit of eligible employees or salaried officers of the respective departments, institutions and subdivisions.

B. The group insurance contributions of the state or any of its departments or institutions, including institutions of higher education and the public schools shall be made as follows:

(1) at least seventy-five percent of the cost of the insurance of an employee whose annual salary is less than fifteen thousand dollars (\$15,000);

(2) at least seventy percent of the cost of the insurance of an employee whose annual salary is fifteen thousand dollars (\$15,000) or more but less than twenty thousand dollars (\$20,000);

(3) at least sixty-five percent of the cost of the insurance of an employee whose annual salary is twenty thousand dollars (\$20,000) or more but less than twenty-five thousand dollars (\$25,000); or

(4) at least sixty percent of the cost of the insurance of an employee whose annual salary is twenty-five thousand dollars (\$25,000) or more.

C. Effective July 1, 2004, the group insurance contributions of the state or any of its executive, judicial or legislative departments, including agencies, boards or commissions, shall be made as follows; provided that the contribution percentage shall be the same for all affected public employees in a given salary bracket:

(1) up to eighty percent of the cost of the insurance of an employee whose annual salary is less than thirty thousand dollars (\$30,000);

(2) up to seventy percent of the cost of the insurance of an employee whose annual salary is thirty thousand dollars (\$30,000) or more but less than forty thousand dollars (\$40,000); and

(3) up to sixty percent of the cost of the insurance of an employee whose annual salary is forty thousand dollars (\$40,000) or more.

D. Effective July 1, 2005, the group insurance contributions of the state or any of its executive, judicial or legislative departments, including agencies, boards or commissions, shall be made as follows; provided that the contribution percentage shall be the same for all affected public employees in a given salary bracket:

(1) up to eighty percent of the cost of the insurance of an employee whose annual salary is less than fifty thousand dollars (\$50,000);

(2) up to seventy percent of the cost of the insurance of an employee whose annual salary is fifty thousand dollars (\$50,000) or more but less than sixty thousand dollars (\$60,000); and

(3) up to sixty percent of the cost of the insurance of an employee whose annual salary is sixty thousand dollars (\$60,000) or more.

E. The state shall not make any group insurance contributions for legislators. A legislator shall be eligible for group benefits only if the legislator contributes one hundred percent of the cost of the insurance.

F. As used in this section, "cost of the insurance" means the premium required to be paid to provide coverages. Any contributions of the political subdivisions of the state, except the public schools and political subdivisions of the state with twenty-five employees or fewer, shall not exceed sixty percent of the cost of the insurance.

G. When a public employee elects to participate in a cafeteria plan as authorized by the Cafeteria Plan Act and enters into a salary reduction agreement with the governmental employer, the provisions of Subsections B through D of this section with respect to the maximum contributions that can be made by the employer are not violated and will still apply. The employer percentage or dollar contributions as provided in Subsections B through D of this section shall be determined by the employee's gross salary prior to any salary reduction agreement.

H. Any group medical insurance plan offered pursuant to this section shall include effective cost-containment measures to control the growth of health care costs. The responsible public body that administers a plan offered pursuant to this section shall report annually by September 1 to appropriate interim legislative committees on the effectiveness of the cost-containment measures required by this subsection.

I. Within available revenue, school districts, charter schools, participating entities pursuant to the Public School Insurance Authority Act and institutions of higher education may contribute up to eighty percent of the cost of the insurance of all employees."

Chapter 82 Section 2 Laws 2004

Section 2. Section 22-29-10 NMSA 1978 (being Laws 1989, Chapter 373, Section 5, as amended) is amended to read:

"22-29-10. GROUP INSURANCE CONTRIBUTIONS.--

A. Group insurance contributions for school districts, charter schools and participating entities in the authority shall be made as follows:

(1) at least seventy-five percent of the cost of the insurance of an employee whose annual salary is less than fifteen thousand dollars (\$15,000);

(2) at least seventy percent of the cost of the insurance of an employee whose annual salary is fifteen thousand dollars (\$15,000) or more but less than twenty thousand dollars (\$20,000);

(3) at least sixty-five percent of the cost of the insurance of an employee whose annual salary is twenty thousand dollars (\$20,000) or more but less than twenty-five thousand dollars (\$25,000); or

(4) at least sixty percent of the cost of the insurance of an employee whose annual salary is twenty-five thousand dollars (\$25,000) or more.

B. Within available revenue, school districts, charter schools and participating entities in the authority may contribute up to eighty percent of the cost of the insurance of all employees.

C. Whenever a school district, charter school or participating entity in the authority offers to its employees alternative health plan benefit options, including health maintenance organizations, preferred provider organizations or panel doctor plans, the school district, charter school or participating entity may pay an amount on behalf of the employee and family member for the indemnity health insurance plan sufficient to result in equal employee monthly costs to the cost of the health maintenance organization plans, preferred provider organization plans or panel doctor plans, regardless of the percentage limitations in the Public School Insurance Authority Act. School districts, charter schools and participating entities in the authority may pay up to one hundred percent of the first fifty thousand dollars (\$50,000) of term life insurance."

Chapter 82 Section 3 Laws 2004

Section 3. TEMPORARY PROVISION--SALARY ADJUSTMENT.--A salary adjustment in January 2005 shall not reduce the state contributions pursuant to Subsection C of Section 10-7-4 NMSA 1978 even if the salary adjustment of an employee places the employee in a higher salary bracket; provided that the state contribution may be lowered for salary adjustments on or after January 2006.

House Bill 451, aa
Approved March 5, 2004

LAWS 2004, CHAPTER 83

AN ACT

RELATING TO FINANCE; AUTHORIZING THE NEW MEXICO FINANCE AUTHORITY TO MAKE GRANTS FOR PUBLIC PROJECTS FROM THE WATER AND WASTEWATER PROJECT GRANT FUND; DECLARING AN EMERGENCY.

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

Chapter 83 Section 1 Laws 2004

ection 1. AUTHORIZATION OF PROJECTS.--Pursuant to the provisions of Section 6-21-6.3 NMSA 1978, the legislature authorizes the New Mexico finance authority to make grants from the water and wastewater project grant fund to the following qualified entities for the following public projects on terms and conditions established by the authority:

1. to the Pueblo of Acoma for a water and wastewater system feasibility study, wastewater projects and water projects in Cibola county;
2. to Agua Fria for a water project in Santa Fe county;
3. to the Agua Sana mutual domestic water consumers association for water projects, phases 3-12, in Rio Arriba county;
4. to Alamogordo for a wastewater project in Otero county;
5. to the Alcalde mutual domestic water consumers association for a wastewater project in Rio Arriba county;
6. to the Alcon mutual domestic water consumers association for a water project in San Miguel county;
7. to Angel Fire for a wastewater project and water-wastewater projects in Colfax county;
8. to the Arroyo Hondo domestic water consumers association in Taos county for a water project;
9. to Artesia for a wastewater project in Eddy county;
10. to Aztec for a water project in San Juan county;
11. to Bayard for a wastewater project and water project in Grant county;
12. to Belen for wastewater projects and water projects in Valencia county;
13. to the Berino mutual domestic water consumers association for a water utility equipment project and a water project in Dona Ana county;
14. to the city of Bernalillo for wastewater projects and a water project in Sandoval county;
15. to the Bibo mutual domestic water consumers association for a water project in Cibola county;
16. to the Blanco water users association for a water project in San Juan county;

17. to Bloomfield for a wastewater project and water project in San Juan county;
18. to the Bluewater Acres domestic water users association for a water project in Cibola county;
19. to Bosque Farms for a wastewater project and water project in Valencia county;
20. to the Canjilon mutual domestic water consumers association for a water project in Rio Arriba county;
21. to the Canoncito at Apache Canyon mutual domestic water consumers association for a water project in Santa Fe county;
22. to the Canones mutual domestic water consumers association for a wastewater project and water project in Rio Arriba county;
23. to the Canyon mutual domestic water consumers association for a water project in Sandoval county;
24. to Carrizozo for a wastewater project and water project in Lincoln county;
25. to the Cebolleta land grant for a wastewater project in Cibola county;
26. to Chama for a wastewater project and water project in Rio Arriba county;
27. to the Chamisal mutual domestic water consumers association for a water project and wastewater project in Taos county;
28. to the Chupadero water and sewage corporation for a water project in Santa Fe county;
29. to Cimarron for a water project in Colfax county;
30. to the Cleveland mutual domestic water consumers association for a water project in Mora county;
31. to Cloudcroft for a wastewater project in Otero county;
32. to Columbus for a water project in Luna county;
33. to Cordova for a wastewater project in Rio Arriba county;
34. to the village of Corona for water projects in Lincoln county;
35. to the Crosby mutual domestic water consumers and sewage works association for a water project in Catron county;
36. to the Cumberland water cooperative for a water project in Chaves county;

37. to the city of Deming for a water project and two wastewater projects in Luna county;

38. to the Deming school system for a water project and wastewater project in Luna county;

39. to Des Moines for a water project in Union county;

40. to the Desert Sands mutual domestic water consumers association for a water-wastewater equipment project and master water plan in Dona Ana county;

41. to the Dona Ana mutual domestic water consumers association for a water and wastewater project in Dona Ana county;

42. to Eagle Nest for a wastewater project and water project in Colfax County;

43. to the East Pecos mutual domestic water consumers association for a water project in San Miguel county;

44. to Edgewood for a wastewater project in Santa Fe county;

45. to El Prado water and sanitation district for wastewater projects and water projects in Taos county;

46. to El Rito domestic consumers water association for a water project in Rio Arriba county;

47. to El Salto domestic water consumers association in Taos county for a water project;

48. to El Valle de Los Ranchos de Taos water and sanitation district for a wastewater project in Taos county;

49. to Elephant Butte for a wastewater project in Sierra county;

50. to Espanola for a water-wastewater project and water project in Rio Arriba county;

51. to Estancia for a wastewater project and water project in Torrance county;

52. to the Fambrough mutual domestic water consumers association for a water project in Chaves county;

53. to Fort Sumner for a water project in De Baca county;

54. to the Gabaldon mutual domestic water consumers association for a water project in San Miguel county;

55. to Gallup in McKinley county for water and wastewater projects;

56. to the Gameraco water and sanitation district for a water project in McKinley county;
57. to Grant county for a wastewater project in Grant county;
58. to Grants for a water and sewer project in Cibola county;
59. to the Greater Chimayo mutual domestic water consumers association for water projects in Rio Arriba and Santa Fe counties;
60. to the Green Ridge mutual domestic water consumers association for water projects in Torrance county;
61. to Hagerman for a wastewater project in Chaves county;
62. to the High Sierra water association for a water project in Lincoln county;
63. to the city of Hobbs for water and wastewater projects in Lea county;
64. to Hurley for a preliminary engineering report and water project in Grant county;
65. to the Ilfeld mutual domestic water consumers association for a water project in San Miguel county;
66. to the Jemez Springs domestic cooperative in Sandoval county for a water project;
67. to La Asociacion de Agua de los Brazos for a water project in Rio Arriba county;
68. to La Jara water users association for a water equipment and filtration project in Sandoval county;
69. to La Jicarita Valley association of mutual domestics for a water feasibility study in Taos county;
70. to La Loma mutual domestic water consumers association for a water project in Guadalupe county;
71. to La Luz mutual domestic water consumers association for a water and wastewater feasibility study in Otero county;
72. to La Plata mutual domestic water consumers association for a water project in San Juan county;
73. to Las Trampas mutual domestic water consumers association for a water project in Taos county;

74. to Las Vegas for wastewater projects, a water meter project and water project in San Miguel county;

75. to Logan for a wastewater project in Quay county;

76. to Lordsburg for a water project in Hidalgo county;

77. to Los Lunas for wastewater projects and a water project in Valencia county;

78. to the Lower Canoncito mutual domestic water consumers association for a water project in San Miguel county;

79. to Maxwell for a wastewater project and water project in Colfax county;

80. to the Mesquite mutual domestic water consumers and mutual sewage works association for a wastewater project and water project in Dona Ana county;

81. to the Mora mutual domestic water consumers association for a wastewater project in Mora county;

82. to Mosquero for water projects in Harding county;

83. to Mountainair for a water project in Torrance county;

84. to the Pueblo of Nambe development corporation for a water and wastewater project in Santa Fe county;

85. to the Navajo Dam mutual domestic water consumers association for a water project in San Juan county;

86. to the Northstar mutual domestic water consumers and mutual sewage works association for a water project in San Juan county;

87. to the Orchard Estates-Faculty Lane water association for a water project in Sandoval county;

88. to the Pajarito Mesa mutual domestic water consumers association for a water project in Bernalillo county;

89. to the Pecan Park mutual domestic water consumers association for a water project in Luna county;

90. to Pecos for a water and wastewater project in San Miguel county;

91. to the Pineywoods Estates water association for a water project in Otero county;

92. to the Pojoaque Valley school district for a wastewater project and water project in Santa Fe county;

93. to the Quemado Lake Estates water association for a water project in Catron county;

94. to the Quemado mutual water and sewage works association for a wastewater project in Catron county;

95. to Questa for a wastewater project and water project in Taos county;

96. to the Ramah Navajo chapter for a water project in Cibola county;

97. to the Ramah water and sanitation district for a wastewater project in McKinley county;

98. to Raton for a wastewater project in Colfax county;

99. to Red River for a wastewater project and water project in Taos county;

100. to the Regina mutual domestic water consumers association for a water project in Sandoval county;

101. to the Ribera mutual domestic water consumers association for a water project in San Miguel county;

102. to the Rowe mutual domestic water consumers association for a water project in San Miguel county;

103. to Roy for water and wastewater projects in Harding county;

104. to the San Acacia mutual domestic water consumers association for a water project in Socorro county;

105. to the Pueblo of San Juan for a water-wastewater feasibility study, a wastewater project and water-wastewater projects in Rio Arriba county;

106. to Santa Clara for a preliminary engineering report, wastewater project and water project in Grant county;

107. to the city of Santa Fe for a water project in Santa Fe county;

108. to the Seboyeta mutual domestic water consumers association for a water project in Cibola county;

109. to Shiprock for a wastewater project and a water project in San Juan county;

110. to Sierra county for a wastewater project;

111. to the town of Silver City for a wastewater project in Grant county;

112. to Socorro for a water project in Socorro county;

113. to the Solacito mutual domestic water consumers association for a water project in Santa Fe county;

114. to the Southside water users association for a water project in San Juan county;

115. to Sunland Park for wastewater projects and a water project in Dona Ana county;

116. to the Table Top water users association for a water project in Guadalupe county;

117. to the Talpa mutual domestic water consumers association for a water project and wastewater project in Taos county;

118. to the town of Taos for wastewater projects and a water project in Taos county;

119. to the Pueblo of Tesuque for a wastewater project in Santa Fe county;

120. to Tucumcari for a wastewater project and water project in Quay county;

121. to Tularosa for a wastewater project, water project, water-wastewater project and water feasibility study in Otero county;

122. to the Upper Holman mutual domestic water consumers association for a water project in Mora county;

123. to the Vadito mutual domestic water consumers association in Taos county for a water project and wastewater project;

124. to Virden for a water project in Hidalgo county;

125. to Wagon Mound for a wastewater project and water project in Mora county;

126. to the White Cliffs mutual domestic water users association for a wastewater project and water project in McKinley county;

127. to the village of Willard for a wastewater project in Torrance county;

128. to the Williams Acres water and sanitation district for a water project and wastewater project in McKinley county;

129. to the Wilson Lake mutual domestic water consumers association for a water project in Taos county;

130. to the Pueblo of Zuni for water-sewerline extensions in McKinley county;

131. to the Agua Pura mutual domestic water consumers association for a water project in Mora county;

132. to the Anton Chico mutual domestic water consumers association for a water project in Guadalupe county;

133. to the Buena Vista water association for a water project in Mora county;

134. to the Canon mutual domestic water consumers association for a water and wastewater project in Taos county;

135. to the Chacon mutual domestic water consumers association for a water project in Mora county;

136. to the Pueblo of Cochiti for a water and wastewater project in Sandoval county;

137. to the Coyote Creek mutual domestic water consumers association for water and wastewater projects in Catron county;

138. to the Dilia mutual domestic water consumers association for a water project in Guadalupe county;

139. to the Jicarita mutual domestic water consumers association for a water and wastewater project in Taos county;

140. to La Cueva mutual domestic water consumers association for a water and wastewater project in San Miguel county;

141. to La Cienega mutual domestic water consumers association for a water project in Santa Fe county;

142. to La Manga mutual domestic water consumers association for a water project in San Miguel county;

143. to the LeDoux mutual domestic water consumers association for a water project in Mora county;

144. to the Llano mutual domestic water consumers association for a water and wastewater project in Taos county;

145. to Mora independent school district for a wastewater project in Mora county;

146. to the Pastura mutual domestic water consumers association for a water project in Guadalupe county;

147. to the Rio Lucio mutual domestic water consumers association for a water and wastewater project in Taos county;

148. to the Rodarte mutual domestic water consumers association for a water and wastewater project in Taos county;

149. to the San Jose mutual domestic water consumers association for a water project in San Miguel county;

150. to the San Luis Cabezon mutual domestic water consumers association for a water project in Sandoval county;

151. to San Ysidro for a wastewater project in Sandoval county;

152. to Santa Fe county for water and wastewater projects; and

153. to the Turley-Manzanares ditch association for a water project in San Juan county.

Chapter 83 Section 2 Laws 2004

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 2007 its desire to continue to pursue a grant from the water and wastewater project grant 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 grant from the water and wastewater project grant fund to that qualified entity for that public project shall be void.

Chapter 83 Section 3 Laws 2004

Section 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

House Bill 200, aa, w/ec
Approved March 5, 2004

LAWS 2004, CHAPTER 84

AN ACT

RELATING TO HIGHER EDUCATION; AUTHORIZING NORTHERN NEW MEXICO STATE SCHOOL TO DEVELOP AND IMPLEMENT A BACCALAUREATE DEGREE PROGRAM IN TEACHER EDUCATION; AMENDING A SECTION OF THE NMSA 1978.

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

Chapter 84 Section 1 Laws 2004

Section 1. Section 21-4-3 NMSA 1978 (being Laws 1909, Chapter 97, Section 3, as amended) is amended to read:

"21-4-3. NORTHERN NEW MEXICO STATE SCHOOL--PURPOSE OF INSTRUCTION--ACADEMIC COURSES--BOARDING OF STUDENTS.--

A. The courses of instruction at northern New Mexico state school at El Rito shall:

(1) meet the needs of young people of New Mexico who cannot be served adequately by the local public schools in their home communities;

(2) prepare technical and trade students for occupations and vocations that are useful and necessary in the economy of New Mexico; and

(3) provide academic, technical and vocational instruction beyond the high school level and, in the event that the university of New Mexico northern branch is dissolved, may in addition provide not more than two years of accredited college level academic instruction at those areas presently served by the university of New Mexico northern branch and by the northern New Mexico state school, except as provided in Subsection D of this section.

B. The board of regents of northern New Mexico state school is authorized to provide quarters for the boarding of resident students.

C. Nothing in this section shall preclude the university of New Mexico from continuing to provide upper college level and graduate courses in any areas in which such courses were being offered prior to January 1, 1977.

D. The board of regents of northern New Mexico state school is authorized to develop, implement and seek accreditation for a baccalaureate degree program in teacher education for the Espanola campus. The program shall be authorized when the board of regents certifies that the baccalaureate degree program in teacher education:

(1) has been developed and is ready for implementation; and

(2) is ready to receive the accreditation review team from the appropriate accrediting agency. In the development of the program, northern New Mexico state school shall engage in a partnership with New Mexico highlands university, an educational institution that is sensitive to the socio-cultural conditions of the region and that is prepared to offer collaborative programs to support the critical higher education needs of the students in north central New Mexico."

Senate Bill 163, aa
Approved March 5, 2004

LAWS 2004, CHAPTER 85

AN ACT

RELATING TO WATER; ENACTING A NEW SECTION OF THE WATER PROJECT FINANCE ACT; CREATING THE ACEQUIA PROJECT FUND; MAKING AN APPROPRIATION.

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

Chapter 85 Section 1 Laws 2004

Section 1. A new section of the Water Project Finance Act is enacted to read:

"ACEQUIA PROJECT FUND.--The "acequia project fund" is created in the state treasury. The fund shall consist of money appropriated, donated or otherwise accrued to the fund. The fund shall be administered by the authority. Income from investment of money in the acequia project fund shall be credited to the fund. Balances in the fund at the end of any fiscal year shall not revert to the general fund. The acequia project fund may consist of such subaccounts as the authority deems necessary to carry out the purposes of the fund. The authority may establish procedures and adopt rules as required to administer the fund and to recover from the fund costs of administering the fund. Money in the acequia project fund may be used to make grants to acequias for any project approved by the legislature."

Senate Bill 301, aa, wo/ec
Approved March 8, 2004

LAWS 2004, CHAPTER 86

AN ACT

RELATING TO WATER; PROVIDING FOR THE REGULATION OF LIVESTOCK WATER TANKS; AMENDING SECTIONS OF CHAPTER 72 NMSA 1978.

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

Chapter 86 Section 1 Laws 2004

Section 1. Section 72-5-32 NMSA 1978 (being Laws 1941, Chapter 126, Section 25, as amended) is amended to read:

"72-5-32. CONSTRUCTION OF DAMS EXCEEDING TEN FEET IN HEIGHT.--Any person, association or corporation, public or private, the state or the United States hereafter intending to construct a dam shall meet the requirements of filing applications for appropriations and use of water pursuant to Section 72-5-1, 72-5-22, 72-5-23 or 72-5-24 NMSA 1978. Any person, association or corporation, public or private, the state or the United States intending to construct a dam that exceeds ten feet in height from the lowest natural ground surface elevation to the crest of the dam or impounds more than ten acre-feet of water shall submit on a form prescribed by the state engineer detailed plans to the state engineer for approval before construction. If the state engineer finds that the dam design is safe, he shall approve the plans; provided that this section shall not apply to erosion control structures whose maximum storage capacity does not exceed ten acre-feet and are constructed for the sole purpose of sediment control. An erosion control structure shall not impound surface water in any amount for fishing,

fish propagation, recreation or aesthetic purposes, which shall require a permit pursuant to Section 72-5-1 NMSA 1978."

Chapter 86 Section 2 Laws 2004

Section 2. Section 72-9-3 NMSA 1978 (being Laws 1907, Chapter 49, Section 74, as amended) is amended to read:

"72-9-3. STOCK WATER.--

A. Any stockmen or stock owners desiring to impound any of the surface waters of the state for watering of livestock shall apply to the state engineer on a form prescribed by the state engineer. If the capacity of the proposed impoundment is ten acre-feet or less, the applicant shall meet the requirements of this section. If the capacity of the proposed impoundment exceeds ten acre-feet, the applicant shall meet the requirements of filing applications for the appropriation and use of water pursuant to Section 72-5-1, 72-5-22, 72-5-23 or 72-5-24 NMSA 1978.

B. Upon the filing of an application pursuant to this section, if the state engineer finds that the capacity of the proposed impoundment is ten acre-feet or less, will not be on a perennial stream and will be used for watering of livestock as defined in Subsection D of this section, the state engineer shall issue a permit to the applicant to impound and use the waters applied for; provided that as part of an application for an impoundment on state or federal land, the applicant submits proof that the applicant is legally entitled to place livestock on the state or federal land where the water is to be impounded and has been granted access to the site and has permission to occupy the portion of the state or federal land as is necessary for the impoundment.

C. This section shall only apply to impoundments constructed for the watering of livestock after the effective date of this 2004 act.

D. As used in this section, "livestock" means "livestock" as defined in Section 77-2-1.1 NMSA 1978 and this section applies only to the impoundment of surface water for the purpose of watering livestock. Watering of livestock does not include an impoundment of surface or ground water in any amount for fishing, fish propagation, recreation or aesthetic purposes, which shall require a permit pursuant to Section 72-5-1 NMSA 1978. In determining whether an impoundment will be used for the watering of livestock, the state engineer may consider the maximum amount of water required per livestock unit and shall take into account regional and climatic conditions that affect consumption."

Senate Bill 301, aa, wo/ec
Approved March 8, 2004

LAWS 2004, CHAPTER 87

AN ACT

RELATING TO PRODUCED WATER; ALLOWING FOR THE DISPOSITION OF PRODUCED WATER WITHOUT STATE ENGINEER APPROVAL.

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

Chapter 87 Section 1 Laws 2004

Section 1. DISPOSITION OF PRODUCED WATER--NO PERMIT REQUIRED.-- No permit shall be required from the state engineer for the disposition of produced water in accordance with rules promulgated pursuant to Section 70-2-12 NMSA 1978 by the oil conservation division of the energy, minerals and natural resources department.

Chapter 87 Section 2 Laws 2004

Section 2. Section 70-2-12 NMSA 1978 (being Laws 1978, Chapter 71, Section 1, as amended) is amended to read:

"70-2-12. ENUMERATION OF POWERS.--

A. Included in the power given to the oil conservation division of the energy, minerals and natural resources department is the authority to collect data; to make investigations and inspections; to examine properties, leases, papers, books and records; to examine, check, test and gauge oil and gas wells, tanks, plants, refineries and all means and modes of transportation and equipment; to hold hearings; to provide for the keeping of records and the making of reports and for the checking of the accuracy of the records and reports; to limit and prorate production of crude petroleum oil or natural gas or both as provided in the Oil and Gas Act; and to require either generally or in particular areas certificates of clearance or tenders in connection with the transportation of crude petroleum oil or natural gas or any products of either or both oil and products or both natural gas and products.

B. Apart from any authority, express or implied, elsewhere given to or existing in the oil conservation division by virtue of the Oil and Gas Act or the statutes of this state, the division is authorized to make rules, regulations and orders for the purposes and with respect to the subject matter stated in this subsection:

(1) to require dry or abandoned wells to be plugged in a way to confine the crude petroleum oil, natural gas or water in the strata in which it is found and to prevent it from escaping into other strata; the division shall require a cash or surety bond in a sum not to exceed fifty thousand dollars (\$50,000) conditioned for the performance of such regulations;

(2) to prevent crude petroleum oil, natural gas or water from escaping from strata in which it is found into other strata;

(3) to require reports showing locations of all oil or gas wells and for the filing of logs and drilling records or reports;

(4) to prevent the drowning by water of any stratum or part thereof capable of producing oil or gas or both oil and gas in paying quantities and to prevent the

premature and irregular encroachment of water or any other kind of water encroachment that reduces or tends to reduce the total ultimate recovery of crude petroleum oil or gas or both oil and gas from any pool;

(5) to prevent fires;

(6) to prevent "blow-ups" and "caving" in the sense that the conditions indicated by such terms are generally understood in the oil and gas business;

(7) to require wells to be drilled, operated and produced in such manner as to prevent injury to neighboring leases or properties;

(8) to identify the ownership of oil or gas producing leases, properties, wells, tanks, refineries, pipelines, plants, structures and all transportation equipment and facilities;

(9) to require the operation of wells with efficient gas-oil ratios and to fix such ratios;

(10) to fix the spacing of wells;

(11) to determine whether a particular well or pool is a gas or oil well or a gas or oil pool, as the case may be, and from time to time to classify and reclassify wells and pools accordingly;

(12) to determine the limits of any pool producing crude petroleum oil or natural gas or both and from time to time redetermine the limits;

(13) to regulate the methods and devices employed for storage in this state of oil or natural gas or any product of either, including subsurface storage;

(14) to permit the injection of natural gas or of any other substance into any pool in this state for the purpose of repressuring, cycling, pressure maintenance, secondary or any other enhanced recovery operations;

(15) to regulate the disposition of water produced or used in connection with the drilling for or producing of oil or gas or both and to direct surface or subsurface disposal of the water, including disposition by use in drilling for or production of oil or gas, in road construction or maintenance or other construction, in the generation of electricity or in other industrial processes, in a manner that will afford reasonable protection against contamination of fresh water supplies designated by the state engineer;

(16) to determine the limits of any area containing commercial potash deposits and from time to time redetermine the limits;

(17) to regulate and, where necessary, prohibit drilling or producing operations for oil or gas within any area containing commercial deposits of potash where the operations would have the effect unduly to reduce the total quantity of the commercial deposits

of potash that may reasonably be recovered in commercial quantities or where the operations would interfere unduly with the orderly commercial development of the potash deposits;

(18) to spend the oil and gas reclamation fund and do all acts necessary and proper to plug dry and abandoned oil and gas wells and to restore and remediate abandoned well sites and associated production facilities in accordance with the provisions of the Oil and Gas Act, the rules and regulations adopted under that act and the Procurement Code, including disposing of salvageable equipment and material removed from oil and gas wells being plugged by the state;

(19) to make well price category determinations pursuant to the provisions of the federal Natural Gas Policy Act of 1978 or any successor act and, by regulation, to adopt fees for such determinations, which fees shall not exceed twenty-five dollars (\$25.00) per filing. Such fees shall be credited to the account of the oil conservation division by the state treasurer and may be expended as authorized by the legislature;

(20) to regulate the construction and operation of oil treating plants and to require the posting of bonds for the reclamation of treating plant sites after cessation of operations;

(21) to regulate the disposition of nondomestic wastes resulting from the exploration, development, production or storage of crude oil or natural gas to protect public health and the environment; and

(22) to regulate the disposition of nondomestic wastes resulting from the oil field service industry, the transportation of crude oil or natural gas, the treatment of natural gas or the refinement of crude oil to protect public health and the environment, including administering the Water Quality Act as provided in Subsection E of Section 74-6-4 NMSA 1978."

Chapter 87 Section 3 Laws 2004

Section 3. Section 70-2-33 NMSA 1978 (being Laws 1935, Chapter 72, Section 24, as amended) is amended to read:

"70-2-33. DEFINITIONS.--As used in the Oil and Gas Act:

A. "person" means:

(1) any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate or other entity; or

(2) the United States or any agency or instrumentality thereof or the state or any political subdivision thereof;

B. "pool" means an underground reservoir containing a common accumulation of crude petroleum oil or natural gas or both. Each zone of a general structure, which zone is completely separate from any other zone in the structure, is covered by the word pool as used in the Oil and Gas Act. Pool is synonymous with "common source of supply" and with "common reservoir";

C. "field" means the general area that is underlaid or appears to be underlaid by at least one pool and also includes the underground reservoir or reservoirs containing the crude petroleum oil or natural gas or both. The words field and pool mean the same thing when only one underground reservoir is involved; however, field, unlike pool, may relate to two or more pools;

D. "product" means any commodity or thing made or manufactured from crude petroleum oil or natural gas and all derivatives of crude petroleum oil or natural gas, including refined crude oil, crude tops, topped crude, processed crude petroleum, residue from crude petroleum, cracking stock, uncracked fuel oil, treated crude oil, fuel oil, residuum, gas oil, naphtha, distillate, gasoline, kerosene, benzine, wash oil, waste oil, lubricating oil and blends or mixtures of crude petroleum oil or natural gas or any derivative thereof;

E. "owner" means the person who has the right to drill into and to produce from any pool and to appropriate the production either for himself or for himself and another;

F. "producer" means the owner of a well capable of producing oil or natural gas or both in paying quantities;

G. "gas transportation facility" means a pipeline in operation serving gas wells for the transportation of natural gas or some other device or equipment in like operation whereby natural gas produced from gas wells connected therewith can be transported or used for consumption;

H. "correlative rights" means the opportunity afforded, so far as it is practicable to do so, to the owner of each property in a pool to produce without waste his just and equitable share of the oil or gas or both in the pool, being an amount, so far as can be practicably determined and so far as can be practicably obtained without waste, substantially in the proportion that the quantity of recoverable oil or gas or both under the property bears to the total recoverable oil or gas or both in the pool and, for such purpose, to use his just and equitable share of the reservoir energy;

I. "potash" means the naturally occurring bedded deposits of the salts of the element potassium;

J. "casinghead gas" means any gas or vapor or both indigenous to an oil stratum and produced from such stratum with oil, including any residue gas remaining after the processing of casinghead gas to remove its liquid components; and

K. "produced water" means water that is an incidental byproduct from drilling for or the production of oil and gas."

Senate Bill 313, aa, w/cc
Approved March 8, 2004

LAWS 2004, CHAPTER 88

AN ACT

RELATING TO THE ENVIRONMENT; AMENDING THE GROUND WATER PROTECTION ACT TO PROVIDE FOR EXPENDITURES FROM THE CORRECTIVE ACTION FUND; MAKING AN APPROPRIATION.

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

Chapter 88 Section 1 Laws 2004

Section 1. Section 74-6B-7 NMSA 1978 (being Laws 1990, Chapter 124, Section 7, as amended) is amended to read:

"74-6B-7. CORRECTIVE ACTION FUND CREATED--AUTHORIZATION FOR EXPENDITURES.--

A. There is created the "corrective action fund". The fund is intended to provide for financial assurance coverage and shall be used by the department to the extent that revenues are available to take corrective action in response to a release, to pay for the costs of a minimum site assessment in excess of ten thousand dollars (\$10,000), to pay the state's share of federal leaking underground storage tank trust fund cleanup costs as required by the federal Resource Conservation and Recovery Act and to make payments to or on behalf of owners and operators for corrective action taken in accordance with Section 74-6B-13 NMSA 1978. The legislature may appropriate up to thirty percent of the annual distribution to the fund pursuant to Section 7-1-6.25 NMSA 1978 to the department to match federal funds, for underground contamination cleanup, and to address water needs. The owner or operator of a site shall not use the corrective action fund as evidence of financial assurance to satisfy claims of third parties.

B. The board, after recommendations from the storage tank committee, shall adopt rules for establishing priorities for corrective action at sites contaminated by storage tanks. The priorities for corrective action shall be based on public health, safety and welfare and environmental concerns. In adopting rules pursuant to this subsection, the board shall follow the procedures of Section 74-4-5 NMSA 1978. The provisions of that section relating to all other matters in connection with the adoption of rules shall apply. The department shall establish priority lists of sites in accordance with the rules adopted by the board.

C. The department shall make expenditures from the corrective action fund in accordance with rules adopted by the board or the secretary for corrective action taken by the state, owners or operators at sites contaminated by storage tanks; provided that:

(1) payments may be made only for corrective action taken by persons qualified by the department to perform the work pursuant to rules adopted by the board;

(2) no expenditures from the fund shall be paid to or on behalf of an owner or operator for corrective action, other than a minimum site assessment or sampling, if the corrective action is conducted by a person that is a subsidiary or parent of or that is otherwise affiliated with the owner or operator;

(3) expenditures shall be made by the department to perform corrective action, to pay for the costs of minimum site assessment in excess of ten thousand dollars

(\$10,000) or to make payments to or on behalf of an owner or operator in accordance with Section 74-6B-13 NMSA 1978;

(4) any corrective action taken shall be taken at sites in the order of priority appearing on the priority lists, unless an emergency threat to public health, safety and welfare or to the environment exists;

(5) when available revenues are limited and the fund can no longer be approved as a financial responsibility mechanism, priorities for expenditures from the fund shall also be based on financial need as determined by rules adopted by the board; and

(6) corrective action involving remediation shall follow a competitive bidding procedure based on technical merit and cost effectiveness.

D. No expenditure from the corrective action fund shall be authorized for corrective action at sites owned or operated by the United States or any agency or instrumentality thereof.

E. Nothing in this section authorizes payments for the repair or replacement of a storage tank or equipment.

F. Nothing in this section authorizes payments or commitments for payments in excess of the funds available.

G. The board, by rule, may provide for a specific amount to be reserved in the fund for emergencies. The amount reserved may be expended by the department only for corrective action necessary when an emergency threat to public health, safety and welfare or to the environment exists.

H. Within sixty days after receipt of notification that the corrective action fund has become incapable of paying for assured corrective actions, the owner or operator shall obtain alternative financial assurance acceptable to the department."

House Bill 19, aa
Approved March 8, 2004

LAWS 2004, CHAPTER 89

AN ACT

RELATING TO PUBLIC WORKS; REQUIRING REGISTRATION OF CERTAIN CONTRACTORS AND SUBCONTRACTORS; IMPOSING A FEE; CREATING A FUND; PROVIDING FOR REMEDIES; MAKING AN APPROPRIATION.

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

Chapter 89 Section 1 Laws 2004

Section 1. A new section of the Public Works Minimum Wage Act is enacted to read:

"PUBLIC WORKS CONTRACTS--REGISTRATION OF CONTRACTORS AND SUBCONTRACTORS.--

A. Except as otherwise provided in this subsection, a contractor or subcontractor that submits a bid valued at more than fifty thousand dollars (\$50,000) for a public works project that is subject to the Public Works Minimum Wage Act shall be registered with the labor and industrial division of the labor department. All tiers of subcontractors shall be subject to the requirements of this subsection. Bidding documents issued or released by a state agency shall include notification that the contractor or subcontractor is required to register pursuant to this subsection. The provisions of this section do not apply to vocational classes in public schools or public post-secondary educational institutions.

B. The state or any political subdivision of the state shall not accept a bid on a public works project subject to the Public Works Minimum Wage Act from a contractor that does not provide proof of required registration for itself or its subcontractors.

C. Contractors and subcontractors may register with the division on a form provided by the division and in accordance with labor department rules. The division shall charge an annual registration fee of two hundred dollars (\$200). The division shall issue to the applicant a certificate of registration within fifteen days after receiving from the applicant the completed registration form and the registration fee.

D. Registration fees collected by the division shall be deposited in the labor enforcement fund."

Chapter 89 Section 2 Laws 2004

Section 2. A new section of the Public Works Minimum Wage Act is enacted to read:

"LABOR ENFORCEMENT FUND--CREATION--USE.--The "labor enforcement fund" is created in the state treasury. The fund shall consist of contractor and subcontractor registration fees collected by the labor and industrial division of the labor department and all investment and interest income from the fund. The fund shall be administered by the division and money in the fund is appropriated to the division for administration and enforcement of the Public Works Minimum Wage Act. Money in the fund shall not revert to the general fund at the end of a fiscal year."

Chapter 89 Section 3 Laws 2004

Section 3. A new section of the Public Works Minimum Wage Act is enacted to read:

"REGISTRATION CANCELLATION, REVOCATION, SUSPENSION--INJUNCTIVE RELIEF.--The director of the labor and industrial division of the labor department may:

A. cancel, revoke or suspend with conditions, including probation, the registration of any party required to be registered pursuant to the Public Works Minimum Wage Act for failure to comply with the registration provisions or for good cause, subject to appeal pursuant to Section 13-4-15 NMSA 1978; and

B. seek injunctive relief in district court for failure to comply with the registration provisions of the Public Works Minimum Wage Act."

House Bill 471, aa
Approved March 8, 2004

LAWS 2004, CHAPTER 90

AN ACT

RELATING TO TOBACCO; CLARIFYING THE STATUTORY RELEASE FOR NONPARTICIPATING MANUFACTURERS; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Chapter 90 Section 1 Laws 2004

Section 1. Section 6-4-13 NMSA 1978 (being Laws 1999, Chapter 208, Section 2) is amended to read:

"6-4-13. REQUIREMENTS.--

A. Any tobacco product manufacturer selling cigarettes to consumers within the state (whether directly or through a distributor, retailer or similar intermediary or intermediaries) after the date of enactment of this act shall do one of the following:

(1) become a participating manufacturer (as that term is defined in section 11(jj) of the master settlement agreement) and generally perform its financial obligations under the master settlement agreement; or

(2) place into a qualified escrow fund by April 15 of the year following the year in question the following amounts (as such amounts are adjusted for inflation):

(a) 1999: \$.0094241 per unit sold after the date of enactment of this act;

(b) 2000: \$.0104712 per unit sold;

(c) for each of 2001 and 2002: \$.0136125 per unit sold;

(d) for each of 2003 through 2006: \$.0167539 per unit sold; and

(e) for each of 2007 and each year thereafter: \$.0188482 per unit sold.

B. A tobacco product manufacturer that places funds into escrow pursuant to Paragraph (2) of Subsection A of this section shall receive the interest or other appreciation on such funds as earned. Such funds themselves shall be released from escrow only under the following circumstances:

(1) to pay a judgment or settlement on any released claim brought against such tobacco product manufacturer by the state or any releasing party located or residing in the state. Funds shall be released from escrow under this paragraph:

(a) in the order in which they were placed into escrow; and

(b) only to the extent and at the time necessary to make payments required under such judgment or settlement;

(2) to the extent that a tobacco product manufacturer establishes that the amount it was required to place into escrow on account of units sold in the state in a particular year was greater than the master settlement agreement payments, as determined pursuant to section IX(i) of that agreement, including after final determination of all adjustments, that such manufacturer would have been required to make an account of such units sold had it been a participating manufacturer, the excess shall be released from escrow and revert back to such tobacco product manufacturer; or

(3) to the extent not released from escrow under Paragraphs (1) or (2) of this subsection, funds shall be released from escrow and revert back to such tobacco product manufacturer twenty-five years after the date on which they were placed into escrow.

C. Each tobacco product manufacturer that elects to place funds into escrow pursuant to Paragraph (2) of Subsection A of this section shall annually certify to the attorney general that it is in compliance with Paragraph (2) of Subsection A of this section and Subsection B of this section. The attorney general may bring a civil action on behalf of the state against any tobacco product manufacturer that fails to place into escrow the funds required under Paragraph (2) of Subsection A of this section and Subsection B of this section. Any tobacco product manufacturer that fails in any year to place into escrow the funds required under Paragraph (2) of Subsection A of this section and Subsection B of this section shall:

(1) be required within fifteen days to place such funds into escrow as shall bring it into compliance with Paragraph (2) of Subsection A of this section and Subsection B of this section. The court, upon a finding of a violation of Paragraph (2) of Subsection A of this section or Subsection B of this section, may impose a civil penalty to be paid to the state general fund in an amount not to exceed five percent of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed one hundred percent of the original amount improperly withheld from escrow;

(2) in the case of a knowing violation, be required within fifteen days to place such funds into escrow as shall bring it into compliance with Paragraph (2) of Subsection A of this section and Subsection B of this section. The court, upon a finding of a knowing violation of Paragraph (2) of Subsection A of this section or Subsection B of this section, may

impose a civil penalty to be paid to the state general fund in an amount not to exceed fifteen percent of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed three hundred percent of the original amount improperly withheld from escrow; and

(3) in the case of a second knowing violation, be prohibited from selling cigarettes to consumers within the state (whether directly or through a distributor, retailer or similar intermediary) for a period not to exceed two years.

Each failure to make an annual deposit required under Paragraph (2) of Subsection A of this section shall constitute a separate violation."

Chapter 90 Section 2 Laws 2004

Section 2. A new Section 6-4-13.1 NMSA 1978 is enacted to read:

"6-4-13.1. SEVERABILITY.--If the 2004 amendment to Paragraph (2) of Subsection B of Section 6-4-13 NMSA 1978 is held by a court of competent jurisdiction to be unconstitutional, then Paragraph (2) of Subsection B of Section 6-4-13 NMSA 1978 shall be deemed to be repealed in its entirety. If Subsection B of Section 6-4-13 NMSA 1978 is thereafter held by a court of competent jurisdiction to be unconstitutional, then the 2004 amendment shall be deemed repealed and Paragraph (2) of Subsection B of Section 6-4-13 NMSA 1978 shall be restored as if no such amendment had been made. Neither a holding of unconstitutionality nor the repeal of Paragraph (2) of Subsection B of Section 6-4-13 NMSA 1978 shall affect, impair or invalidate any other portion of Sections 6-4-12 and 6-4-13 NMSA 1978, or the application of such sections to any other person or circumstance, and such remaining portions of Sections 6-4-12 and 6-4-13 NMSA 1978 shall at all times continue in full force and effect."

House Bill 84
Approved March 9, 2004

LAWS 2004, CHAPTER 91

AN ACT

MAKING AN APPROPRIATION TO THE DRINKING WATER STATE REVOLVING LOAN FUND; DECLARING AN EMERGENCY.

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

Chapter 91 Section 1 Laws 2004

Section 1. APPROPRIATION.--Pursuant to the provisions of Section 6-21-6.1 NMSA 1978, one million six hundred thousand eight hundred twenty dollars (\$1,600,820) is appropriated from the public project revolving fund to the drinking water state revolving loan fund for expenditure in fiscal year 2004 and subsequent fiscal years to carry out the purposes of the Drinking Water State Revolving Loan Fund Act. Any

unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the public project revolving fund.

Chapter 91 Section 2 Laws 2004

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

House Bill 100, w/ec
Approved March 9, 2004

LAWS 2004, CHAPTER 92

AN ACT

RELATING TO TEACHERS; REQUIRING THE PUBLIC EDUCATION DEPARTMENT TO ISSUE SUBSTITUTE TEACHER CERTIFICATES.

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

Chapter 92 Section 1 Laws 2004

Section 1. Section 22-10A-15 NMSA 1978 (being Laws 2003, Chapter 153, Section 46) is amended to read:

"22-10A-15. SUBSTITUTE TEACHER CERTIFICATE.--The department shall provide by rule for the qualifications for a substitute teacher certificate. Substitute teacher certificates shall be issued by the department."

Chapter 92 Section 2 Laws 2004

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2004.

Senate Bill 149
Approved March 9, 2004

LAWS 2004, CHAPTER 93

AN ACT

RELATING TO UNEMPLOYMENT INSURANCE; AMENDING A CERTAIN SECTION OF THE UNEMPLOYMENT COMPENSATION LAW CONCERNING CLAIMS ADJUDICATION.

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

Chapter 93 Section 1 Laws 2004

Section 1. Section 51-1-8 NMSA 1978 (being Laws 1936 (S.S.), Chapter 1, Section 6, as amended) is amended to read:

"51-1-8. CLAIMS FOR BENEFITS.--

A. Claims for benefits shall be made in accordance with such regulations as the secretary may prescribe. Each employer shall post and maintain printed notices, in places readily accessible to employees, concerning their rights to file claims for unemployment benefits upon termination of their employment. Such notices shall be supplied by the division to each employer without cost to the employer.

B. A representative designated by the secretary as a claims examiner shall promptly examine the application and each weekly claim and, on the basis of the facts found, shall determine whether the claimant is unemployed, the week with respect to which benefits shall commence, the weekly benefit amount payable, the maximum duration of benefits, whether the claimant is eligible for benefits pursuant to Section 51-1-5 NMSA 1978 and whether the claimant shall be disqualified pursuant to Section 51-1-7 NMSA 1978. With the approval of the secretary, the claims examiner may refer, without determination, claims or any specified issues involved therein that raise complex questions of fact or law to a hearing officer for the division for a fair hearing and decision in accordance with the procedure described in Subsection D of this section. The claims examiner shall promptly notify the claimant and any other interested party of the determination and the reasons therefor. Unless the claimant or interested party, within fifteen calendar days after the date of notification or mailing of the determination, files an appeal from the determination, the determination shall be the final decision of the division; provided that the claims examiner may reconsider a nonmonetary determination if additional information not previously available is provided or obtained or whenever the claims examiner finds an error in the application of law has occurred, but no redetermination shall be made more than twenty days from the date of the initial nonmonetary determination. Notice of a nonmonetary redetermination shall be given to all interested parties and shall be subject to appeal in the same manner as the original nonmonetary determination. If an appeal is pending at the time a redetermination is issued, the appeal, unless withdrawn, shall be treated as an appeal from the redetermination.

C. In the case of a claim for waiting period credit or benefits, "interested party", for purposes of determinations and adjudication proceedings and notices thereof, means:

(1) in the event of an issue concerning a separation from work for reasons other than lack of work, the claimant's most recent employer or most recent employing unit;

(2) in the event of an issue concerning a separation from work for lack of work, the employer or employing unit from whom the claimant separated for reasons other than lack of work if the claimant has not worked and earned wages in insured work or bona fide employment other than self-employment in an amount equal to or exceeding five times the claimant's weekly benefit amount; or

(3) in all other cases involving the allowance or disallowance of a claim, the secretary, the claimant and any employing unit directly involved in the facts at issue.

D. Upon appeal by any party, a hearing officer designated by the secretary shall afford the parties reasonable opportunity for a fair hearing to be held de novo, and the hearing officer shall issue findings of fact and a decision which affirms, modifies or reverses the determination of the claims examiner or tax representative on the facts or the law, based upon the evidence introduced at such hearing, including the documents and statements in the claim or tax records of the division. All hearings shall be held in accordance with regulations of the secretary and decisions issued promptly in accordance with time lapse standards promulgated by the secretary of the United States department of labor. The parties shall be duly notified of the decision, together with the reasons therefor, which shall be deemed to be the final decision of the department, unless within fifteen days after the date of notification or mailing of the decision further appeal is initiated pursuant to Subsection H of this section.

E. Except with the consent of the parties, no hearing officer or members of the board of review, established in Subsection F of this section, or secretary shall sit in any administrative or adjudicatory proceeding in which:

(1) either of the parties is related to the hearing officer, member of the board of review or secretary by affinity or consanguinity within the degree of first cousin;

(2) the hearing officer, member of the board of review or secretary was counsel for either party in that action; or

(3) the hearing officer, member of the board of review or secretary has an interest which would prejudice the rendering of an impartial decision.

The secretary, any member of the board of review or appeal tribunal hearing officer shall withdraw from any proceeding in which the hearing officer, member of the board of review or secretary cannot accord a fair and impartial hearing or when a reasonable person would seriously doubt whether the hearing officer, board member or secretary could be fair and impartial. Any party may request a disqualification of any appeal tribunal hearing officer or board of review member by filing an affidavit with the board of review or appeal tribunal promptly upon discovery of the alleged grounds for disqualification, stating with particularity the grounds upon which it is claimed that the person cannot be fair and impartial. The disqualification shall be mandatory if sufficient factual basis is set forth in the affidavit of disqualification. If a member of the board of review is disqualified or withdraws from any proceeding, the remaining members of the board of review may appoint an appeal tribunal hearing officer to sit on the board of review for the proceeding involved.

F. There is established within the department, for the purpose of providing higher level administrative appeal and review of determinations of a claims examiner or decisions issued by a hearing officer pursuant to Subsection B or D of this section, a "board of review" consisting of three members. Two members shall be appointed by the governor with the consent of the senate. The members so appointed shall hold office at the pleasure of the governor for terms of four years. One member appointed by the governor shall be a person who, on account of previous vocation, employment or affiliation, can be classed as a representative of employers, and the other member appointed by the governor shall be a person who, on account of previous vocation, employment or affiliation, can be classed as a representative of employees. The third member shall be an employee of the department appointed by the secretary who shall serve as chairman of the board. Either member of the board of review appointed by the governor who has missed two consecutive meetings of the

board may be removed from the board by the governor. Actions of the board shall be taken by majority vote. If a vacancy on the board in a position appointed by the governor occurs between sessions of the legislature, the position shall be filled by the governor until the next regular legislative session. The board shall meet at the call of the secretary. Members of the board appointed by the governor shall be paid per diem and mileage in accordance with the Per Diem and Mileage Act for necessary travel to attend regularly scheduled meetings of the board of review for the purpose of conducting the board's appellate and review duties.

G. The board of review shall hear and review all cases appealed in accordance with Subsection H of this section. The board of review may modify, affirm or reverse the decision of the hearing officer or remand any matter to the claims examiner, tax representative or hearing officer for further proceedings. Each member appointed by the governor shall be compensated at the rate of fifteen dollars (\$15.00) for each case reviewed up to a maximum compensation of twelve thousand dollars (\$12,000) in any one fiscal year.

H. Any party aggrieved by a final decision of a hearing officer may file, in accordance with regulations prescribed by the secretary, an application for appeal and review of the decision with the secretary. The secretary shall review the application and shall, within fifteen days after receipt of the application, either affirm the decision of the hearing officer, reverse the decision of the hearing officer, modify the decision of the hearing officer, remand the matter to the hearing officer, tax representative or claims examiner for an additional hearing or refer the decision to the board of review for further review and decision on the merits of the appeal. If the secretary affirms, reverses or modifies the decision of the hearing officer, that decision shall be the final administrative decision of the department and any appeal therefrom shall be taken to the district court in accordance with the provisions of Subsections M and N of this section. If the secretary remands a matter to a hearing officer, tax representative or claims examiner for an additional hearing, judicial review shall be permitted only after issuance of a final administrative decision. If the secretary refers the decision of the hearing officer to the board of review for further review, the board's decision on the merits of the appeal shall be the final administrative decision of the department, which may be appealed to the district court in accordance with the provisions of Subsections M and N of this section. If the secretary takes no action within fifteen days of receipt of the application for appeal and review, the decision shall be promptly scheduled for review by the board of review as though it had been referred by the secretary. The secretary may request the board of review to review a decision of a hearing officer that the secretary believes to be inconsistent with the law or with applicable rules of interpretation or that is not supported by the evidence, and the board of review shall grant the request if it is filed within fifteen days of the issuance of the decision of the hearing officer. The secretary may also direct that any pending determination or adjudicatory proceeding be removed to the board of review for a final decision. If the board of review holds a hearing on any matter, the hearing shall be conducted by a quorum of the board of review in accordance with regulations prescribed by the secretary for hearing appeals. The board of review shall promptly notify the interested parties of its findings of fact and decision. A decision of the board of review on any disputed matter reviewed and decided by it shall be based upon the law and the lawful rules of interpretation issued by the secretary, and it shall be the final administrative decision of the department, except in cases of remand. If the board of review remands a matter to a hearing officer, claims examiner or tax representative, judicial review shall be permitted only after issuance of a final administrative decision.

I. Notwithstanding any other provision of this section granting any party the right to appeal, benefits shall be paid promptly in accordance with a determination or a decision of a

claims examiner, hearing officer, secretary, board of review or reviewing court, regardless of the pendency of the period to file an appeal or petition for judicial review that is provided with respect thereto in Subsection D or M of this section or the pendency of any such filing or petition until such determination or decision has been modified or reversed by a subsequent decision. The provisions of this subsection shall apply to all claims for benefits pending on the date of its enactment.

J. If a prior determination or decision allowing benefits is affirmed by a decision of the department, including the board of review or a reviewing court, the benefits shall be paid promptly regardless of any further appeal which may thereafter be available to the parties, and no injunction, supersedeas, stay or other writ or process suspending the payment of benefits shall be issued by the secretary or board of review or any court, and no action to recover benefits paid to a claimant shall be taken. If a determination or decision allowing benefits is finally modified or reversed, the appropriate contributing employer's account will be relieved of benefit charges in accordance with Subsection B of Section 51-1-11 NMSA 1978.

K. The manner in which disputed claims shall be presented, the reports thereon required from the claimant and from employers and the conduct of hearings and appeals shall be in accordance with rules prescribed by the secretary for determining the rights of the parties, whether or not the rules conform to common law or statutory rules of evidence and other technical rules of procedure. A hearing officer or the board of review may refer to the secretary for interpretation any question of controlling legal significance, and the secretary shall issue a declaratory interpretation, which shall be binding upon the decision of the hearing officer and the board of review. A full and complete record shall be kept of all proceedings in connection with a disputed claim. All testimony at any hearing upon a disputed claim shall be recorded but need not be transcribed unless the disputed claim is appealed to the district court.

L. Witnesses subpoenaed pursuant to this section shall be allowed fees at a rate fixed by the secretary. Such fees and all administrative expenses of proceedings involving disputed claims shall be deemed a part of the expense of administering the Unemployment Compensation Law.

M. Any determination or decision of a claims examiner or hearing officer or by a representative of the tax section of the department in the absence of an appeal therefrom as provided by this section shall become final fifteen days after the date of notification or mailing thereof, and judicial review thereof shall be permitted only after any party claiming to be aggrieved thereby has exhausted the remedies as provided in Subsection H of this section. The division and any employer or claimant who is affected by the decision shall be joined as a party in any judicial action involving the decision. All parties shall be served with an endorsed copy of the petition within thirty days from the date of filing and an endorsed copy of the order granting the petition within fifteen days from entry of the order. Service on the department shall be made on the secretary or his designated legal representative either by mail with accompanying certification of service or by personal service. The division may be represented in a judicial action by an attorney employed by the department or, when requested by the secretary, by the attorney general or any district attorney.

N. The final decision of the secretary or board of review upon any disputed matter may be reviewed both upon the law, including the lawful rules of interpretation issued by the secretary, and the facts by the district court of the county wherein the person seeking the review resides upon certiorari, unless it is determined by the district court where the petition is

filed that, as a matter of equity and due process, venue should be in a different county. For the purpose of the review, the division shall return on certiorari the reports and all of the evidence heard by it on the reports and all the papers and documents in its files affecting the matters and things involved in such certiorari. The district court shall render its judgment after hearing, and either the department or any other party affected may appeal from the judgment to the court of appeals in accordance with the rules of appellate procedure. Certiorari shall not be granted unless applied for within thirty days from the date of the final decision of the secretary or board of review. Certiorari shall be heard in a summary manner and shall be given precedence over all other civil cases except cases arising under the Workers' Compensation Act.

It is not necessary in any proceedings before the division to enter exceptions to the rulings, and no bond shall be required in obtaining certiorari from the district court, but certiorari shall be granted as a matter of right to the party applying therefor."

Senate Bill 100, wo/ec
Approved March 9, 2004

LAWS 2004, CHAPTER 94

AN ACT

RELATING TO HEALTH CARE FOR INDIGENTS; REVISING REIMBURSEMENT CRITERIA FOR CERTAIN SERVICES IN AN OUTPATIENT SETTING.

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

Chapter 94 Section 1 Laws 2004

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. "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;

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

C. "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 himself and his dependents on present income and liquid assets available to him but, taking into consideration this income and those assets and his

requirement for other necessities of life for himself and his dependents, is unable to pay the cost of the ambulance transportation or medical care administered or both. If provided by resolution of a board, it shall not include any person whose annual income together with his 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. The term "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;

D. "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;

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

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

H. "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;

I. "department" means the human services department;

J. "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;

K. "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;

L. "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;

M. "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;

N. "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;

O. "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;

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; and

Q. "commission" means the New Mexico health policy commission."

Chapter 94 Section 2 Laws 2004

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2004.

Senate Bill 109, aa
Approved March 9, 2004

LAWS 2004, CHAPTER 95

AN ACT

RELATING TO PUBLIC PROPERTY; RECONCILING MULTIPLE AMENDMENTS IN LAWS 2003; DECLARING AN EMERGENCY.

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

Chapter 95 Section 1 Laws 2004

Section 1. Section 13-6-2 NMSA 1978 (being Laws 1979, Chapter 195, Section 3, as amended by Laws 2003, Chapter 203, Section 1 and by Laws 2003, Chapter 349, Section 21) is amended to read:

"13-6-2. SALE OF PROPERTY BY STATE AGENCIES OR LOCAL PUBLIC BODIES-- AUTHORITY TO SELL OR DISPOSE OF PROPERTY--APPROVAL OF APPROPRIATE APPROVAL AUTHORITY.--

A. Providing a written determination has been made, a state agency, local public body, school district or state educational institution may sell or otherwise dispose of real or tangible personal property belonging to the state agency, local public body, school district or state educational institution.

B. A state agency, local public body, school district or state educational institution may sell or otherwise dispose of real property:

(1) by negotiated sale or donation to an Indian nation, tribe or pueblo located wholly or partially in New Mexico, or to a governmental unit of an Indian nation, tribe or pueblo in New Mexico, that is authorized to purchase land and control activities on its land by an act of congress or to purchase land on behalf of the Indian nation, tribe or pueblo;

(2) by negotiated sale or donation to other state agencies, local public bodies, school districts or state educational institutions;

(3) through the central purchasing office of the state agency, local public body, school district or state educational institution by means of competitive sealed bid, public auction or negotiated sale to a private person or to an Indian nation, tribe or pueblo in New Mexico; or

(4) if a state agency, through the federal property assistance bureau of the general services department.

C. A state agency shall give the federal property assistance bureau of the general services department the right of first refusal to dispose of tangible personal property of the state agency. A school district may give the department the right of first refusal to dispose of tangible personal property of the school district.

D. Except as provided in Section 13-6-2.1 NMSA 1978 requiring state board of finance approval for certain transactions, sale or disposition of real or tangible personal property having a current resale value of more than five thousand dollars (\$5,000) may be made by a state agency, local public body, school district or state educational institution if the sale or disposition has been approved by the state budget division of the department of finance and administration for state agencies, the local government division of the department of finance and administration for local public bodies, the public education department for school districts and the commission on higher education for state educational institutions.

E. Prior approval of the appropriate approval authority is not required if the tangible personal property is to be used as a trade-in or exchange pursuant to the provisions of the Procurement Code.

F. The appropriate approval authority may condition the approval of the sale or other disposition of real or tangible personal property upon the property being offered for sale or donation to a state agency, local public body, school district or state educational institution.

G. The appropriate approval authority may credit a payment received from the sale of such real or tangible personal property to the governmental body making the sale. The state agency, local public body, school district or state educational institution may convey all or any interest in the real or tangible personal property without warranty.

H. This section shall not apply to:

(1) computer software of a state agency;

(2) those institutions specifically enumerated in Article 12, Section 11 of the constitution of New Mexico;

(3) the New Mexico state police division of the department of public safety;

(4) the state land office or the department of transportation;

(5) property acquired by a museum through abandonment procedures pursuant to the Abandoned Cultural Properties Act;

Funding Act; (6) leases of county hospitals with any person pursuant to the Hospital

(7) property acquired by the economic development department pursuant to the Statewide Economic Development Finance Act; and

(8) the state parks division of the energy, minerals and natural resources department."

Chapter 95 Section 2 Laws 2004

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

Senate Bill 184, aa, w/ec
Approved March 9, 2004

LAWS 2004, CHAPTER 96

AN ACT

RELATING TO MOTOR VEHICLES; AUTHORIZING NEIGHBORHOOD ELECTRIC CARS, UNDER CERTAIN CONDITIONS, TO BE DRIVEN ON CERTAIN STREETS, ROADWAYS AND HIGHWAYS.

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

Chapter 96 Section 1 Laws 2004

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

"NEIGHBORHOOD ELECTRIC CARS.--

A. As used in this section, "neighborhood electric car" means a four-wheeled electric motor vehicle that:

(1) has a maximum speed of more than twenty miles per hour but less than twenty-five miles per hour;

(2) complies with the federal requirements specified in 49 CFR 571.500;
and

(3) is equipped with head lamps, stop lamps, front and rear turn signal lamps, tail lamps, reflex reflectors, a parking brake, at least one interior and one exterior rear view mirror, a windshield, windshield wipers, a speedometer, an odometer, braking for each wheel, seat belts and a vehicle identification number.

B. Except as provided in Subsection C or D of this section, a neighborhood electric car, properly registered pursuant to the provisions of the Motor Vehicle Code, in compliance with the Mandatory Financial Responsibility Act and driven by an individual with a valid driver's license, may be operated on any street, roadway or highway under the jurisdiction of either the state or a local authority if the posted maximum speed limit is thirty-five miles per hour or less; provided, a neighborhood electric car may cross at an intersection or permitted crossing point at any street, roadway or highway that has a posted maximum speed limit higher than thirty-five miles per hour.

C. A local authority may prohibit the operation of neighborhood electric cars on any road under its jurisdiction if the governing body of the local authority determines that the prohibition is necessary in the interest of safety.

D. The department of transportation may prohibit the operation of neighborhood electric cars on any road under its jurisdiction if it determines that the prohibition is necessary in the interest of safety.

E. Neighborhood electric cars are exempt from the following provisions:

(1) the emblems or flashing lights requirement for slow-moving vehicles in Section 66-3-887 NMSA 1978;

(2) any requirement for vehicle emission inspections adopted by a local authority pursuant to Subsection C of Section 74-2-4 NMSA 1978; and

(3) the minimum motor displacement requirement of Paragraph (2) of Subsection A of Section 66-7-405 NMSA 1978."

Senate Bill 226, aa, w/cc
Approved March 9, 2004

LAWS 2004, CHAPTER 97

AN ACT

RELATING TO LOCAL GOVERNMENTS; AMENDING THE CIVIC AND CONVENTION CENTER FUNDING ACT TO INCREASE THE MAXIMUM RATE OF A CONVENTION CENTER FEE, TO ALLOW RATE DECREASES UNDER CERTAIN CIRCUMSTANCES AND TO BROADEN THE PURPOSES FOR WHICH FEE REVENUES MAY BE EXPENDED; DECLARING AN EMERGENCY.

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

Chapter 97 Section 1 Laws 2004

Section 1. Section 5-14-4 NMSA 1978 (being Laws 2003, Chapter 374, Section 4) is amended to read:

"5-14-4. IMPOSITION OF CONVENTION CENTER FEE--USE OF PROCEEDS.--

A. A local governmental entity that has met the requirements of Section 5-14-3 NMSA 1978 may impose by ordinance a fee on the use of a room at a lodging facility within the local governmental entity; provided that a fee imposed by a county shall only apply to lodging facilities located within twenty miles of the corporate limits of the qualified municipality. The fee may be referred to as the "convention center fee". The amount of the convention center fee shall not exceed two percent of the gross room revenue for each day the room is occupied by a vendee. The convention center fee may be imposed in increments and, pursuant to Subsection D of this section, may be decreased in increments.

B. The convention center fee shall be imposed only for the period necessary for payment of principal and interest on revenue bonds issued to accomplish the purpose for which the revenue is dedicated, but the period shall not exceed thirty years from the date of the ordinance imposing the fee.

C. A local governmental entity shall dedicate the revenue from the convention center fee at the time that the ordinance imposing the fee is enacted and limit the use of the revenue to the following:

(1) the design, construction, equipping, furnishing, landscaping and other costs associated with the development of a civic and convention center and adjoining parking garage located within the qualified municipality;

(2) payments of principal, interest or prior redemption premiums due in connection with and any other charges pertaining to revenue bonds authorized by the Civic and Convention Center Funding Act, including payments into any sinking fund or reserve fund required by the revenue bond ordinance;

(3) costs of collecting and otherwise administering the convention center fee; provided that administration costs shall not be paid if there are current payments due pursuant to Paragraph (2) of this subsection and that no more than ten percent of the revenue collected in any fiscal year shall be used to pay administration costs;

(4) operation costs of the civic and convention center and adjoining parking garage located within the qualified municipality; provided that no such costs shall be paid if there are current payments due pursuant to Paragraph (2) of this subsection; and

(5) payments into a capital reserve fund established for the future payment for capital maintenance and improvements and equipment replacement costs of the civic and convention center and adjoining parking garage located within the qualified municipality; provided that:

(a) no payments shall be made pursuant to this paragraph if there are current payments due pursuant to Paragraph (2) of this subsection; and

(b) at least once every five years, the local governmental entity shall compare the amount of money in the fund with the expected future expenditures from the fund and decide if the convention center fee can be reduced pursuant to Subsection D of this section.

D. A local governmental entity may decrease the rate of a convention center fee if:

(1) all required payments have been made pursuant to Subsection C of this section and the required levels of and estimated payments from any reserve fund, sinking fund or capital reserve fund can be sustained at a decreased rate;

(2) the decreased fee will not otherwise directly or indirectly impair outstanding revenue bonds issued under Section 5-14-13 NMSA 1978; and

(3) the local government division of the department of finance and administration finds that the requirements of Paragraphs (1) and (2) of this subsection have been satisfied and otherwise approves the fee decrease."

Chapter 97 Section 2 Laws 2004

Section 2. Section 5-14-13 NMSA 1978 (being Laws 2003, Chapter 374, Section 13) is amended to read:

"5-14-13. REVENUE BONDS.--

A. Revenue bonds may be issued at any time by a qualified municipality that has imposed a convention center fee to defray wholly or in part the costs authorized in Paragraph (1) of Subsection C of Section 5-14-4 NMSA 1978. The revenue bonds may be payable from and payment may be secured by a pledge of and lien on the revenue derived from:

(1) the proceeds of the convention center fee of the qualified municipality and the proceeds of the convention center fee of a county that has entered into a joint powers agreement with the qualified municipality to impose a convention center fee, the proceeds of which shall be dedicated to the payment of revenue bonds for a civic and convention center in the qualified municipality;

(2) a civic and convention center to which the bonds pertain, after provision is made for the payment of the operation and maintenance expenses of the civic and convention center;

(3) that portion of the proceeds of the occupancy tax of the qualified municipality available for payment of revenue bonds pursuant to Paragraph (1) of Subsection B of Section 3-38-23 NMSA 1978;

(4) any other legal available revenues of the qualified municipality; or

(5) a combination of revenues from the sources designated in Paragraphs (1) through (4) of this subsection.

B. The bonds shall bear interest at a rate or rates as authorized in the Public Securities Act, and the first interest payment may be for any period authorized in the Public Securities Act.

C. Except as otherwise provided in the Civic and Convention Center Funding Act, revenue bonds authorized in that act shall be issued in accordance with the provisions of Sections 3-31-2 through 3-31-6 NMSA 1978."

Chapter 97 Section 3 Laws 2004

Section 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

Senate Bill 236, w/ec
Approved March 9, 2004

LAWS 2004, CHAPTER 98

AN ACT

RELATING TO CONVENTION CENTER FINANCING; AMENDING CONVENTION CENTER FEE EXEMPTIONS.

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

Chapter 98 Section 1 Laws 2004

Section 1. Section 5-13-5 NMSA 1978 (being Laws 2003, Chapter 87, Section 5) is amended to read:

"5-13-5. EXEMPTIONS.--The convention center fee shall not apply:

A. if a vendee:

(1) has been a permanent resident of the lodging facility for a period of at least fifteen consecutive days; or

(2) enters into or has entered into a written agreement for a room at a lodging facility for a period of at least fifteen consecutive days;

B. if the local governmental entity by ordinance exempts lodging facilities whose maximum daily room charge is less than the amount stated in the ordinance;

C. to rooms at institutions of the federal government, the state or any political subdivision thereof;

D. to rooms at religious, charitable, educational or philanthropic institutions or other nonprofit organizations, including rooms at summer camps operated by such institutions;

E. to clinics, hospitals or other medical facilities;

F. to privately owned and operated convalescent homes or homes for the aged, infirm, indigent or chronically ill; or

G. if the vendor does not offer at least three rooms at its lodging facility. The convention center fee shall be imposed on the lodging facilities of a vendor that owns three or more lodging facilities within local governmental entities that have imposed a convention center fee, regardless of the number of rooms available for occupancy."

Senate Bill 189, aa
Approved March 9, 2004

LAWS 2004, CHAPTER 99

AN ACT

RELATING TO TAXATION; PROVIDING AN INCOME TAX CREDIT FOR CERTAIN PAYMENTS MADE TO LICENSED NURSING HOMES, LICENSED INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED OR LICENSED RESIDENTIAL TREATMENT CENTERS.

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

Chapter 99 Section 1 Laws 2004

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

"INCOME TAX--CREDIT FOR PAYMENTS MADE TO NURSING HOMES, INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED OR RESIDENTIAL TREATMENT CENTERS.--

A. A taxpayer who files an individual New Mexico income tax return and who is not a dependent of another taxpayer may claim a credit for expenses that the taxpayer paid in the taxable year for services rendered by a licensed nursing home, licensed intermediate care facility for the mentally retarded or licensed residential treatment center and that were not reimbursed by an insurer. The credit shall not exceed ten dollars (\$10.00) for each day that expenses for services from the licensed nursing home, licensed intermediate care facility for the mentally retarded or licensed residential treatment center accrued.

B. A husband and wife who file separate returns for a taxable year in which they could have filed a joint return may each claim only one-half of the credit that would have been allowed on a joint return.

C. The credit provided in this section may be deducted from the taxpayer's income tax liability. If the credit exceeds the income tax liability for the taxable year, the excess shall be refunded to the taxpayer."

Chapter 99 Section 2 Laws 2004

Section 2. APPLICABILITY.--The provisions of this act apply to taxable years beginning on or after January 1, 2004 and do not apply to taxable years beginning on or after January 1, 2008; provided, however, that the credit provided for in Section 1 of this act may not be claimed for expenses incurred by the taxpayer prior to July 1, 2004 or after June 30, 2007.

Chapter 99 Section 3 Laws 2004

Section 3. DELAYED REPEAL.--Section 1 of this act is repealed effective July 1, 2008.

SPAC/Senate Bill 436
Approved March 9, 2004

LAWS 2004, CHAPTER 100

AN ACT

RELATING TO PUBLIC UTILITIES; ADJUSTING INTEREST RATES ON DEPOSITS.

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

Chapter 100 Section 1 Laws 2004

Section 1. Section 62-13-13 NMSA 1978 (being Laws 1979, Chapter 292, Section 1) is amended to read:

"62-13-13. DEPOSITS--INTEREST.--Interest at a minimum rate a year equal to the federal five-year treasury note rate as reported on the first day of the calendar year by the federal reserve board of governors shall be paid on any deposit required of a consumer by any public utility as defined in Section 62-3-3 NMSA 1978 or by any telephone company as defined in Section 63-9-2 NMSA 1978 or by any waterworks organized under Chapter 62, Article 2 NMSA 1978."

Senate Bill 258
Approved March 9, 2004

LAWS 2004, CHAPTER 101

AN ACT

RELATING TO JUDGES; AMENDING THE JUDICIAL RETIREMENT ACT TO INCREASE MEMBER CONTRIBUTIONS; AMENDING THE MAGISTRATE RETIREMENT ACT TO INCREASE MEMBER CONTRIBUTIONS; PROVIDING FOR SALARIES OF CHIEF JUDGES.

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

Chapter 101 Section 1 Laws 2004

Section 1. Section 10-12B-10 NMSA 1978 (being Laws 1992, Chapter 111, Section 10) is amended to read:

"10-12B-10. MEMBER CONTRIBUTIONS--TAX TREATMENT.--

A. Members, while in office, shall contribute five and one-half percent of salary to the member contribution fund.

B. Upon implementation, the state, acting as employer of members covered pursuant to the provisions of the Judicial Retirement Act, shall, solely for the purpose of compliance with Section 414(h) of the Internal Revenue Code of 1986, pick up for the purposes specified in that section member contributions required by this section for all annual salary earned by the member. Member contributions picked up pursuant to the provisions of this section shall be treated as employer contributions for purposes of determining income tax obligations under the Internal Revenue Code of 1986; however, such picked-up member contributions shall be included in the determination of the member's gross annual salary for all other purposes under federal and state laws. Member contributions picked up pursuant to the provisions of this section shall continue to be designated member contributions for all purposes of the Judicial Retirement Act and shall be considered as part of the member's annual salary for purposes of determining the amount of the member's contribution. The provisions of this section are mandatory, and the member shall have no option concerning the pickup or to the receipt of the contributed amounts directly instead of having the amounts paid by the employer to the retirement system. Implementation occurs upon authorization by the board. In no event may implementation occur other than at the beginning of a pay period applicable to the member.

C. The increase in member contributions provided for in this 2004 act is contingent upon the inclusion of not less than a six percent salary increase for justices and judges in legislation enacted into law by the second session of the forty-sixth legislature."

Chapter 101 Section 2 Laws 2004

Section 2. Section 10-12C-10 NMSA 1978 (being Laws 1992, Chapter 118, Section 10) is amended to read:

"10-12C-10. MEMBER CONTRIBUTIONS--TAX TREATMENT.--

A. Members, while in office, shall contribute five and one-half percent of salary to the member contribution fund.

B. Upon implementation, the state, acting as employer of members covered pursuant to the provisions of the Magistrate Retirement Act, shall, solely for the purpose of compliance with Section 414(h) of the Internal Revenue Code of 1986, pick up for the purposes specified in that section member contributions required by this section for all annual salary earned by the member. Member contributions picked up pursuant to the provisions of this section shall be treated as employer contributions for purposes of determining income tax obligations under the Internal Revenue Code of 1986; however, such picked-up member contributions shall be included in the determination of the member's gross annual salary for all

other purposes under federal and state laws. Member contributions picked up pursuant to the provisions of this section shall continue to be designated member contributions for all purposes of the Magistrate Retirement Act and shall be considered as part of the member's annual salary for purposes of determining the amount of the member's contribution. The provisions of this section are mandatory, and the member shall have no option concerning the pick up or to the receipt of the contributed amounts directly instead of having the amounts paid by the employer to the retirement system. Implementation occurs upon authorization by the board. In no event may implementation occur other than at the beginning of a pay period applicable to the member.

C. The increase in member contributions provided for in this 2004 act is contingent upon the inclusion of not less than a six percent salary increase for justices and judges in legislation enacted into law by the second session of the forty-sixth legislature."

Chapter 101 Section 3 Laws 2004

Section 3. Section 34-1-9 NMSA 1978 (being Laws 1993, Chapter 278, Section 1) is amended to read:

"34-1-9. SALARIES OF JUSTICES, JUDGES AND MAGISTRATES.--

A. Justices of the supreme court shall each receive an annual salary as provided by the legislature. The chief justice of the supreme court shall receive an annual salary that is two thousand dollars (\$2,000) more than the annual salary of a justice of the supreme court.

B. The chief judge of:

(1) the court of appeals shall receive an annual salary that is ninety-five percent of the annual salary of the chief justice of the supreme court;

(2) a district court shall receive an annual salary that is ninety-five percent of the annual salary of the chief judge of the court of appeals; and

(3) a metropolitan court shall receive an annual salary that is ninety percent of the annual salary of the chief judge of a district court.

C. The presiding magistrate of a magistrate district where three or more divisions operate as a single court shall receive an annual salary that is seventy-five percent of the annual salary of the chief judge of a metropolitan court.

D. Notwithstanding any other provision of law or any other provision of this section, the annual salaries of the following judges and magistrates shall be established as follows:

(1) a judge of the court of appeals shall receive an annual salary that is ninety-five percent of the annual salary of a justice of the supreme court;

(2) a district court judge shall receive an annual salary that is ninety-five percent of the annual salary of a judge of the court of appeals;

(3) a metropolitan court judge shall receive an annual salary that is ninety percent of the annual salary of a district court judge;

(4) a full-time magistrate shall receive an annual salary that is seventy-five percent of the annual salary of a metropolitan court judge;

(5) a half-time magistrate shall receive an annual salary that is fifty percent of the annual salary of a full-time magistrate; and

(6) a quarter-time magistrate shall receive an annual salary that is twenty-five percent of the annual salary of a full-time magistrate.

E. For fiscal year 1995 and all subsequent fiscal years, the annual salary for justices of the supreme court, judges of the court of appeals, district court judges, metropolitan court judges and magistrates shall be established by the legislature in an appropriations act.

F. No additional salaries shall be paid to justices, judges or magistrates on account of services rendered the state. Justices of the supreme court, judges of the court of appeals, district court judges, metropolitan court judges and magistrates shall receive per diem and mileage for necessary travel on official business of the court as provided in the Per Diem and Mileage Act."

Chapter 101 Section 4 Laws 2004

Section 4. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2004.

Senate Bill 222, aa
Approved March 9, 2004

LAWS 2004, CHAPTER 102

AN ACT

RELATING TO FINANCE; REVOKING LEGISLATIVE AUTHORIZATION TO THE NEW MEXICO FINANCE AUTHORITY TO MAKE LOANS FROM THE PUBLIC PROJECT REVOLVING FUND FOR CERTAIN PUBLIC PROJECTS; DECLARING AN EMERGENCY.

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

Chapter 102 Section 1 Laws 2004

Section 1. PUBLIC PROJECT REVOLVING FUND--REVOCATION OF LEGISLATIVE AUTHORIZATION.--The legislative authorization granted to the New Mexico finance authority, pursuant to the provisions of Section 6-21-6 NMSA 1978, to make loans from the public project revolving fund is revoked with respect to the following qualified entities for the specified public projects:

1. Antelope Valley irrigation district for an irrigation project as specified in Subsection H of Section 1 of Chapter 187 of Laws 1995;
2. high plains regional solid waste authority for a regional solid waste disposal project as specified in Subsection A of Section 1 of Chapter 187 of Laws 1995;
3. village of Magdalena for a solid waste project as specified in Subsection K of Section 1 of Chapter 187 of Laws 1995;
4. north central solid waste authority for a regional solid waste disposal project as specified in Subsection R of Section 1 of Chapter 187 of Laws 1995;
5. Agua Sana water association for a water project as specified in Subsection V of Section 1 of Chapter 8 of Laws 1996 (1st S.S.);
6. village of Cloudcroft for a water project and a wastewater project as specified in Subsection I of Section 1 of Chapter 8 of Laws 1996 (1st S.S.);
7. Navajo Nation for a water treatment plant and the related infrastructure for a potato processing plant at the Navajo agricultural products industry location on the Navajo Nation as specified in Subsection AA of Section 1 of Chapter 8 of Laws 1996 (1st S.S.);
8. Ruidoso regional joint use board for a wastewater project as specified in Subsection H of Section 1 of Chapter 8 of Laws 1996 (1st S.S.);
9. Jicarilla Apache tribe for a building project as specified in Subsection N of Section 1 of Chapter 166 of Laws 1997;
10. village of Magdalena for the renovation of the bureau of Indian affairs dormitory as specified in Subsection DD of Section 1 of Chapter 166 of Laws 1997;
11. city of Moriarty for a water system acquisition, water rights acquisition and a municipal water system improvement project as specified in Subsection Y of Section 1 of Chapter 166 of Laws 1997;
12. Navajo Nation for the development of a potato processing plant and for necessary infrastructure for that plant as specified in Subsection EE of Section 1 of Chapter 166 of Laws 1997;
13. Rio Chama gas users association for a natural gas system as specified in Subsection CC of Section 1 of Chapter 166 of Laws 1997;
14. town of Springer for an electric distribution system project as specified in Subsection J of Section 1 of Chapter 166 of Laws 1997;
15. New Mexico second judicial district metropolitan court for a land acquisition and courthouse project as specified in Subsection S of Section 1 of Chapter 166 of Laws 1997;

16. Tunnel Springs water association for a water system project as specified in Subsection T of Section 1 of Chapter 166 of Laws 1997;

17. city of Carlsbad for a water project and the acquisition of solid waste vehicles and related equipment as specified in Subsection I of Section 1 of Chapter 72 of Laws 1998;

18. village of Cimarron for the acquisition of a pumper truck and related fire equipment and the refinancing of a backhoe as specified in Subsection N of Section 1 of Chapter 72 of Laws 1998;

19. general services department for the acquisition of a research airplane and related research equipment as specified in Subsection BB of Section 1 of Chapter 72 of Laws 1998;

20. Hidalgo county for a regional solid waste project and the acquisition of solid waste equipment as specified in Subsection HH of Section 1 of Chapter 72 of Laws 1998;

21. city of Las Vegas for a water project as specified in Subsection NN of Section 1 of Chapter 72 of Laws 1998;

22. town of Silver City for a water project as specified in Subsection HHH of Section 1 of Chapter 72 of Laws 1998;

23. city of Socorro for a water project as specified in Subsection III of Section 1 of Chapter 72 of Laws 1998;

24. Taos county for an administrative building project as specified in Subsection LLL of Section 1 of Chapter 72 of Laws 1998; and

25. Elephant Butte for a water project as specified in Subsection A of Section 1 of Chapter 12 of Laws 2000 (2nd S.S.).

Chapter 102 Section 2 Laws 2004

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

Senate Bill 201, w/ec
Approved March 9, 2004

LAWS 2004, CHAPTER 103

AN ACT

RELATING TO TOBACCO; AMENDING THE ESCROW FUND ACT TO ALLOW THE ATTORNEY GENERAL TO REQUIRE QUARTERLY DEPOSITS.

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

Chapter 103 Section 1 Laws 2004

Section 1. Section 6-4-21 NMSA 1978 (being Laws 2003, Chapter 114, Section 8) is amended to read:

"6-4-21. REPORTING OF INFORMATION--ESCROW INSTALLMENTS.--

A. A distributor shall submit to the department by the twenty-fifth day of each month a list by brand family of the total number of cigarettes, or equivalent stick count in the case of roll-your-own, for which the distributor affixed tax stamps or otherwise paid the tax due during the previous calendar month, and any other information that the department or attorney general may require. A distributor shall maintain and make available to the department and attorney general all invoices and documentation of sales of all nonparticipating manufacturer cigarettes and any other information relied upon in reporting to the department and attorney general for a period of five years.

B. The department and attorney general shall share information received pursuant to the Tobacco Escrow Fund Act, and may share information with other federal, state or local agencies for purposes of enforcement of that act, enforcement of Section 6-4-13 NMSA 1978 or enforcement of corresponding laws of other states.

C. The attorney general may require proof from a nonparticipating manufacturer that it has established a qualified escrow fund with verification of the amount of money in the fund exclusive of interest, including the balance, dates and amounts of deposits and dates and amounts of withdrawals.

D. The attorney general and the department may require a distributor or tobacco product manufacturer to submit additional information as necessary to determine compliance with the Tobacco Escrow Fund Act, including samples of the packaging or labeling of each brand family.

E. The attorney general may require a nonparticipating manufacturer to make escrow fund deposits quarterly and may require information sufficient to determine the adequacy of the amount of the quarterly deposit.

F. The attorney general or the department may seek an injunction to compel compliance with this section. In any action brought pursuant to this subsection, the state shall be entitled to recover the costs of investigation, costs of the action and reasonable attorney fees."

Senate Bill 66
Approved March 9, 2004

LAWS 2004, CHAPTER 104

AN ACT

RELATING TO HOUSING; ENACTING THE AFFORDABLE HOUSING ACT TO IMPLEMENT THE FUNDING FOR AFFORDABLE HOUSING PERMITTED PURSUANT TO SUBSECTIONS E AND F OF SECTION 14 OF ARTICLE 9 OF THE CONSTITUTION OF NEW MEXICO; DECLARING AN EMERGENCY.

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

Chapter 104 Section 1 Laws 2004

Section 1. SHORT TITLE.--This act may be cited as the "Affordable Housing Act".

Chapter 104 Section 2 Laws 2004

Section 2. PURPOSE.--The purpose of the Affordable Housing Act is to implement the provisions of Subsections E and F of Section 14 of Article 9 of the constitution of New Mexico.

Chapter 104 Section 3 Laws 2004

Section 3. DEFINITIONS.--As used in the Affordable Housing Act:

A. "affordable housing" means residential housing primarily for persons or households of low or moderate income;

B. "authority" means the New Mexico mortgage finance authority;

C. "building" means a structure capable of being renovated or converted into affordable housing or a structure that is to be demolished and is located on land donated for use in connection with an affordable housing project;

D. "governmental entity" means a state, county or municipality;

E. "household" means one or more persons occupying a housing unit;

F. "housing assistance grant" means the donation by a governmental entity of:

(1) land for construction of an affordable housing project;

(2) an existing building for conversion or renovation as affordable housing; or

(3) the costs of infrastructure necessary to support affordable housing;

G. "infrastructure" includes infrastructure improvements and infrastructure purposes;

H. "infrastructure improvement" includes, but is not limited to:

(1) sanitary sewage systems, including collection, transport, storage, treatment, dispersal, effluent use and discharge;

(2) drainage and flood control systems, including collection, transport, diversion, storage, detention, retention, dispersal, use and discharge;

(3) water systems for domestic purposes, including production, collection, storage, treatment, transport, delivery, connection and dispersal;

(4) areas for motor vehicle use for road access, ingress, egress and parking;

(5) trails and areas for pedestrian, equestrian, bicycle or other nonmotor vehicle use for access, ingress, egress and parking;

(6) parks, recreational facilities and open space areas to be used by residents for entertainment, assembly and recreation;

(7) landscaping, including earthworks, structures, plants, trees and related water delivery systems;

(8) electrical transmission and distribution facilities;

(9) natural gas distribution facilities;

(10) lighting systems;

(11) cable or other telecommunications lines and related equipment;

(12) traffic control systems and devices, including signals, controls, markings and signs;

(13) inspection, construction management and related costs in connection with the furnishing of the items listed in this subsection; and

(14) heating, air conditioning and weatherization facilities, systems or services, and energy efficiency improvements that are affixed to real property;

I. "infrastructure purpose" means:

(1) planning, design, engineering, construction, acquisition or installation of infrastructure, including the costs of applications, impact fees and other fees, permits and approvals related to the construction, acquisition or installation of the infrastructure;

(2) acquiring, converting, renovating or improving existing facilities for infrastructure, including facilities owned, leased or installed by the owner;

(3) acquiring interests in real property or water rights for infrastructure, including interests of the owner; and

(4) incurring expenses incident to and reasonably necessary to carry out the purposes specified in this subsection;

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

K. "qualifying grantee" means:

(1) an individual who is qualified to receive assistance pursuant to the Affordable Housing Act and is approved by the governmental entity; and

(2) a governmental housing agency, regional housing authority, tribal housing agency, corporation, limited liability company, partnership, joint venture, syndicate, association or nonprofit organization that:

(a) is organized under state, local or tribal laws and can provide proof of such organization;

(b) if a nonprofit organization, has no part of its net earnings inuring to the benefit of any member, founder, contributor or individual; and

(c) is approved by the governmental entity; and

L. "residential housing" means any building, structure or portion thereof that is primarily occupied, or designed or intended primarily for occupancy, as a residence by one or more households and any real property that is offered for sale or lease for the construction or location thereon of such a building, structure or portion thereof. "Residential housing" includes congregate housing, manufactured homes and housing intended to provide or providing transitional or temporary housing for homeless persons.

Chapter 104 Section 4 Laws 2004

Section 4. ELIGIBILITY REQUIREMENTS--NON-INDIVIDUAL AND INDIVIDUAL QUALIFYING GRANTEES.--

A. To be eligible to receive lands, buildings and infrastructure pursuant to Section 14 of Article 9 of the constitution of New Mexico, a non-individual qualifying grantee shall:

(1) have a functioning accounting system that is operated in accordance with generally accepted accounting principles or has designated an entity that will maintain such an accounting system consistent with generally accepted accounting principles;

(2) have among its purposes significant activities related to providing housing or services to low- or moderate-income persons or households; and

(3) if it has significant outstanding or unresolved monitoring findings from either the authority or its most recent independent financial audit, have a certified letter from the authority or auditor stating that the findings are in the process of being resolved.

B. To be eligible to receive lands, buildings and infrastructure pursuant to Section 14 of Article 9 of the constitution of New Mexico, an individual qualifying grantee shall meet the requirements established by the authority pursuant to the Affordable Housing Act.

Chapter 104 Section 5 Laws 2004

Section 5. STATE, COUNTY AND MUNICIPALITIES--AUTHORIZATION FOR AFFORDABLE HOUSING.--The state, a county or a municipality may donate land for construction of affordable housing or an existing building for conversion or renovation into affordable housing or may provide or pay the costs of infrastructure necessary to support affordable housing projects.

Chapter 104 Section 6 Laws 2004

Section 6. REQUIREMENT FOR SPECIFIC LAW AUTHORIZING A HOUSING ASSISTANCE GRANT FROM STATE.--

A. The specific grant of authority created in the Affordable Housing Act is the prior approval required pursuant to Article 4, Section 14 of the constitution of New Mexico to allow the state to provide affordable housing assistance.

B. Funding pursuant to this grant of authority shall be appropriated to the department of finance and administration for disbursement by the authority to a qualifying grantee in accordance with rules promulgated by the authority.

C. Rules adopted by the authority may include provisions for matching or using local, private or federal funds in connection with a specific grant, but matching or using federal funds shall not be prohibited.

D. The authority shall seek comment from the Mortgage Finance Authority Act oversight committee prior to its adoption of rules pursuant to this section.

Chapter 104 Section 7 Laws 2004

Section 7. REQUIREMENT FOR ENACTMENT OF AN ORDINANCE BY COUNTY OR MUNICIPALITY AUTHORIZING HOUSING ASSISTANCE GRANTS.--

A. A county or municipality may provide housing assistance grants pursuant to Section 14 of Article 9 of the constitution of New Mexico after enactment by its governing body of an ordinance authorizing grants, stating the requirements of and purposes of the grants and authorizing transfer or disbursement to a qualifying grantee only after a budget is submitted to and approved by the governing body. The ordinance may provide for matching or using local, private or federal funds either through direct participation with a federal agency pursuant to

federal law or through indirect participation throughout the authority. The ordinance shall comply with rules promulgated by the authority pursuant to Section 8 of the Affordable Housing Act.

B. A school district may transfer land owned by the school district to a county or municipality to be further granted as part or all of an affordable housing grant if the school district and the governing body of the county or municipality enter into a contract that provides the school district with a negotiated number of affordable housing units that will be reserved for employees of the school district.

C. The governing board of a public post-secondary educational institution may transfer land owned by that institution to a county or municipality; provided that:

(1) the property transferred shall be granted by the county or municipality as part or all of an affordable housing grant; and

(2) the governing board of the public post-secondary educational institution and the governing body of the county or municipality enter into a contract that provides the public post-secondary educational institution with affordable housing units.

D. As used in this section, "public post-secondary educational institution" means a state university or a public community college.

Chapter 104 Section 8 Laws 2004

Section 8. PROVISIONS TO ENSURE SUCCESSFUL COMPLETION OF AFFORDABLE HOUSING PROJECTS.--

A. State, county and municipal housing assistance grants pursuant to the Affordable Housing Act shall be applied for and awarded to qualifying grantees pursuant to the rules promulgated by the authority subject to the requirements of that act.

B. The authority shall adopt rules covering:

(1) procedures to ensure that qualifying grantees meet the requirements of the Affordable Housing Act and rules promulgated pursuant to that act both at the time of the award and through the term of the grant;

(2) establishment of an application and award timetable for housing assistance grants to permit the selection of the potential qualifying grantees prior to January of the year in which the grants would be made;

(3) contents of the application, including an independent evaluation of the:

(a) financial and management stability of the applicant;

(b) demonstrated commitment of the applicant to the community;

(c) cost-benefit analysis of the project proposed by the applicant;

(d) benefits to the community of a proposed project;

(e) type or amount of assistance to be provided;

(f) scope of the affordable housing project;

(g) substantive or matching contribution by the applicant to the proposed project; and

(h) performance schedule for the qualifying grantee with performance criteria;

(4) a requirement for long-term affordability of a state, county or municipal project so that a project cannot be sold shortly after completion and taken out of the affordable housing market to ensure a quick profit for the qualifying grantee;

(5) a requirement that a grant for a state or local project must impose a contractual obligation on the qualifying grantee that the housing units in a state or local project pursuant to the Affordable Housing Act be occupied by low- or moderate-income households;

(6) provisions for adequate security against the loss of public funds or property in the event that a qualifying grantee abandons or otherwise fails to complete a project;

(7) a requirement for review and approval of a housing grant project budget by the grantor before any expenditure of grant funds or transfer of granted property;

(8) a requirement that, unless the period is extended for good cause shown, the authority shall act on an application within forty-five days of the date of receipt of an application that the authority deems to be complete and, if not acted upon, the application shall be deemed approved;

(9) a requirement that a condition of grant approval be proof of compliance with all applicable state and local laws, rules and ordinances;

(10) provisions defining "low- and moderate-income" and setting out requirements for verification of income levels;

(11) a requirement that a county or municipality that makes a housing assistance grant shall have an existing valid affordable housing plan or housing elements contained in its general plan; and

(12) a requirement that the governmental entity enter into a contract with a qualifying grantee consistent with the Affordable Housing Act, which contract shall include remedies and default provisions in the event of the unsatisfactory performance by the qualifying grantee.

C. In addition to the rulemaking mandated in Subsection B of this section, the authority may adopt additional rules to carry out the purposes of the Affordable Housing Act. Rulemaking procedures pursuant to the Affordable Housing Act shall:

(1) provide a public hearing in accordance with the state Administrative Procedures Act; and

(2) require concurrence in a rule having application to local government by both the New Mexico municipal league and the New Mexico association of counties.

Chapter 104 Section 9 Laws 2004

Section 9. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

HBIC/House Bill 25, w/ec
Approved March 9, 2004

LAWS 2004, CHAPTER 105

AN ACT

RELATING TO COUNTIES; AMENDING THE SMALL COUNTIES ASSISTANCE ACT.

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

Chapter 105 Section 1 Laws 2004

Section 1. Section 4-61-2 NMSA 1978 (being Laws 1982, Chapter 44, Section 2, as amended) is amended to read:

"4-61-2. DEFINITIONS.--As used in the Small Counties Assistance Act:

A. "adjustment factor" means a fraction, the numerator of which is the net taxable value of the state for the property tax year prior to the year in which the amount of small counties assistance is being determined and the denominator of which is the net taxable value for property tax year 2002; the adjustment factor shall be calculated without reference to assessed value determined pursuant to the Oil and Gas Ad Valorem Production Tax Act, assessed value determined pursuant to the Oil and Gas Production Equipment Ad Valorem Tax Act or taxable value determined pursuant to the Copper Production Ad Valorem Tax Act:

B. "ceiling valuation" means:

(1) for the 2002 property tax year, one billion four hundred million dollars (\$1,400,000,000); and

(2) for each subsequent property tax year, an amount equal to the product obtained by multiplying one billion four hundred million dollars (\$1,400,000,000) by the adjustment factor for the year;

C. "demographer" means the bureau of business and economic research at the university of New Mexico;

D. "population" means the official population shown by the most recent federal decennial census or, if there is a change in boundaries after the date of the census, "population" for each affected unit shall be the most current estimated population for that unit provided in writing by the demographer; provided that after five years from the first day of the calendar year of the most recent federal decennial census, that census shall not be used, and "population" for the period from that date until the date when the next following official final decennial census population data are available shall be the most current estimated population provided in writing by the demographer;

E. "qualifying county" means a class B, class C or first class county that has:

(1) for the property tax year in which any distribution under the Small Counties Assistance Act is made to the county, imposed a property tax rate for general county purposes pursuant to Paragraph (1) of Subsection B of Section 7-37-7 NMSA 1978 as limited by Section 7-37-7.1 NMSA 1978 of at least eight dollars eighty-five cents (\$8.85) per one thousand dollars (\$1,000) of net taxable value;

(2) by July 1 of the property tax year in which any distribution under the Small Counties Assistance Act is made to the county, received a written certification from the director of the property tax division of the taxation and revenue department that the county assessor of that county has implemented an acceptable program of maintaining current and correct property values for property taxation purposes as required by Section 7-36-16 NMSA 1978 or has submitted to the director an acceptable plan for the implementation of such a program;

(3) on July 1 of the year in which any distribution under the Small Counties Assistance Act is made to the county, a population of not more than forty-eight thousand;

(4) imposed all county gross receipts tax increments authorized pursuant to Section 7-20E-9 NMSA 1978 and has those increments in effect on July 1 of the year in which a distribution is made, provided that the county's valuation for property taxation purposes exceeds two hundred thirty million dollars (\$230,000,000) multiplied by the adjustment factor for the year; and

(5) a total valuation for the property tax year preceding the year in which a distribution pursuant to the Small Counties Assistance Act for that county is to be made that is no greater than the ceiling valuation for that property tax year; and

F. "total valuation" means the sum for a jurisdiction for a property tax year of the net taxable value determined pursuant to the Property Tax Code, the assessed value determined pursuant to the Oil and Gas Ad Valorem Production Tax Act, the assessed value determined pursuant to the Oil and Gas Production Equipment Ad Valorem Tax Act and the taxable value determined pursuant to the Copper Production Ad Valorem Tax Act."

Chapter 105 Section 2 Laws 2004

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.

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 4,000	\$250,000
\$ 0	\$100,000,000	at least 4,000	\$225,000
\$ 100,000,000	\$230,000,000	under 12,000	\$150,000
\$ 100,000,000	\$230,000,000	at least 12,000	\$100,000
\$230,000,000	\$1,400,000,000	under 48,000	\$ 50,000.

E. 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.

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

G. 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 amount to be distributed, the difference shall revert to the general fund.

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

House Bill 376, aa
Approved March 9, 2004

LAWS 2004, CHAPTER 106

AN ACT

RELATING TO TELECOMMUNICATIONS ACCESS; TRANSFERRING THE ADMINISTRATION OF THE TELECOMMUNICATIONS ACCESS ACT FROM THE GENERAL SERVICES DEPARTMENT TO THE COMMISSION FOR DEAF AND HARD-OF-HEARING PERSONS; PROVIDING THAT THE TELECOMMUNICATIONS ACCESS FUND MAY BE APPROPRIATED FOR THE EXPENSES OF THE COMMISSION FOR DEAF AND HARD-OF-HEARING PERSONS.

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

Chapter 106 Section 1 Laws 2004

Section 1. Section 63-9F-1 NMSA 1978 (being Laws 1993, Chapter 54, Section 1) is amended to read:

"63-9F-1. SHORT TITLE.--Chapter 63, Article 9F NMSA 1978 may be cited as the "Telecommunications Access Act"."

Chapter 106 Section 2 Laws 2004

Section 2. Section 63-9F-3 NMSA 1978 (being Laws 1993, Chapter 54, Section 3, as amended) is amended to read:

"63-9F-3. DEFINITIONS.--As used in the Telecommunications Access Act:

A. "commission" means the commission for deaf and hard-of-hearing persons;

B. "communications assistant" means an individual who translates conversation from text to voice and from voice to text between two end users of a telecommunications service;

C. "impaired" means having an impairment of or deficit in the ability to hear or speak, or both;

D. "intrastate telephone services" means all charges for access lines, special services and intrastate toll services, including all calls originating and terminating in the state;

E. "specialized telecommunications equipment" means devices that enable or assist an impaired individual to communicate with another individual using the telephone network;

F. "telecommunications company" means an individual, corporation, partnership, joint venture, company, firm, association, proprietorship or other entity that provides public telecommunications services, and includes cellular service companies as defined in Subsection B of Section 63-9B-3 NMSA 1978; and

G. "telecommunications relay system" means a statewide telecommunications system through which an impaired individual using specialized telecommunications equipment is able to send or receive messages to and from an individual who is not impaired and whose telephone is not equipped with specialized telecommunications equipment and through which the unimpaired individual is able, by using voice communications, to send and receive messages to and from an impaired person."

Chapter 106 Section 3 Laws 2004

Section 3. Section 63-9F-6 NMSA 1978 (being Laws 1993, Chapter 54, Section 6) is amended to read:

"63-9F-6. TELECOMMUNICATIONS RELAY SYSTEM.--

A. The commission shall administer a telecommunications relay system that enables impaired individuals to communicate with unimpaired individuals.

B. The commission shall invite proposals or bids, or both, from telecommunications companies to design and implement a telecommunications relay system. The commission shall comply with the provisions of the Procurement Code in contracting for the services and property required. The commission shall consider the factors of price and the interest of the community of impaired individuals in having access to a high quality and technologically advanced system. New Mexico residency shall be given a weight of five percent of the total weight of all evaluation factors in a proposal evaluation. Any business that qualifies as a "resident business" as defined in Section 13-1-21 NMSA 1978 shall receive a five percent preference. In the procurement process, the commission shall request and consider the recommendations of the communications assistants who have provided the voice relay service used in the state.

C. If the commission determines that no proposal or bid is acceptable after review, the commission may provide the telecommunications relay system.

D. The telecommunications relay system shall:

(1) be available statewide for operation twenty-four hours a day every day of the year;

(2) relay all messages promptly and accurately;

(3) protect and maintain the privacy of individuals using the system;

(4) preserve the confidentiality of all telephone communications; and

(5) conform to all applicable standards established by state and federal laws and regulations adopted pursuant to those laws."

Chapter 106 Section 4 Laws 2004

Section 4. Section 63-9F-8 NMSA 1978 (being Laws 1993, Chapter 54, Section 8, as amended) is amended to read:

"63-9F-8. COMMISSION DUTIES--POWER TO AUDIT.--

A. The commission shall perform all actions necessary to carry out the provisions of the Telecommunications Access Act, including;

(1) promulgating and administering such policies, procedures and rules as are necessary to comply with the purpose of that act and to ensure that the specialized telecommunications equipment program and the relay system are in compliance with the applicable state and federal laws and rules adopted pursuant to those laws;

(2) obtaining certification from the federal communications commission that the telecommunications relay system is in compliance with applicable federal rules;

(3) making expenditures for the specialized telecommunications equipment program and the telecommunications relay system;

(4) ensuring the quality of the telecommunications relay system and the satisfaction of its users;

(5) identifying the need for specialized telecommunications equipment by impaired individuals;

(6) identifying the problems that impaired individuals have in acquiring specialized telecommunications equipment; and

(7) providing funding for the specialized telecommunications equipment program.

B. The commission may require an annual audit of each telecommunications company participating in the telecommunications relay system to account for all surcharges billed and collected pursuant to the Telecommunications Access Act. Audits conducted pursuant to this subsection shall be at the expense of the requesting agency."

Chapter 106 Section 5 Laws 2004

Section 5. Section 63-9F-9 NMSA 1978 (being Laws 1993, Chapter 54, Section 9) is amended to read:

"63-9F-9. LIMIT ON LIABILITY.--The commission and the provider of the telecommunications relay system and their employees shall not be liable for any claims, actions, damages or causes of action arising out of or resulting from the establishment, participation in or operation of the telecommunications relay system except for gross negligence or intentional acts."

Chapter 106 Section 6 Laws 2004

Section 6. Section 63-9F-11 NMSA 1978 (being Laws 1993, Chapter 54, Section 11, as amended) is amended to read:

"63-9F-11. IMPOSITION OF SURCHARGE.--

A. A telecommunications relay service surcharge of thirty-three hundredths percent is imposed on the gross amount paid by customers for:

(1) intrastate telephone services, other than mobile telecommunications services, provided in this state; and

(2) intrastate mobile telecommunications services that originate and terminate in the same state, regardless of where the mobile telecommunications services originate, terminate or pass through, provided by home service providers to customers whose place of primary use is in New Mexico.

B. The telecommunications relay service surcharge shall be included on the monthly bill of each customer of a local exchange company or other telecommunications company providing intrastate telephone services or intrastate mobile telecommunications services and paid at the time of payment of the monthly bill. Receipts from selling a service to any other telecommunications company or provider for resale shall not be subject to the surcharge. The customer shall be liable for the payment of this surcharge to the local exchange company or other telecommunications company providing intrastate telephone services to the customer. For the purposes of Subsections A and B of this section, "home service provider", "mobile telecommunications services" and "place of primary use" have the meanings given in the federal Mobile Telecommunications Sourcing Act.

C. A telecommunications company providing intrastate telephone services shall be responsible for assessing, collecting and remitting the telecommunications relay service surcharge to the taxation and revenue department. The amount of the telecommunications relay service surcharge collected by a telecommunications company shall be remitted monthly to the taxation and revenue department, on or before the twenty-fifth of the month following collection, which shall administer and enforce the collection of the surcharge pursuant to the provisions of the Tax Administration Act.

D. The taxation and revenue department shall remit to the telecommunications access fund the amount of the telecommunications relay service surcharge collected less any amount deducted pursuant to the provisions of Subsection E of this section. Transfer of the net receipts from the surcharge to the telecommunications access fund shall be made within the month following the month in which the surcharge is collected.

E. The taxation and revenue department may deduct an amount not to exceed three percent of the telecommunications relay service surcharge collected as a charge for the administrative costs of collection, which amount shall be remitted to the state treasurer for deposit in the general fund each month.

F. The commission shall report to the revenue stabilization and tax policy committee annually by September 30 the following information with respect to the prior fiscal year:

(1) the amount and source of revenue received by the telecommunications access fund;

(2) the amount and category of expenditures from the fund; and

(3) the balance of the fund on that June 30."

Chapter 106 Section 7 Laws 2004

Section 7. Section 63-9F-12 NMSA 1978 (being Laws 1993, Chapter 54, Section 12) is amended to read:

"63-9F-12. TELECOMMUNICATIONS ACCESS FUND--ESTABLISHED.--There is created in the state treasury the "telecommunications access fund". Money appropriated to the fund or accruing to it through gifts, grants, fees, surcharges, penalties or bequests shall be delivered to the state treasurer for deposit in the fund. The fund shall be invested as other state funds are invested. Disbursements from the fund shall be made upon warrants drawn by the secretary of finance and administration pursuant to vouchers signed by the executive director of the commission. The commission shall administer the fund. Money in the fund is appropriated to the commission for the purpose of carrying out the provisions of the Telecommunications Access Act. The commission may request the state budget division of the department of finance and administration to approve the expenditure of funds deposited in the telecommunications access fund for the purpose of defraying salary and other necessary expenses incurred by the commission in the administration of the provisions of the Telecommunications Access Act. The state budget division may approve the expenditure of not more than ten percent of the amount deposited in the telecommunications access fund during any fiscal year for expenses incurred

by the commission in administering that act. In addition, money in the fund shall be available for appropriation by the legislature to the commission for the performance of its duties pursuant to Chapter 28, Article 11B NMSA 1978. Any unexpended or unencumbered balance remaining in the fund at the end of any fiscal year shall not revert."

Chapter 106 Section 8 Laws 2004

Section 8. TEMPORARY PROVISION--FISCAL YEAR 2005 EXPENDITURES.-- Notwithstanding the provisions of Section 63-9F-12 NMSA 1978, money in the telecommunications access fund may be appropriated by the legislature to the commission for deaf and hard-of-hearing persons for the commission's operating expenses during fiscal year 2005.

Chapter 106 Section 9 Laws 2004

Section 9. TEMPORARY PROVISION--TRANSFER.--On the effective date of this act:

A. all records, equipment, supplies and other property of the general services department relating to the department's duties pursuant to the Telecommunications Access Act shall be transferred to the commission for deaf and hard-of-hearing persons; and

B. all contracts of the general services department relating to the department's duties pursuant to the Telecommunications Access Act shall be binding on the commission for deaf and hard-of-hearing persons.

Chapter 106 Section 10 Laws 2004

Section 10. REPEAL.--Sections 63-9F-5 and 63-9F-7 NMSA 1978 (being Laws 1993, Chapter 54, Sections 5 and 7, as amended) are repealed.

Chapter 106 Section 11 Laws 2004

Section 11. EFFECTIVE DATE.--

A. Upon the prior approval by the secretary of finance and administration of a plan prepared by the commission for deaf and hard-of-hearing persons for carrying out the provisions of the Telecommunications Access Act, the effective date of the provisions of Sections 1 through 7, 9 and 10 of this act is July 1, 2005.

B. If, before July 1, 2005, the plan provided for in Subsection A of this section is not approved, the effective date of the provisions of Sections 1 through 7, 9 and 10 of this act is July 1, 2006.

House Bill 187, aa
Approved March 9, 2004

LAWS 2004, CHAPTER 107

AN ACT

RELATING TO EDUCATION; ENACTING THE DEAF AND HARD-OF-HEARING CHILDREN'S EDUCATIONAL BILL OF RIGHTS.

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

Chapter 107 Section 1 Laws 2004

Section 1. SHORT TITLE.--This act may be cited as the "Deaf and Hard-of-Hearing Children's Educational Bill of Rights".

Chapter 107 Section 2 Laws 2004

Section 2. FINDINGS AND PURPOSE.--

A. The legislature finds that:

(1) hearing loss affects the most basic human need, communication. Without quality communication a child is isolated from other human beings and from the exchange of knowledge essential for educational growth and, therefore, cannot develop the skills required to become a productive, capable adult and a fully participatory member of society;

(2) children with hearing loss have the same innate capabilities as any other children. They communicate in a wide variety of manual and spoken modes, languages and systems. Some use aural/oral modes of communication, while others use a combination of aural/oral and manual communication. Many use American sign language, which is a formal language, as well as the preferred everyday language of the deaf community. Obviously, all children need to develop English proficiency; and

(3) it is, therefore, critical that all New Mexicans work toward ensuring that:

(a) deaf and hard-of-hearing children, like all children, have quality, ongoing and fluid communication, both in and out of the classroom;

(b) deaf and hard-of-hearing children be placed in the least restrictive educational environment and receive services based on their unique communication, language and educational needs, consistent with 20 U.S.C. '1414(d)(3)(B)(iv) of the federal Individuals with Disabilities Education Act;

(c) deaf and hard-of-hearing children be given an education in which teachers and related service providers and assessors understand the unique nature of deafness, are specifically trained to work with hard-of-hearing and deaf pupils and can communicate spontaneously and fluidly with these children;

(d) deaf and hard-of-hearing children, like all children, have the benefit of an education in which there are a sufficient number of age-appropriate peers and adults with whom they can interact and communicate in a spontaneous and fluid way;

(e) deaf and hard-of-hearing children receive an education in which they are exposed to deaf and hard-of-hearing role models;

(f) deaf and hard-of-hearing children, like all children, have direct and appropriate access to all components of the educational process, including recess, lunch and extracurricular, social and athletic activities;

(g) deaf and hard-of-hearing children, like all children, be provided with programs in which transition planning, as required under the federal Individuals with Disabilities Education Act, focuses on their unique vocational needs; and

(h) families of children who are deaf or hard-of-hearing receive accurate, balanced and complete information regarding their child's educational and communication needs and the available programmatic, placement and resource options, as well as access to support services and advocacy resources from public and private agencies, departments and all other institutions and resources knowledgeable about hearing loss and the needs of children who are deaf or hard-of-hearing.

B. Given the central importance of communication to all human beings, the purpose of the Deaf and Hard-of-Hearing Children's Educational Bill of Rights is to encourage the development of a communication-driven and language-driven educational delivery system in New Mexico for children who are deaf or hard-of-hearing.

Chapter 107 Section 3 Laws 2004

Section 3. EDUCATIONAL RIGHTS OF DEAF AND HARD-OF-HEARING CHILDREN--ADDITIONAL DUTY OF PUBLIC EDUCATION DEPARTMENT.--

A. The state of New Mexico recognizes the unique communication needs of children who are deaf or hard-of-hearing and encourages the development of specific recommendations by all state agencies, institutions and political subdivisions concerned with the early intervention, early childhood and kindergarten through twelfth grade education of students who are deaf or hard-of-hearing, including the public education department, the New Mexico school for the deaf and the department of health, to ensure that:

(1) these children have what every other child takes for granted, including an educational environment in which their language and communication needs are fully addressed and developed and in which they have early, ongoing and quality access to planned and incidental communication opportunities; and

(2) the recommendations, consistent with the findings and purpose of the Deaf and Hard-of-Hearing Children's Educational Bill of Rights, be completed expeditiously.

B. Since 20 U.S.C. '1414(d)(3)(B)(iv) of the federal Individuals with Disabilities Education Act requires that the individual education plan team consider the unique

communication needs of children who are deaf or hard-of-hearing, the public education department shall develop a model "communication consideration for students who are deaf or hard-of-hearing", to become part of the individual education plan process. The model shall be disseminated to all local school districts, with training to be provided as determined by the department.

House Bill 186, aa
Approved March 9, 2004

LAWS 2004, CHAPTER 108

AN ACT

RELATING TO TORT CLAIMS; PROVIDING FOR POST-JUDGMENT INTEREST IN ACTIONS BROUGHT PURSUANT TO THE TORT CLAIMS ACT.

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

Chapter 108 Section 1 Laws 2004

Section 1. Section 41-4-19 NMSA 1978 (being Laws 1976, Chapter 58, Section 17, as amended) is amended to read:

"41-4-19. MAXIMUM LIABILITY.--

A. In any action for damages against a governmental entity or a public employee while acting within the scope of his duties as provided in the Tort Claims Act, the liability shall not exceed:

(1) the sum of one hundred thousand dollars (\$100,000) for damage to or destruction of property arising out of a single occurrence; and

(2) the sum of three hundred thousand dollars (\$300,000) for all past and future medical and medically related expenses arising out of a single occurrence; and

(3) the sum of four hundred thousand dollars (\$400,000) to any person for any number of claims arising out of a single occurrence for all damages other than property damage and medical and medically related expenses as permitted under the Tort Claims Act; or

(4) the sum of seven hundred fifty thousand dollars (\$750,000) for all claims other than medical or medically related expenses arising out of a single occurrence.

B. Interest shall be allowed on judgments against a governmental entity or public employee for a tort for which immunity has been waived under the Tort Claims Act at a rate equal to two percentage points above the prime rate as published in the *Wall Street Journal* on the date of the entry of the judgment. Interest shall be computed daily from the date of the entry of the judgment until the date of payment.

C. No judgment against a governmental entity or public employee for any tort for which immunity has been waived under the Tort Claims Act shall include an award for exemplary or punitive damages or for interest prior to judgment."

Senate Bill 625, aa
Approved March 9, 2004

LAWS 2004, CHAPTER 109

AN ACT

RELATING TO TAXATION; AUTHORIZING DISTRIBUTION OF CERTAIN GASOLINE TAX PROCEEDS; PROVIDING FOR INTERGOVERNMENTAL TAX SHARING AGREEMENTS; AMENDING SECTIONS OF THE NMSA 1978.

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

Chapter 109 Section 1 Laws 2004

Section 1. Section 7-1-6.10 NMSA 1978 (being Laws 1983, Chapter 211, Section 15, as amended) is amended to read:

"7-1-6.10. DISTRIBUTIONS--STATE ROAD FUND.--

A. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the state road fund in an amount equal to the net receipts attributable to the taxes, surcharges, penalties and interest imposed pursuant to the Gasoline Tax Act and to the taxes, surtaxes, fees, penalties and interest imposed pursuant to the Special Fuels Supplier Tax Act and the Alternative Fuel Tax Act less:

(1) the amount distributed to the state aviation fund pursuant to Subsection B of Section 7-1-6.7 NMSA 1978;

(2) the amount distributed to the motorboat fuel tax fund pursuant to Section 7-1-6.8 NMSA 1978;

(3) the amount distributed to municipalities and counties pursuant to Subsection A of Section 7-1-6.9 NMSA 1978;

(4) the amount distributed to the county government road fund pursuant to Section 7-1-6.19 NMSA 1978;

(5) the amount distributed to the local governments road fund pursuant to Section 7-1-6.39 NMSA 1978;

(6) the amount distributed to the municipalities pursuant to Section 7-1-6.27 NMSA 1978;

(7) the amount distributed to the municipal arterial program of the local governments road fund pursuant to Section 7-1-6.28 NMSA 1978;

(8) the amount distributed to a qualified tribe pursuant to a gasoline tax sharing agreement entered into between the secretary of transportation and the qualified tribe pursuant to the provisions of Section 67-3-8.1 NMSA 1978; and

(9) the amount distributed to the general fund pursuant to Section 7-1-6.44 NMSA 1978.

B. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the state road fund in an amount equal to the net receipts attributable to the taxes, interest and penalties from the Weight Distance Tax Act."

Chapter 109 Section 2 Laws 2004

Section 2. Section 7-1-6.44 NMSA 1978 (being Laws 2003, Chapter 150, Section 2) is amended to read:

"7-1-6.44. DISTRIBUTION--GASOLINE TAX SHARING AGREEMENT.--

A. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made by the department to each qualified tribe in an amount equal to forty percent of the net receipts attributable to the gasoline tax paid to the department on two million five hundred thousand gallons of gasoline each month. The distribution to each qualified tribe shall be made pursuant to a gasoline tax sharing agreement entered into by the department of transportation and the qualified tribe according to the provisions of Section 67-3-8.1 NMSA 1978.

B. From the balance remaining each month from the gasoline tax revenue on two million five hundred thousand gallons of gasoline per qualified tribe after distributions made pursuant to Subsection A of this section, a distribution of thirty-three thousand three hundred thirty-three dollars (\$33,333) shall be made to the general fund.

C. The balance remaining after the distributions from gasoline tax revenue from two million five hundred thousand gallons of gasoline per qualified tribe pursuant to Subsections A and B of this section shall be distributed pursuant to Section 7-1-6.10 NMSA 1978.

D. As used in this section, "qualified tribe" means the Pueblo of Nambe or the Pueblo of Santo Domingo, as long as it owns one hundred percent of a registered Indian tribal distributor pursuant to the Gasoline Tax Act, that qualifies for a deduction pursuant to Subsection F of Section 7-13-4 NMSA 1978 and has entered into a gasoline tax sharing agreement pursuant to Section 67-3-8.1 NMSA 1978."

Chapter 109 Section 3 Laws 2004

Section 3. Section 67-3-8.1 NMSA 1978 (being Laws 2003, Chapter 150, Section 3) is amended to read:

"67-3-8.1. SECRETARY--AUTHORITY TO ENTER INTO INTERGOVERNMENTAL AGREEMENT--GASOLINE TAX SHARING AGREEMENT--QUALIFIED TRIBE.--

A. The secretary may enter into an intergovernmental agreement that may be referred to as a "gasoline tax sharing agreement" with a qualified tribe to receive forty percent of the gasoline tax revenue paid on two million five hundred thousand gallons of gasoline each month in exchange for the qualified tribe's agreement that the qualified tribe or a registered Indian tribal distributor owned by the qualified tribe shall not:

(1) distribute gasoline for resale outside of the boundaries of that registered Indian tribal distributor's Indian reservation, pueblo grant or trust land located in New Mexico; and

(2) claim all or part of the deduction authorized in Subsection F of Section 7-13-4 NMSA 1978.

B. The term of a gasoline tax sharing agreement entered into pursuant to this section shall be for a period of up to ten years.

C. A gasoline tax sharing agreement entered into pursuant to this section shall be construed solely as an agreement between the two party governments and shall not alter or affect the government-to-government relations between the state and any other tribe.

D. Nothing in this section or in a gasoline tax sharing agreement entered into pursuant to this section shall be construed as creating rights in a third party.

E. Copies of gasoline tax sharing agreements shall be promptly transmitted to the secretary upon signing by the representatives of the governments that are parties to the agreement.

F. As used in this section:

(1) "qualified tribe" means the Pueblo of Nambe or the Pueblo of Santo Domingo, as long as it owns one hundred percent of a registered Indian tribal distributor pursuant to the Gasoline Tax Act, that qualifies for a deduction pursuant to Subsection F of Section 7-13-4 NMSA 1978; and

(2) "tribe" means an Indian nation, tribe or pueblo located in New Mexico."

Chapter 109 Section 4 Laws 2004

Section 4. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2004.

Senate Bill 114, aa
Approved March 9, 2004

LAWS 2004, CHAPTER 110

AN ACT

RELATING TO TAXATION; REORGANIZING COUNTY LOCAL OPTION GROSS RECEIPTS TAXES; AMENDING REFERENDUM REQUIREMENTS; EXPANDING COUNTY GROSS RECEIPTS TAX AUTHORITY.

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

Chapter 110 Section 1 Laws 2004

Section 1. Section 7-20E-3 NMSA 1978 (being Laws 1993, Chapter 354, Section 3) is amended to read:

"7-20E-3. OPTIONAL REFERENDUM SELECTION--EFFECTIVE DATE OF ORDINANCE.--

A. The governing body of a county imposing a tax or an increment of tax authorized by the County Local Option Gross Receipts Taxes Act or any other county local option gross receipts tax act that is subject to optional referendum selection shall select, when enacting the ordinance imposing the tax, one of the following referendum options:

(1) the ordinance imposing the tax or increment of tax shall go into effect on July 1 or January 1 in accordance with the provisions of the County Local Option Gross Receipts Taxes Act, but an election may be called in the county on the question of approving or disapproving that ordinance as follows:

(a) an election shall be called when: 1) in a county having a referendum provision in its charter, a petition requesting such an election is filed pursuant to the requirements of that provision in the charter and signed by the number of registered voters in the county equal to the number of registered voters required in its charter to seek a referendum; and 2) in all other counties, a petition requesting such an election is filed with the county clerk within sixty days of enactment of the ordinance by the governing body and the petition has been signed by a number of registered voters in the county equal to at least five percent of the number of the voters in the county who were registered to vote in the most recent general election;

(b) the signatures on the petition requesting an election shall be verified by the county clerk. If the petition is verified by the county clerk as containing the required number of signatures of registered voters, the governing body shall adopt a resolution calling an election on the question of approving or disapproving the ordinance. The election shall be held within sixty days after the date the petition is verified by the county clerk, or it may be held in conjunction with a general election if that election occurs within sixty days after the date of the verification. The election shall be called, held, conducted and canvassed in substantially the same manner as provided by law for general elections; and

(c) if a majority of the registered voters voting on the question approves the ordinance, the ordinance shall go into effect on July 1 or January 1 in accordance with the provisions of the County Local Option Gross Receipts Taxes Act. If at such an election a majority of the registered voters voting on the question disapproves the ordinance, the ordinance imposing the tax shall be deemed repealed and the question of imposing the tax or increment of tax shall not be considered again by the governing body for a period of one year from the date of the election; or

(2) the ordinance imposing the tax or increment of tax shall not go into effect until after an election is held and a simple majority of the registered voters of the county voting on the question votes in favor of imposing the tax or increment of 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 or increment of tax. Such question may be submitted to the voters and voted upon as a separate question at any general election or at any special election called for that purpose by the governing body. The election upon the question shall be called, held, conducted and canvassed in substantially the same manner as may be provided by law for general elections. If the question of imposing the tax or increment of tax fails, the governing body shall not again propose the tax or increment of tax for a period of one year after the election.

B. An ordinance imposing, amending or repealing a tax or an increment of tax authorized by the County Local Option Gross Receipts Taxes Act shall be effective on July 1 or January 1, whichever date occurs first after the expiration of at least three months from the date the adopted ordinance is mailed or delivered to the department. The ordinance shall include that effective date."

Chapter 110 Section 2 Laws 2004

Section 2. Section 7-20E-9 NMSA 1978 (being Laws 1983, Chapter 213, Section 30, as amended) is amended to read:

"7-20E-9. COUNTY GROSS RECEIPTS TAX--AUTHORITY TO IMPOSE RATE--INDIGENT FUND REQUIREMENTS.--

A. A majority of the members of the governing body of a county may enact an ordinance imposing an excise tax not to exceed a rate of seven-sixteenths percent of the gross receipts of any person engaging in business in the county for the privilege of engaging in business in the county. An ordinance imposing an excise tax pursuant to this section shall impose the tax in three independent increments of one-eighth percent and one independent increment of one-sixteenth percent, which shall be separately denominated as "the first one-eighth increment", "the second one-eighth increment", "the third one-eighth increment" and "the one-sixteenth increment", respectively, not to exceed an aggregate amount of seven-sixteenths percent.

B. The tax authorized in Subsection A of this section is to be referred to as the "county gross receipts tax".

C. 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 enacting the second one-eighth increment of county gross receipts tax shall provide, each year that the tax is in effect, not less than one million dollars (\$1,000,000) in funds, and that amount shall be dedicated to the support of indigent patients who are residents of that county. Funds for indigent care shall be made available each month of each year the tax is in effect in an amount not less than eighty-three thousand three hundred thirty-three dollars thirty-three cents (\$83,333.33). The interest from the investment of county funds for indigent care may be used for other assistance to indigent persons, not to exceed twenty thousand dollars (\$20,000) for all other assistance in any year.

D. 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, imposing the second one-eighth increment of county gross receipts tax shall be required to dedicate the entire amount of revenue produced by the imposition of the second one-eighth increment for the support of indigent patients who are residents of that county. The revenue produced by the imposition of the third one-eighth increment and the one-sixteenth increment may be used for general purposes. Any county that has imposed the second one-eighth increment or the third one-eighth increment, or both, on January 1, 1996 for support of indigent patients in the county or after January 1, 1996 imposes the second one-eighth increment or imposes the third one-eighth increment and dedicates one-half of that increment for county indigent patient purposes shall deposit the revenue dedicated for county indigent purposes in the county indigent hospital claims fund and such revenues shall be expended pursuant to the Indigent Hospital and County Health Care Act."

Chapter 110 Section 3 Laws 2004

Section 3. Section 7-20E-10 NMSA 1978 (being Laws 1983, Chapter 213, Section 32, as amended) is amended to read:

"7-20E-10. COUNTY GROSS RECEIPTS TAX--REFERENDUM REQUIREMENTS.--

A. An ordinance enacting the first or third one-eighth increment or the one-sixteenth increment of county gross receipts tax pursuant to Section 7-20E-9 NMSA 1978 shall be subject to optional referendum selection by the governing body, pursuant to Subsection A of Section 7-20E-3 NMSA 1978.

B. Imposition by any county of the second one-eighth increment of county gross receipts tax shall not be subject to a referendum of any kind unless prescribed by the county charter or the governing body of the county.

Chapter 110 Section 4 Laws 2004

Section 4. Section 7-20E-15 NMSA 1978 (being Laws 1979, Chapter 398, Section 3, as amended) is amended to read:

"7-20E-15. COUNTY FIRE PROTECTION EXCISE TAX--AUTHORITY TO IMPOSE--ORDINANCE REQUIREMENTS.--

A. The majority of the members of the governing body may enact an ordinance imposing an excise tax on any person engaging in business in the county area for the privilege

of engaging in business. The rate of the tax shall be one-fourth percent or one-eighth percent of the gross receipts of the person engaging in business.

B. This tax is to be referred to as the "county fire protection excise tax".

C. The governing body of a county shall, at the time of enacting an ordinance imposing the rate of the tax authorized in Subsection A of this section, dedicate the revenue for the purpose of financing the operational expenses, ambulance services or capital outlay costs of independent fire districts or ambulance services provided by the county. In any election held, the ballot shall clearly state the purpose to which the revenue will be dedicated and shall be used by the county for that purpose.

D. Any ordinance enacted under the provisions of Subsection A of this section shall include an effective date of either July 1 or January 1 in accordance with the provisions of the County Local Option Gross Receipts Taxes Act.

E. The ordinance shall not go into effect until after an election is held and a simple majority of the qualified electors of the county area voting in the election votes in favor of imposing the county fire protection excise 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. Such question may be submitted to the qualified electors and voted upon as a separate question at any special election called for that purpose by the governing body. The election upon the question shall be called, held, conducted and canvassed in substantially the same manner as provided by law for general elections. If the question of imposing a county fire protection excise tax fails, the governing body shall not again propose a county fire protection excise tax for a period of one year after the election."

Chapter 110 Section 5 Laws 2004

Section 5. Section 7-20E-22 NMSA 1978 (being Laws 2002, Chapter 14, Section 1, as amended) is amended to read:

"7-20E-22. COUNTY EMERGENCY COMMUNICATIONS AND EMERGENCY MEDICAL SERVICES TAX--AUTHORITY TO IMPOSE COUNTYWIDE OR ONLY IN THE COUNTY AREA--ORDINANCE REQUIREMENTS--USE OF REVENUE--ELECTION.--

A. The majority of the members of the governing body of an eligible county that does not have in effect a tax imposed pursuant to Subsection B of this section may enact an ordinance imposing an excise tax at a rate not to exceed one-fourth percent of the gross receipts of a person engaging in business in the county for the privilege of engaging in business. The tax imposed by this subsection may be referred to as the "countywide emergency communications and emergency medical services tax".

B. The majority of the members of the governing body of an eligible county that does not have in effect a tax imposed pursuant to Subsection A of this section may enact an ordinance imposing an excise tax at a rate not to exceed one-fourth percent of the gross receipts of a person engaging in business in the county area for the privilege of engaging in business. The tax imposed by this subsection may be referred to as the "county area emergency communications and emergency medical services tax".

C. The tax authorized in Subsections A and B of this section may be imposed in one or more increments of one-sixteenth percent not to exceed an aggregate rate of one-fourth percent.

D. The governing body, at the time of enacting an ordinance imposing a rate of tax authorized in Subsection A or B of this section, shall dedicate the revenue to one or both of the following purposes:

(1) operation of an emergency communications center that has been determined by the local government division of the department of finance and administration to be a consolidated public safety answering point; or

(2) operation of emergency medical services provided by the county.

E. An ordinance imposing any increment of the countywide emergency communications and emergency medical services tax or the county area emergency communications and emergency medical services tax shall not go into effect until after an election is held and a majority of the voters voting in the election vote in favor of imposing the tax. In the case of an ordinance imposing an increment of the countywide emergency communications and emergency medical services tax, the election shall be conducted countywide. In the case of an ordinance imposing the county area emergency communications and emergency medical services tax, the election shall be conducted only in the county area. 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 may be submitted to the voters 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. In any election held, the ballot shall clearly state the purpose to which the revenue will be dedicated pursuant to Subsection D of this section. If a majority of the voters voting on the question approve the imposition of the countywide emergency communications and emergency medical services tax or the county area emergency communications and emergency medical services tax, 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 tax fails, the governing body shall not again propose the imposition of any increment of either tax for a period of one year from the date of the election.

F. For the purposes of this section, "eligible county" means a county that operates or, pursuant to a joint powers agreement, is served by an emergency communications center that has been determined by the local government division of the department of finance and administration to be a consolidated public safety answering point."

Chapter 110 Section 6 Laws 2004

Section 6. Section 7-20F-2 NMSA 1978 (being Laws 1993, Chapter 303, Section 2, as amended) is amended to read:

"7-20F-2. DEFINITIONS.--As used in the County Correctional Facility Gross Receipts Tax Act:

A. "county" means a county of New Mexico;

B. "county board" means the board of county commissioners of a county;

C. "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;

D. "judicial-correctional facility" means a facility for housing and use by judicial and corrections agencies, including housing for persons confined in county correctional facilities; however, none of the facilities are required to be located on the same or contiguous parcels of land;

E. "municipality" means any incorporated city, town or village, whether incorporated under general act, special act or special charter;

F. "person" means an individual or any other legal entity;

G. "pledged revenues" means the revenue, net income or net revenues authorized to be pledged to the payment of revenue bonds issued pursuant to the provisions of the County Correctional Facility Gross Receipts Tax Act;

H. "refunding bond" means a refunding revenue bond issued pursuant to the provisions of the County Correctional Facility Gross Receipts Tax Act to refund revenue bonds issued pursuant to the provisions of that act; and

I. "revenue bond" means a county correctional facility gross receipts tax revenue bond."

Chapter 110 Section 7 Laws 2004

Section 7. Section 7-20F-3 NMSA 1978 (being Laws 1993, Chapter 303, Section 3, as amended) is amended to read:

"7-20F-3. COUNTY CORRECTIONAL FACILITY GROSS RECEIPTS TAX--
AUTHORITY TO IMPOSE--RATE--ORDINANCE REQUIREMENTS--REFERENDUM.--

A. The majority of the members elected to the county board may enact an ordinance imposing on a countywide basis an excise tax not to exceed a rate of one-eighth percent of the gross receipts of any person engaging in business in the county, including all municipalities within the county.

B. The tax imposed pursuant to Subsection A of this section may be referred to as the "county correctional facility gross receipts tax".

C. Any ordinance imposing a county correctional facility gross receipts tax pursuant to this section shall:

(1) impose the tax in any number of increments of one-sixteenth percent not to exceed an aggregate amount of one-eighth percent;

(2) specify that the imposition of the tax will begin on either July 1 or January 1, whichever occurs first after the expiration of at least three months from the date that the department is notified personally or by mail by the county of adoption of the ordinance; and

(3) dedicate the revenue from the county correctional facility gross receipts tax:

(a) for the purpose of operating, maintaining, constructing, purchasing, furnishing, equipping, rehabilitating, expanding or improving a

judicial-correctional or a county correctional facility or the grounds of a judicial-correctional or county correctional facility, including acquiring and improving parking lots, landscaping or any combination of the foregoing;

(b) for the purpose of transporting or extraditing prisoners; or

(c) to payment of principal and interest on revenue bonds or refunding bonds issued pursuant to the provisions of the County Correctional Facility Gross Receipts Tax Act.

D. An ordinance imposing a county correctional facility gross receipts tax pursuant to this section shall be subject to optional referendum selection by the governing body, as provided in Subsection A of Section 7-20E-3 NMSA 1978.

E. If the county has pledged the revenue from imposition of the county correctional facilities gross receipts tax to the repayment of bonds or other indebtedness, revenue produced by the imposition of a county correctional facility gross receipts tax that is in excess of the annual principal and interest due on bonds secured by a pledge of the county correctional facility gross receipts tax may be accumulated in a debt service reserve account until an amount equal to the maximum amount permitted pursuant to the provisions of the United States treasury regulations is accumulated in the debt service reserve account. After the debt service reserve account requirements have been met, the excess revenue shall be accumulated in an extraordinary mandatory redemption fund and annually used to redeem the bonds prior to their stated maturity date.

F. If the county has pledged the revenue from imposition of the county correctional facilities gross receipts tax to the repayment of bonds or other indebtedness, when all outstanding bonds have been paid, whether from the debt service reserve, the redemption fund or maturity, the ordinance shall be repealed if the county correctional facility gross receipts tax revenue is no longer required for the purposes for which it may be used pursuant to the provisions of the County Correctional Facility Gross Receipts Tax Act.

G. The repeal of an ordinance imposing a county correctional facility gross receipts tax shall state that the repeal shall be effective on January 1 or July 1, whichever occurs first following the date the department is notified personally or by mail by the county of the repeal."

Chapter 110 Section 8 Laws 2004

Section 8. TEMPORARY PROVISION.--An ordinance imposing the county fire protection excise tax that has an effective date on or after July 1, 2004 shall not be subject to the time limit on tax imposition specified in that version of Section 7-20E-15 NMSA 1978 that was in effect prior to the effective date of this 2004 act, and any delayed repeal provision included in that ordinance shall be ineffective.

Chapter 110 Section 9 Laws 2004

Section 9. EFFECTIVE DATE.--The effective date of the provisions of Sections 1 through 3 and 5 through 7 of this act is July 1, 2004.

Senate Bill 88, aa, wo/ec
Approved March 9, 2004

LAWS 2004, CHAPTER 111

AN ACT

RELATING TO EDUCATION; ENACTING THE DEAF AND HARD-OF-HEARING CHILDREN'S EDUCATIONAL BILL OF RIGHTS.

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

Chapter 111 Section 1 Laws 2004

Section 1. SHORT TITLE.--This act may be cited as the "Deaf and Hard-of-Hearing Children's Educational Bill of Rights".

Chapter 111 Section 2 Laws 2004

Section 2. FINDINGS AND PURPOSE.--

A. The legislature finds that:

(1) hearing loss affects the most basic human need, communication. Without quality communication a child is isolated from other human beings and from the exchange of knowledge essential for educational growth and, therefore, cannot develop the skills required to become a productive, capable adult and a fully participatory member of society;

(2) children with hearing loss have the same innate capabilities as any other children. They communicate in a wide variety of manual and spoken modes, languages and systems. Some use aural/oral modes of communication, while others use a combination of aural/oral and manual communication. Many use American sign language, which is a formal

language, as well as the preferred everyday language of the deaf community. Obviously, all children need to develop English proficiency; and

(3) it is, therefore, critical that all New Mexicans work toward ensuring that:

(a) deaf and hard-of-hearing children, like all children, have quality, ongoing and fluid communication, both in and out of the classroom;

(b) deaf and hard-of-hearing children be placed in the least restrictive educational environment and receive services based on their unique communication, language and educational needs, consistent with 20 U.S.C. Section 1414(d)(3)(B)(iv) of the federal Individuals with Disabilities Education Act;

(c) deaf and hard-of-hearing children be given an education in which teachers and related service providers and assessors understand the unique nature of deafness, are specifically trained to work with hard-of-hearing and deaf pupils and can communicate spontaneously and fluidly with these children;

(d) deaf and hard-of-hearing children, like all children, have the benefit of an education in which there are a sufficient number of age-appropriate peers and adults with whom they can interact and communicate in a spontaneous and fluid way;

(e) deaf and hard-of-hearing children receive an education in which they are exposed to deaf and hard-of-hearing role models;

(f) deaf and hard-of-hearing children, like all children, have direct and appropriate access to all components of the educational process, including recess; lunch; and extracurricular, social and athletic activities;

(g) deaf and hard-of-hearing children, like all children, be provided with programs in which transition planning, as required under the federal Individuals with Disabilities Education Act, focuses on their unique vocational needs; and

(h) families of children who are deaf or hard-of-hearing receive accurate, balanced and complete information regarding their child's educational and communication needs and the available programmatic, placement and resource options, as well as access to support services and advocacy resources from public and private agencies, departments and all other institutions and resources knowledgeable about hearing loss and the needs of children who are deaf or hard-of-hearing.

B. Given the central importance of communication to all human beings, the purpose of the Deaf and Hard-of-Hearing Children's Educational Bill of Rights is to encourage the development of a communication-driven and language-driven educational delivery system in New Mexico for children who are deaf or hard-of-hearing.

Chapter 111 Section 3 Laws 2004

Section 3. EDUCATIONAL RIGHTS OF DEAF AND HARD-OF-HEARING CHILDREN--ADDITIONAL DUTY OF PUBLIC EDUCATION DEPARTMENT.--

A. The state of New Mexico recognizes the unique communication needs of children who are deaf or hard-of-hearing and encourages the development of specific recommendations by all state agencies, institutions and political subdivisions concerned with the early intervention, early childhood and kindergarten through twelfth grade education of students who are deaf or hard-of-hearing, including the public education department, the New Mexico school for the deaf and the department of health, to ensure that:

(1) these children have what every other child takes for granted, including an educational environment in which their language and communication needs are fully addressed and developed and in which they have early, ongoing and quality access to planned and incidental communication opportunities; and

(2) the recommendations, consistent with the findings and purpose of the Deaf and Hard-of-Hearing Children's Educational Bill of Rights, be completed expeditiously.

B. Since 20 U.S.C. Section 1414(d)(3)(B)(iv) of the federal Individuals with Disabilities Education Act requires that the individual education plan team consider the unique communication needs of children who are deaf or hard-of-hearing, the public education department shall develop a model "communication consideration for students who are deaf or hard-of-hearing", to become part of the individual education plan process. The model shall be disseminated to all local school districts, with training to be provided as determined by the department.

Senate Bill 206, aa
Approved March 9, 2004

LAWS 2004, CHAPTER 112

AN ACT

RELATING TO MUNICIPALITIES; AMENDING THE SMALL CITIES ASSISTANCE ACT.

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

Chapter 112 Section 1 Laws 2004

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

"3-37A-3. SMALL CITIES ASSISTANCE FUND--DISTRIBUTION.--

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

B. On or before January 31, 2004 and on or before January 31 of each subsequent year, the local government division of the department of finance and administration

shall certify to the taxation and revenue department the population of each municipality in the state.

C. On or before the last day of February of 2004 and of each subsequent year, the taxation and revenue department shall compute the amount to be distributed to each qualifying municipality as follows:

(1) the department first shall compute a distribution share for each qualifying municipality. The distribution share shall be an amount equal to the product of the qualifying municipality's population multiplied by the difference between the statewide per capita average and the municipal per capita average less the local tax effort of the qualifying municipality;

(2) in 2004 and subsequent years, the balance in the small cities assistance fund in February immediately after the distribution to the fund pursuant to Section 7-1-6.2 NMSA 1978 for the preceding January will be divided by the number of qualifying municipalities. The quotient will be rounded down to the nearest dollar and may be cited as the "target amount";

(3) if the target amount determined in Paragraph (2) of this subsection is less than or equal to the minimum amount, the target amount is the amount to be distributed to each qualifying municipality; and

(4) if the target amount exceeds the minimum amount, the amount to be distributed to all qualifying municipalities whose distribution share equals or is less than the minimum amount shall equal the minimum amount. The sum to be distributed to such municipalities shall be subtracted from the amount in the fund. The target amount then shall be increased by dividing the balance remaining in the fund by the number of remaining qualifying municipalities. The amount to be distributed to each remaining qualifying municipality shall equal the lesser of the municipality's distribution share or the increased target amount. If the distribution share of one or more of these remaining qualifying municipalities is less than the increased target amount, the balance of the fund is to be further reduced by the amount necessary to provide for a distribution to those municipalities of their distribution shares. The target amount is to be increased again by dividing the recomputed fund balance by the number of qualifying municipalities not yet provided for. Successive iterations of the process to increase the target amount shall occur until no remaining municipality's distribution share is less than the increased target amount.

D. The state treasurer shall distribute from the small cities assistance fund on or before March 1, 2004 and March 1 of each subsequent year to each qualifying municipality the amount certified by the taxation and revenue department for each qualifying municipality for the year.

E. Funds distributed in accordance with this section shall be placed in the general fund of the qualifying municipalities receiving distributions."

Senate Bill 53
Approved March 9, 2004

LAWS 2004, CHAPTER 113

AN ACT

RELATING TO TAXATION; PROVIDING NEW REVENUE FOR CERTAIN COUNTIES TO BE USED FOR GENERAL HEALTH PURPOSES FOR SICK AND INDIGENT PERSONS.

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

Chapter 113 Section 1 Laws 2004

Section 1. TAX LEVIES AUTHORIZATION--PROCEDURES--HEALTH PURPOSES.--

A. A board of county commissioners may adopt a resolution to submit to the qualified electors of the county the question of whether a property tax at a rate not to exceed the rate specified in the resolution should be imposed upon the net taxable value of property allocated to the county under the Property Tax Code for the purpose of providing health care to sick and indigent persons in the county.

B. The resolution shall specify the rate of the proposed tax, which shall not exceed one dollar fifty cents (\$1.50) on each one thousand dollars (\$1,000) of net taxable value of property allocated to the county under the Property Tax Code and shall:

(1) specify the date of the election at which the question of imposition of the tax to the qualified electors of the county shall be held, which may be a general election or a special election called for that purpose, except that the election may not be held within one year of an election held pursuant to Section 4-48B-15 NMSA 1978; and

(2) limit the imposition of the proposed tax to no more than eight years.

C. The question shall be voted upon as a separate question and shall be called, conducted and canvassed in substantially the same manner as provided by law for general elections. Upon certification, copies of the election shall be mailed immediately to the department of finance and administration and the taxation and revenue department.

D. For purposes of this section, "county" means a class B county with a population of no less than forty-one thousand and no more than forty-five thousand according to the last federal decennial census.

E. The mill levy authorized in this section is not subject to the rate limitation provisions of Section 7-37-7.1 NMSA 1978 and shall not be used to meet a county's obligations pursuant to Section 27-10-4 NMSA 1978.

Senate Bill 518

Approved March 9, 2004

LAWS 2004, CHAPTER 114

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 114 Section 1 Laws 2004

Section 1. **SHORT TITLE.**--This act may be cited as the "General Appropriation Act of 2004".

Chapter 114 Section 2 Laws 2004

Section 2. **DEFINITIONS.**--As used in the General Appropriation Act of 2004:

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-eight hours worked in fiscal year 2005. 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 Lands 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) unencumbered balances in agency internal service fund accounts appropriated by the General Appropriation Act of 2004;

I. "other state funds" means:

(1) unencumbered, nonreverting balances in agency accounts, other than in internal service funds accounts, appropriated by the General Appropriation Act of 2004;

(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 114 Section 3 Laws 2004

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 2004, or so much as may be necessary, are appropriated from the indicated source for expenditure in fiscal year 2005 for the objects expressed.

D. Unencumbered balances in agency accounts remaining at the end of fiscal year 2004 shall revert to the general fund by October 1, 2004, unless otherwise indicated in the General Appropriation Act of 2004 or otherwise provided by law.

E. Unencumbered balances in agency accounts remaining at the end of fiscal year 2005 shall revert to the general fund by October 1, 2005, unless otherwise indicated in the General Appropriation Act of 2004 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 2004, appropriations are made in that act for the expenditures of agencies and for other purposes as required by existing law for fiscal year 2005. If any other act of the second session of the forty-sixth 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 2004 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 2005 revenue collections with the revenue estimate. If the analyses indicate that revenues and transfers to the general fund are not expected to meet appropriations, then the department shall present a plan to the legislative finance committee that outlines the methods by which the administration proposes to address the deficit.

I. Pursuant to Sections 6-3-23 through 6-3-25 NMSA 1978, agencies whose revenue from state board of finance loans, from revenue appropriated by other acts of the legislature, or from gifts, grants, donations, bequests, insurance settlements, refunds or payments into revolving funds which 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. Pursuant to Section 6-4-2 NMSA 1978, federal funds received during fiscal year 2005 and not specifically appropriated shall be subject to future appropriation by the legislature provided, however, that an agency may request a budget increase during fiscal year 2005 from the state budget division if the agency submits documentation to the state budget division and to the legislative finance committee showing that all of the following five requirements have been met:~~

~~(1) the requested budget increase is for federal funds the amount of which could not have been reasonably anticipated or known during the second session of the~~

~~forty-sixth legislature and, therefore, could not have been requested by the agency or appropriated by the legislature;~~

~~(2) the federal law authorizing the disbursement of the federal funds to the state requires the funds to be expended for specific programs or specific governmental functions without leaving a policy choice to the state of how the funds are to be expended;~~

~~(3) the state has no discretion as to the programs or governmental functions for which the federal funds will be expended;~~

~~(4) the executive branch has had no input into the selection of the programs or governmental functions for which the federal funds are required to be expended; and~~

~~(5) due to the emergency nature of the purpose of the federal funds or the likelihood that the federal funds will be unavailable in the future, the funds need to be budgeted and expended before the first session of the forty-seventh legislature.]~~

~~[K. For fiscal year 2005, 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 2004 or another act of the second session of the forty-sixth legislature provides for additional employees.][LINE-ITEM VETO]~~

L. 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 2004 may be expended for payment of agency-issued credit card invoices.

M. To prevent unnecessary spending, expenditures from the General Appropriation Act of 2004 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.

N. For the purpose of administering the General Appropriation Act of 2004, 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.

O. When approving budgets based on appropriations in the General Appropriation Act of 2004, the state budget division is specifically authorized to approve budgets in accordance with generally accepted accounting principles and the authority to extend the availability period of an appropriation through the use of an encumbrance 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 114 Section 4 Laws 2004

Section 4. **FISCAL YEAR 2005 APPROPRIATIONS.**—~~[The state budget division, in consultation with the legislative finance committee, shall select key agencies and develop a list of key performance measures for quarterly reporting. Quarterly reports shall compare actual performance for the report period with targeted performance and shall be filed with the state budget division and legislative finance committee within thirty days of the end of a reporting period.]~~*[LINE-ITEM VETO]*

Other Internal Svc

General State Funds/Inter- Federal

Item Fund Funds Agency Trnsf Funds Total/Target

A. LEGISLATIVE

LEGISLATIVE FINANCE COMMITTEE:

Appropriations:

(a)	Personal services and		
	employee benefits	2,846.7	2,846.7
	Authorized FTE: 36.50 Permanent		
	Subtotal		2,846.7

LEGISLATIVE COUNCIL SERVICE:

(1) Legislative building services:

Appropriations:

(a)	Personal services and		
	employee benefits	2,251.7	2,251.7
(b)	Contractual services	100.2	100.2
(c)	Other	913.7	913.7

Authorized FTE: 49.00 Permanent; 4.00 Temporary

(2) Energy council dues:

Appropriations:	32.0	32.0
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(3) Legislative retirement:

Appropriations:	266.0	266.0
Subtotal		3,563.6
TOTAL LEGISLATIVE	6,410.3	6,410.3

B. JUDICIAL

SUPREME COURT LAW LIBRARY:

The purpose of the supreme court law library program is to provide and produce legal information for all branches of state government, the legal community and the general public so that they may have equal access to the law, effectively address the courts, make laws, 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	599.6	599.6
(b)	Contractual services	343.0	343.0
(c)	Other	638.2	638.2

Authorized FTE: 9.00 Permanent

Performance measures:

(a) Output:	Percent of titles currently updated	80%
(b) Quality:	Percent of staff time spent on shelving and updating	
	library materials	15.5%
(c) Output:	Number of website hits	45,000
(d) Output:	Number of research requests	5,000
Subtotal		1,580.8

NEW MEXICO COMPILATION COMMISSION:

Appropriations:

The purpose of the New Mexico compilation commission program 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 to ensure the accuracy and reliability of its publication.

(a)	Personal services and			
	employee benefits		167.7	167.7
(b)	Contractual services	78.0	887.5	965.5
(c)	Other	158.5	158.5	

Authorized FTE: 3.00 Permanent

Performance measures:

(a) Output:	Amount of revenue collected, in thousands	\$1,250
Subtotal		1,291.7

JUDICIAL STANDARDS COMMISSION:

The purpose of the judicial standards commission program is to provide a review process for the public addressing complaints involving judicial misconduct in order to preserve the integrity and impartiality of the judicial process.

Appropriations:

(a)	Personal services and		
	employee benefits	267.8	267.8
(b)	Contractual services	23.8	23.8
(c)	Other	80.6	80.6

Authorized FTE: 4.00 Permanent

Performance measures:

(a) Output:	Percent of complaints requiring research and investigation	90%
(b) Output:	Number of complaints received regarding judicial misconduct	900
Subtotal		372.2

COURT OF APPEALS:

The purpose of the court of appeals program is to provide access to justice, to resolve disputes justly and timely and to 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	4,068.3		4,068.3
(b)	Contractual services	79.8		79.8
(c)	Other	322.7	1.0	323.7

Authorized FTE: 58.00 Permanent

Performance measures:

(a) Outcome: Cases disposed as a percent of cases filed 95%

(b) Output: Number of legal opinions written

Subtotal 4,471.8

SUPREME COURT:

The purpose of the supreme court program is to provide access to justice, to resolve disputes justly and timely and to 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	1,978.4		1,978.4
(b)	Contractual services	100.7		100.7
(c)	Other	159.0		159.0

Authorized FTE: 29.00 Permanent

Performance measures:

(a) Outcome: Cases disposed as a percent of cases filed 95%

(b) Output: Number of legal opinions, decisions and dispositional orders written

Subtotal 2,238.1

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	2,000.1	768.0	2,768.1	
(b)	Contractual services	325.2	560.0	885.2	
(c)	Other	3,149.2	550.0	259.1	3,958.3
(d)	Other financing uses	200.0			200.0

Authorized FTE: 30.00 Permanent; 11.50 Term

~~[The general fund appropriation to the administrative support program of the administrative office of the courts in the other financing uses category includes two hundred thousand dollars (\$200,000) to replace federal funds for juvenile drug courts in the third, eleventh, twelfth, and thirteenth judicial district courts.][LINE-ITEM VETO]~~

Performance measures:

(a) Outcome: Percent of jury summons successfully executed 92%

(b) Quality: Percent of magistrate court financial reports submitted to
fiscal services division and reconciled on a monthly basis 100%

(c) Output: Average cost per juror \$200

(2) Statewide judiciary automation:

The purpose of the statewide judiciary 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	1,658.5	1,668.3	3,326.8
(b)	Contractual services	18.0	731.0	749.0
(c)	Other	2,751.5		2,751.5

Authorized FTE: 37.50 Permanent; 9.00 Term

Performance measures:

- (a) Quality: Percent of accurate driving while intoxicated court reports 98%
- (b) Quality: Percent reduction in number of calls for assistance from
judicial agencies regarding the case management database
and network 25%
- (c) Quality: Average time to respond to automation calls for assistance,
in minutes 25
- (d) Output: Number of help desk calls for assistance provided to the
judiciary 6,000

(3) Magistrate court:

The purpose of the magistrate 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 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	12,688.9	1,487.4 63.3	14,239.6
(b)	Contractual services	125.2	28.5 132.3	286.0
(c)	Other	4,155.5 695.3	367.2	5,218.0

Authorized FTE: 262.00 Permanent; 51.50 Term

Performance measures:

(a) Outcome: Amount of bench warrant revenue collected annually, in

millions \$1.6

(b) Efficiency: Cases disposed as a percent of cases filed 80%

(c) Output: Amount of criminal case fees and fines collected

(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 and to provide judges pro tempores and adjudicate water rights disputes so that the constitutional rights and safety of citizens (especially children and families) are protected.

Appropriations:

(a) Contractual services 3,349.2 3,349.2

(b) Other financing uses 1,768.1 1,768.1

Performance measures:

(a) Output: Number of required events attended by attorneys in abuse

and neglect cases 3,500

(b) Output: Number of monthly supervised child visitations conducted 500

(c) Output: Number of cases to which court-appointed special advocate

volunteers are assigned 1,275

Subtotal 39,499.8

SUPREME COURT BUILDING COMMISSION:

The purpose of the supreme court building commission is to retain custody, control, maintenance and preservation of the supreme court building and its grounds along with maintaining fixed assets records for furniture, fixtures and equipment acquired by the judiciary.

Appropriations:

(a) Personal services and

employee benefits 440.4 440.4

(b)	Contractual services	85.7		85.7
(c)	Other	146.8	146.8	

Authorized FTE: 12.00 Permanent

Performance measures:

(a) Quality:	Accuracy of fixed assets inventory records	100%
Subtotal		672.9

DISTRICT COURTS:

(1) First judicial district:

The purpose of the first judicial district 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 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	4,173.4	159.1	219.9	4,552.4
(b)	Contractual services	522.1	23.3	156.5	701.9
(c)	Other	175.4	173.1	42.2	390.7

Authorized FTE: 70.50 Permanent; 7.50 Term

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed
- (b) Quality: Recidivism of adult drug court graduates
- (c) Quality: Recidivism of juvenile drug court graduates
- (d) Output: Number of days to process juror payment vouchers
- (e) Explanatory: Graduation rate

(2) Second judicial district:

The purpose of the second judicial district 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 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	15,081.1	641.2	912.5		16,634.8
(b)	Contractual services	205.0	100.0	112.5	213.1	630.6
(c)	Other	1,136.8	69.2	105.0		1,311.0

Authorized FTE: 281.50 Permanent; 25.00 Term

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed
- (b) Quality: Recidivism of adult drug court graduates
- (c) Quality: Recidivism of juvenile drug court graduates
- (d) Output: Number of days to process juror payment vouchers
- (e) Explanatory: Graduation rate

(3) Third judicial district:

The purpose of the third judicial district 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 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	3,551.9	372.3	20.4		3,944.6
(b)	Contractual services	544.1	80.0	187.7	49.9	861.7
(c)	Other	258.6	52.3	85.9	9.7	406.5

Authorized FTE: 62.80 Permanent; 8.00 Term

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed
- (b) Quality: Recidivism of adult drug court graduates
- (c) Quality: Recidivism of juvenile drug court graduates
- (d) Output: Number of days to process juror payment vouchers
- (e) Explanatory: Graduation rate
- (4) Fourth judicial district:

The purpose of the fourth judicial district 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 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	996.3		996.3
(b)	Contractual services	45.2	123.3	168.5
(c)	Other	61.5	14.6	76.1

Authorized FTE: 19.50 Permanent

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed
- (b) Output: Number of days to process juror payment vouchers
- (c) Explanatory: Graduation rate
- (d) Quality: Recidivism of juvenile drug court graduates
- (5) Fifth judicial district:

The purpose of the fifth judicial district 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 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	3,535.7	69.5	3,605.2
(b)	Contractual services	195.2	58.0	415.2
(c)	Other	297.6	35.0	16.3
				348.9

Authorized FTE: 64.50 Permanent; 1.00 Term

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed
- (b) Output: Number of days to process juror payment vouchers
- (c) Explanatory: Graduation rate
- (d) Quality: Recidivism of family drug court graduates

(6) Sixth judicial district:

The purpose of the sixth judicial district 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 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	1,519.9		1,519.9
(b)	Contractual services	220.3	23.2	100.0
(c)	Other	174.5	8.6	183.1

Authorized FTE: 27.50 Permanent

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed
- (b) Quality: Recidivism of juvenile drug court graduates
- (c) Output: Number of days to process juror payment vouchers
- (d) Explanatory: Graduation rate

(7) Seventh judicial district:

The purpose of the seventh judicial district 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 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	1,244.1		178.4	1,422.5
(b)	Contractual services	75.5	13.0	22.3	110.8
(c)	Other	122.4	17.7	79.1	219.2

Authorized FTE: 23.50 Permanent; 3.00 Term

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed
- (b) Output: Number of days to process juror payment vouchers
- (8) Eighth judicial district:

The purpose of the eighth judicial district 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 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	1,334.2			1,334.2
(b)	Contractual services	522.7	30.0	90.6	643.3
(c)	Other	110.2	28.0		138.2

Authorized FTE: 23.30 Permanent

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed
- (b) Quality: Recidivism of adult drug court graduates
- (c) Quality: Recidivism of juvenile drug court graduates

(d) Output: Number of days to process juror payment vouchers

(e) Explanatory: Graduation rate

(9) Ninth judicial district:

The purpose of the ninth judicial district 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 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	1,570.5	292.0		1,862.5
(b)	Contractual services	50.1	26.4	105.8	182.3
(c)	Other	210.5	41.5	25.3	277.3

Authorized FTE: 28.00 Permanent; 4.00 Term

Performance measures:

(a) Explanatory: Cases disposed as a percent of cases filed

(b) Output: Number of days to process juror payment vouchers

(10) Tenth judicial district:

The purpose of the tenth judicial district 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 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		500.9		500.9
(b)	Contractual services		12.0		12.0
(c)	Other	52.9	2.5		55.4
(d)	Other financing uses		15.0		15.0

Authorized FTE: 9.10 Permanent

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed
- (b) Output: Number of days to process juror payment vouchers

(11) Eleventh judicial district:

The purpose of the eleventh judicial district 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 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	2,898.6		269.9	28.8	3,197.3
(b)	Contractual services	98.2	69.9	127.8		295.9
(c)	Other	376.8	36.9	80.1	.6	494.4

Authorized FTE: 55.00 Permanent; 7.80 Term

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed
- (b) Quality: Recidivism of adult drug court graduates
- (c) Output: Number of domestic violence parties completing counseling
- (d) Output: Number of cases resolved with mediation
- (e) Quality: Recidivism of juvenile drug court graduates
- (f) Output: Number of days to process juror payment vouchers
- (g) Explanatory: Graduation rate

(12) Twelfth judicial district:

The purpose of the twelfth judicial district 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 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	1,668.2		12.7	37.1	1,718.0
(b)	Contractual services	167.1	26.0	137.8		330.9
(c)	Other	171.0	20.0	8.6	.4	200.0

Authorized FTE: 31.50 Permanent; 1.00 Term

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed
- (b) Quality: Recidivism of juvenile drug court participants
- (c) Output: Number of days to process juror payment vouchers
- (d) Explanatory: Graduation rate

(13) Thirteenth judicial district:

The purpose of the thirteenth judicial district 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 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	2,941.0		287.8	7.4	3,236.2
(b)	Contractual services	133.4	51.0	134.0	139.4	457.8
(c)	Other	300.0	4.0	68.5	19.1	391.6

Authorized FTE: 53.50 Permanent; 4.00 Term

Performance measures:

- (a) Explanatory: Cases disposed as a percent of cases filed
- (b) Quality: Recidivism of juvenile drug court graduates
- (c) Output: Number of days to process juror payment vouchers
- (d) Explanatory: Graduation rate

Subtotal 54,439.8

BERNALILLO COUNTY METROPOLITAN COURT:

Appropriations:

(a)	Personal services and				
	employee benefits	11,673.1	851.1	994.5	13,518.7
(b)	Contractual services	1,684.1	462.3	504.0	2,650.4
(c)	Other	2,791.6	372.7	43.0	3,207.3

Authorized FTE: 255.00 Permanent; 39.00 Term; 1.50 Temporary

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 in order to independently protect the rights and liberties guaranteed by the constitutions of New Mexico and the United States.

Performance measures:

(a) Outcome:	Amount of bench warrant revenue collected annually	\$650,000
(b) Outcome:	Cases disposed as a percent of cases filed	80%
(c) Output:	Amount of criminal case fees and fines collected, in millions	\$1.7
(d) Explanatory:	Cost per client for adult drug court participants	\$3,500
(e) Quality:	Recidivism of adult drug court graduates	12%
(f) Explanatory:	Graduation rate of drug court participants	

Subtotal 19,376.4

DISTRICT ATTORNEYS:

(1) First judicial district:

The purpose of the prosecution program is to enforce 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	3,011.6	135.2	458.1	3,604.9
(b)	Contractual services	19.5		292.2	311.7
(c)	Other	323.9	30.0		353.9

Authorized FTE: 56.00 Permanent; 13.50 Term

Performance measures:

- (a) Outcome: Percent of cases dismissed under the six-month rule <5%
- (b) Output: Number of cases dismissed under the six-month rule <54
- (c) Efficiency: Average time from filing of petition to final disposition,
in months 3
- (d) Efficiency: Average attorney caseload 185
- (e) Output: Number of cases prosecuted 2,600
- (f) Output: Number of cases referred for screening 4,400

(2) Second judicial district:

The purpose of the prosecution program is to enforce 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	12,187.4		310.4	415.2
(b)	Contractual services	94.4			94.4
(c)	Other	788.9		788.9	

Authorized FTE: 239.00 Permanent; 20.00 Term

The general fund appropriation to the second judicial district attorney in the personal services and employee benefits category includes ninety-five thousand dollars (\$95,000) to replace federal funding for violence against women activities.

Performance measures:

- (a) Outcome: Percent of cases dismissed under the six-month rule <5%
- (b) Output: Number of cases dismissed under the six-month rule <1,037
- (c) Efficiency: Average time from filing of petition to final disposition,
in months 9.5
- (d) Efficiency: Average attorney caseload 305
- (e) Output: Number of cases prosecuted 20,753
- (f) Output: Number of cases referred for screening 26,237

(3) Third judicial district:

The purpose of the prosecution program is to enforce 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 2,457.9 38.9 421.4 2,918.2
- (b) Contractual services 28.0 28.0
- (c) Other 165.4 4.0 9.4 178.8

Authorized FTE: 46.00 Permanent; 8.00 Term

Performance measures:

- (a) Outcome: Percent of cases dismissed under the six-month rule <.5%
- (b) Output: Number of cases dismissed under the six-month rule <17
- (c) Efficiency: Average time from filing of petition to final disposition,
in months 6
- (d) Efficiency: Average attorney caseload 130
- (e) Output: Number of cases prosecuted 3,250

(f) Output: Number of cases referred for screening 4,000

(4) Fourth judicial district:

The purpose of the prosecution program is to enforce 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	1,956.9	106.0	2,062.9
(b)	Contractual services	51.8		51.8
(c)	Other	172.5	172.5	

Authorized FTE: 31.50 Permanent; 3.50 Term

The general fund appropriation to the fourth judicial district attorney in the personal services and employee benefits category includes seventy-one thousand dollars (\$71,000) to replace federal funding for violence against women activities.

Performance measures:

- (a) Outcome: Percent of cases dismissed under the six-month rule <2.25%
- (b) Output: Number of cases dismissed under the six-month rule <33
- (c) Efficiency: Average time from filing of petition to final disposition,
in months 6
- (d) Efficiency: Average attorney caseload 156
- (e) Output: Number of cases prosecuted 1,466
- (f) Output: Number of cases referred for screening 5,272

(5) Fifth judicial district:

The purpose of the prosecution program is to enforce 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	2,629.2	33.6	88.4	2,751.2
(b)	Contractual services	115.5			115.5
(c)	Other	219.3	20.0	5.2	244.5

Authorized FTE: 48.50 Permanent; 3.00 Term

Performance measures:

- (a) Outcome: Percent of cases dismissed under the six-month rule 0%
- (b) Output: Number of cases dismissed under the six-month rule 0
- (c) Efficiency: Average time from filing of petition to final disposition,
in months 7.2
- (d) Efficiency: Average attorney caseload 200
- (e) Output: Number of cases prosecuted 3,000
- (f) Output: Number of cases referred for screening 3,200

(6) Sixth judicial district:

The purpose of the prosecution program is to enforce 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	1,449.8	228.2	251.7	1,929.7
(b)	Contractual services	8.5			8.5
(c)	Other	160.0	3.0	11.0	174.0

Authorized FTE: 27.00 Permanent; 9.00 Term

Performance measures:

- (a) Outcome: Percent of cases dismissed under the six-month rule <5%
- (b) Output: Number of cases dismissed under the six-month rule <90

- (c) Efficiency: Average time from filing of petition to final disposition,
in months 6
- (d) Efficiency: Average attorney caseload 75
- (e) Output: Number of cases prosecuted 1,800
- (f) Output: Number of cases referred for screening 1,000

(7) Seventh judicial district:

The purpose of the prosecution program is to enforce 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 1,594.7 1,594.7
- (b) Contractual services 49.2 49.2
- (c) Other 145.5 145.5

Authorized FTE: 31.00 Permanent

Performance measures:

- (a) Outcome: Percent of cases dismissed under the six-month rule <5%
- (b) Output: Number of cases dismissed under the six-month rule <114
- (c) Efficiency: Average time from filing of petition to final disposition,
in months 3
- (d) Efficiency: Average attorney caseload 240
- (e) Output: Number of cases prosecuted 2,280
- (f) Output: Number of cases referred for screening 2,400

(8) Eighth judicial district:

The purpose of the prosecution program is to enforce 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	1,682.3		1,682.3
(b)	Contractual services	12.6		12.6
(c)	Other	225.4	225.4	

Authorized FTE: 30.00 Permanent

Performance measures:

- (a) Outcome: Percent of cases dismissed under the six-month rule <5%
- (b) Output: Number of cases dismissed under the six-month rule <94
- (c) Efficiency: Average time from filing of petition to final disposition,
in months 8
- (d) Efficiency: Average attorney caseload 209
- (e) Output: Number of cases prosecuted 1,881
- (f) Output: Number of cases referred for screening 2,667

(9) Ninth judicial district:

The purpose of the prosecution program is to enforce 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	1,662.1	5.9	15.0	1,683.0
(b)	Contractual services	8.5	5.1		13.6
(c)	Other	132.7	5.3	138.0	

Authorized FTE: 31.00 Permanent; 1.00 Term

Performance measures:

- (a) Outcome: Percent of cases dismissed under the six-month rule <5%
- (b) Output: Number of cases dismissed under the six-month rule <63
- (c) Efficiency: Average time from filing of petition to final disposition,
n months 4
- (d) Efficiency: Average attorney caseload 200
- (e) Output: Number of cases prosecuted 1,693
- (f) Output: Number of cases referred for screening 2,038

(10) Tenth judicial district:

The purpose of the prosecution program is to enforce 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 DeBaca counties.

Appropriations:

- (a) Personal services and
employee benefits 638.3 638.3
- (b) Contractual services 4.3 4.3
- (c) Other 67.3 67.3

Authorized FTE: 11.00 Permanent

Performance measures:

- (a) Outcome: Percent of cases dismissed under the six-month rule <1%
- (b) Output: Number of cases dismissed under the six-month rule <14
- (c) Efficiency: Average time from filing of petition to final disposition,
in months 6
- (d) Efficiency: Average attorney caseload 468
- (e) Output: Number of cases prosecuted 1,349
- (f) Output: Number of cases referred for screening 2,045

(11) Eleventh judicial district-division I:

The purpose of the prosecution program is to enforce 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	2,231.7	150.2	173.2	2,555.1
(b)	Contractual services	9.9			9.9
(c)	Other	201.1	5.0	20.3	226.4

Authorized FTE: 48.00 Permanent; 4.80 Term

Performance measures:

- (a) Outcome: Percent of cases dismissed under the six-month rule <.5%
- (b) Output: Number of cases dismissed under the six-month rule <2
- (c) Efficiency: Average time from filing of petition to final disposition,
in months 6
- (d) Efficiency: Average attorney caseload 209
- (e) Output: Number of cases prosecuted 3,555
- (f) Output: Number of cases referred for screening 3,900

(12) Eleventh judicial district-division II:

The purpose of the prosecution program is to enforce 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	1,436.9	88.1	55.0	1,580.0
(b)	Contractual services	7.0			7.0

(c) Other 112.2 112.2

Authorized FTE: 28.00 Permanent; 3.00 Term

The general fund appropriation to the eleventh judicial district attorney-division II in the personal services and employee benefits category includes thirty-three thousand dollars (\$33,000) to replace federal funding for violence against women activities.

Performance measures:

(a) Outcome: Percent of cases dismissed under the six-month rule <5%

(b) Output: Number of cases dismissed under the six-month rule <299

(c) Efficiency: Average time from filing of petition to final disposition,
in months 2.5

(d) Efficiency: Average attorney caseload 166

(e) Output: Number of cases prosecuted 5,977

(f) Output: Number of cases referred for screening 6,261

(13) Twelfth judicial district:

The purpose of the prosecution program is to enforce 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	1,819.9	70.3	305.4	2,195.6
(b)	Contractual services	3.4		2.0	5.4
(c)	Other	185.0	13.3	4.0	202.3

Authorized FTE: 35.00 Permanent; 8.50 Term

Performance measures:

(a) Outcome: Percent of cases dismissed under the six-month rule <.5%

(b) Output: Number of cases dismissed under the six-month rule <3

- (c) Efficiency: Average time from filing of petition to final disposition,
in months 9
- (d) Efficiency: Average attorney caseload 300
- (e) Output: Number of cases prosecuted 6,000
- (f) Output: Number of cases referred for screening 5,000

(14) Thirteenth judicial district:

The purpose of the prosecution program is to enforce 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 2,477.5 285.1 2,762.6
- (b) Contractual services 36.0 36.0
- (c) Other 216.6 216.6

Authorized FTE: 52.00 Permanent; 4.00 Term

Performance measures:

- (a) Outcome: Percent of cases dismissed under the six-month rule <.5%
- (b) Output: Number of cases dismissed under the six-month rule <2
- (c) Efficiency: Average time from filing of petition to final disposition,
in months 12
- (d) Efficiency: Average attorney caseload 231
- (e) Output: Number of cases prosecuted 888
- (f) Output: Number of cases referred for screening 5,807

Subtotal 44,865.7

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 in order to effectively and efficiently carry out their prosecutorial, investigative and programmatic functions.

Appropriations:

(a)	Personal services and			
	employee benefits	623.4		623.4
(b)	Contractual services	7.2	15.0	22.2
(c)	Other	362.7	263.4	626.1

Authorized FTE: 9.00 Permanent; 1.00 Term

Performance measures:

(a) Output: Number of district attorney employees receiving training 700

(b) Output: Average number of victim notification events and escapes

reported monthly 1,300

Subtotal 1,271.7

TOTAL JUDICIAL 143,985.3 12,133.2 9,291.9 4,670.5 170,080.9

C. GENERAL CONTROL

ATTORNEY GENERAL:

(1) Legal services:

The purpose of the legal services program is to deliver quality opinions, counsel and representation to state government entities and to enforce state law on behalf of the public so that New Mexicans have an open, honest, efficient government and enjoy the protection of state law.

Appropriations:

(a)	Personal services and			
	employee benefits	9,631.4	48.0	9,679.4

(b)	Contractual services	362.5		362.5	
(c)	Other	481.4	1,000.0	10.0	1,491.4
(d)	Other financing uses	2.8		2.8	

Authorized FTE: 141.00 Permanent; 1.00 Temporary

The internal services funds/interagency transfers appropriation to the legal services program of the attorney general in the personal services and employee benefits category includes forty-eight thousand dollars (\$48,000) from the medicaid fraud division.

All revenue generated from antitrust cases and consumer protection settlements through the attorney general on behalf of the state, political subdivisions or private citizens shall revert to the general fund.

The other state funds appropriation to the legal services program of the attorney general in the other category includes one million dollars (\$1,000,000) from settlement funds.

Performance measures:

- (a) Outcome: Percent of initial responses for attorney general opinions
made within three days of request 80%

(2) Medicaid fraud:

The purpose of the medicaid fraud program is to investigate and prosecute medicaid provider fraud and recipient abuse and neglect in the medicaid program.

Appropriations:

(a)	Personal services and employee benefits	405.0	1,034.7	1,439.7
(b)	Contractual services	7.0	20.7	27.7
(c)	Other	278.4	278.4	
(d)	Other financing uses		48.0	48.0

Authorized FTE: 21.00 Permanent

Performance measures:

- (a) Outcome: Three-year projected savings resulting from fraud
investigations, in millions \$3

Subtotal 13,329.9

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	1,957.2	248.2	2,205.4
(b)	Contractual services	205.3		205.3
(c)	Other	92.3 206.8 91.8	390.9	

Authorized FTE: 30.00 Permanent; 1.00 Term

Performance measures:

(a) Output:	Total audit fees generated	\$450,000
(b) Outcome:	Percent of audits completed by regulatory due date	70%

Subtotal 2,801.6

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	18,965.7	478.1	686.0	20,129.8
(b)	Contractual services	303.4		303.4	
(c)	Other	5,145.9 190.6	392.2	5,728.7	
(d)	Other financing uses	90.0		90.0	

Authorized FTE: 419.00 Permanent; 17.00 Term; 31.70 Temporary

The general fund appropriations to the tax administration program of the taxation and revenue department include two million five hundred thousand dollars (\$2,500,000) and seventeen permanent full-time equivalent positions for the purpose of implementing the fiscal year 2005 enhanced revenue initiative.

Performance measures:

- (a) Outcome: Amount of revenue assessed as a result of audits, in
millions \$40
- (b) Outcome: Percent of audit assessments collected compared with the
uncollected balance 20%
- (c) Efficiency: Average cost per audit \$3,425
- (d) Output: Number of field audits conducted for corporate income tax
and combined reporting system taxes 375
- (e) Output: Number of federal oil and gas audits conducted 32
- (f) Output: Number of electronically filed tax returns processed 340,000
- (g) Output: Number of international fuel tax agreement and
international rate program audits conducted 232
- (h) Explanatory: Average percent of auditor positions filled compared with
approved full-time equivalent 95%

(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 9,412.3 1,033.3 10,445.6
- (b) Contractual services 265.6 2,100.0 2,365.6

(c) Other 1,746.8 1,503.9 3,250.7

Authorized FTE: 273.00 Permanent; 4.00 Term; 4.00 Temporary

Performance measures:

(a) Outcome: Percent of registered vehicles with liability insurance 80%

(b) Efficiency: Average wait time in high-volume field offices, in minutes 15

(c) Efficiency: Average number of days to post a driving-while-intoxicated
citation to drivers' records upon receipt 15

(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	495.3	1,909.5	2,404.8
(b)	Contractual services	147.4	18.8	166.2
(c)	Other	354.5	251.3	605.8

Authorized FTE: 44.00 Permanent; 6.00 Term

Performance measures:

(a) Outcome: Percent of resolved accounts resulting from delinquent
property tax sales 87%

(b) Outcome: Number of counties achieving an eighty-five percent minimum
ratio of assessed value to sales price 33

(c) Output: Number of appraisals or valuations for corporations
conducting business within the state 510

(4) 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 in order 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	12,113.5	178.1	289.5	12,581.1
(b)	Contractual services	1,064.6	222.7		1,287.3
(c)	Other	5,573.8	75.9	5,649.7	

Authorized FTE: 208.00 Permanent; 4.00 Term

Performance measures:

- (a) Outcome: Number of tax protest cases resolved 728
- (b) Outcome: Number of driving while intoxicated driver's license
revocations rescinded due to failure to hold hearing within
ninety-day deadline 20
- (c) Output: Number of electronically filed tax returns processed
through the oil and gas administration and revenue
database, by data lines 1,425,000

Subtotal 65,008.7

STATE INVESTMENT COUNCIL:

(1) State investment:

The purpose of the state investment program is to provide investment management of the state's permanent funds for the citizens of New Mexico in order 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	2,491.1	2,491.1

(b)	Contractual services	22,640.6	22,640.6
(c)	Other	567.3	567.3

Authorized FTE: 26.00 Permanent

The other state funds appropriation to the state investment council in the contractual services category includes one million nine hundred twenty-one thousand two hundred dollars (\$1,921,200) for payment of custody services associated with the fiscal agent contract upon monthly assessments.

The other state funds appropriation to the state investment council in the contractual services category includes nineteen million nine hundred forty-seven thousand nine hundred dollars (\$19,947,900) to be used only for money manager fees.

Performance measures:

(a) Outcome: Five-year annualized percentile performance ranking in
investment consultants cooperative endowment fund universe >49th

(b) Efficiency: Five-year annualized investment returns to exceed internal
benchmarks in basis points >25

Subtotal 25,699.0

DEPARTMENT OF FINANCE AND ADMINISTRATION:

(1) Policy development, fiscal analysis and budget oversight:

The purpose of the policy development, fiscal analysis and budget oversight program is to provide professional, 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	2,747.6	2,747.6
(b)	Contractual services	127.0	127.0
(c)	Other	190.5	190.5

Authorized FTE: 34.80 Permanent

Performance measures:

(a) Outcome: Error rate for eighteen-month general fund revenue forecast 2.75%

(b) Outcome: Average number of days to approve or disapprove budget

adjustment requests 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 provide federal and state oversight assistance to counties, municipalities and special districts with planning, implementation and development of fiscal management so that entities can maintain strong, viable, lasting communities.

Appropriations:

(a) Personal services and

employee benefits	1,339.2	904.5	458.4	2,702.1
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(b) Contractual services	137.9	99.6	50.5	288.0
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(c) Other	124.6	90.9	46.1	261.6
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Authorized FTE: 26.00 Permanent; 20.00 Term

Performance measures:

(a) Output: Percent of community development block grant closeout

letters issued within forty-five days of review of final

report 65%

(b) Output: Percent of capital outlay projects closed within the

original reversion date 60%

(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 and to provide state government agencies and the citizens of New Mexico with timely, factual and comprehensive information on the financial status and expenditures of the state.

Appropriations:

(a) Personal services and

employee benefits	2,864.7	2,864.7
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(b)	Contractual services	450.5	450.5
(c)	Other	1,114.9	1,114.9

Authorized FTE: 51.00 Permanent

Performance measures:

- (a) Quality: Percent of time the central accounting system is operational 97%
- (b) Quality: Average number of business days required to process payments 4
- (c) Output: Percent of time the central payroll system is operational 100%

(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 professional services contracts.

Appropriations:

(a)	Personal services and		
	employee benefits	1,207.8	1,207.8
(b)	Contractual services	64.4	64.4
(c)	Other	76.0	76.0

Authorized FTE: 20.00 Permanent

Performance measures:

- (a) Output: Percent of department fund accounts reconciled within two months following the closing of each month 100%

(5) Dues and membership fees/special appropriations:

Appropriations:

(a)	Council of state governments	78.4	78.4
(b)	Western interstate commission		
	for higher education	105.0	105.0

(c)	Education commission of the states	53.8	53.8	
(d)	Rocky mountain corporation for public broadcasting	13.1		13.1
(e)	National association of state budget officers	9.9		9.9
(f)	National conference of state legislatures	98.0		98.0
(g)	Western governors' association	36.0		36.0
(h)	Governmental accounting standards board	22.0		22.0
(i)	National center for state courts	81.4	81.4	
(j)	National conference of insurance legislators	10.0		10.0
(k)	National council of legislators from gaming states	6.0		6.0
(l)	National governors' association	63.5		63.5
(m)	Citizens' review board	410.0	108.0	518.0
(n)	Emergency water fund	100.0		100.0
(o)	Fiscal agent contract	1,000.0		1,000.0
(p)	New Mexico water resources			

	association	6.6		6.6	
(q)	Enhanced emergency 911 fund			3,905.0	3,905.0
(r)	Emergency 911 income	4,905.9		4,905.9	
(s)	Emergency 911 reserve	506.5		506.5	
(t)	Community development				
	programs	35.0	19,965.0		20,000.0
(u)	New Mexico community				
	assistance program	120.0		120.0	
(v)	Emergency 911 database				
	network surcharge		3,208.3	3,208.3	
(w)	State planning districts	374.2		374.2	
(x)	Emergency 911 principal				
	and interest	34.9	736.0	770.9	
(y)	Mentoring program	893.3		893.3	
(z)	Wireless enhanced 911 fund			6,273.9	6,273.9
(aa)	Civil legal services fund	159.9	1,350.0	1,509.9	
(bb)	DWI grants	300.0	14,700.0	15,000.0	
(cc)	Leasehold community				
	assistance	138.4		138.4	
(dd)	Acequia and community ditch				
	program	30.0		30.0	
(ee)	Food banks	400.0		400.0	
(ff)	Ignition interlock devices				
	fund	1,000.0		1,000.0	

Upon 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 and upon review by the legislative finance committee, 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 dollars (\$1,000,000) in fiscal year 2005. Repayments of emergency loans made pursuant to this paragraph shall be deposited in the board of finance emergency fund pursuant to the provisions of Section 6-1-5 NMSA 1978, provided that, after the total amounts deposited in fiscal year 2005 exceed two hundred fifty thousand dollars (\$250,000), any additional repayments shall be transferred to the general fund.

Subtotal 73,333.1

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	214,940.0	214,940.0
(b)	Other financing uses	511.3	511.3

Performance measures:

- (a) Outcome: Percent of participants receiving recommended preventive care 68%
- (b) Efficiency: Percent variance of medical premium change between the public school insurance authority and industry average $\leq 3\%$

(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	35,313.1	35,313.1
(b)	Other financing uses	511.2	511.2

Performance measures:

- (a) Outcome: Percent variance of public property premium change between public school insurance authority and industry average $\leq 10\%$
- (b) Outcome: Percent variance of workers' compensation premium change between public school insurance authority and industry average $\leq 10\%$
- (c) Outcome: Percent variance of public liability premium change between public school insurance authority and industry average $\leq 10\%$

(3) Program support:

The purpose of program support is to provide administrative support for the benefit and risk programs and to assist the agency in delivering services to its constituents.

Appropriations:

(a)	Personal services and employee benefits	651.4	651.4
(b)	Contractual services	169.8	169.8
(c)	Other	201.3	201.3
Authorized FTE: 10.00 Permanent			
Subtotal		252,298.1	

RETIREE HEALTH CARE AUTHORITY:

(1) Health care benefits administration:

The purpose of the health care benefits administration program is to provide 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	146,726.9	146,726.9
(b)	Other financing uses	2,488.5	2,488.5

Performance measures:

- (a) Outcome: Total revenue generated, in millions \$134.5
- (b) Efficiency: Total healthcare benefits program claims paid, in millions \$135.8
- (c) Efficiency: Average monthly per-participant claim cost, non-medicare eligible \$471
- (d) Efficiency: Percent of medical plan premium subsidy 44%
- (e) Output: Average monthly per-participant claim cost, medicare eligible \$250
- (f) Output: Number of years of long-term actuarial solvency 15

(2) Senior prescription drug:

The purpose of the senior prescription drug program is to administer the senior prescription drug card program aimed at reducing prescription drug expenditures for covered participants.

Appropriations:

- (a) Other 10.0 10.0

Performance measures:

- (a) Output: Number of senior prescription drug program participants 5,500

(3) Program support:

The purpose of program support is to provide administrative support for the health care benefits administration program to assist the agency in delivering its services to its constituents.

Appropriations:

- (a) Personal services and employee benefits 1,257.5 1,257.5
- ~~[(b) Contractual services 460.7 460.7]~~
- ~~[(c) Other 770.3 770.3]~~

Authorized FTE: 22.00 Permanent

Any unexpended or unencumbered balance in the administrative division of the retiree health care authority remaining at the end of fiscal year 2005 shall revert to the benefits division.

Subtotal 151,713.9

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 employees.

Appropriations:

(a)	Contractual services	13,250.0	13,250.0
(b)	Other	150,789.0	150,789.0
(c)	Other financing uses	876.2	876.2

Performance measures:

(a) Quality: Percent of employees expressing satisfaction with the group

health benefits 80%

(b) Efficiency: Percent change in medical premium compared with the

industry average <=3%

(c) Efficiency: Percent change in dental premium compared with the industry

average <=3%

(2) Risk management:

The purpose of the risk management program is to protect the state's assets against property, public liability and workers' compensation, state unemployment compensation, local public bodies unemployment compensation and surety bond losses so agencies can perform their missions efficiently and responsively.

Appropriations:

(a)	Personal services and		
	employee benefits	3,031.4	3,031.4
(b)	Contractual services	500.1	500.1

(c)	Other	543.1	543.1	
(d)	Other financing uses		405.9	405.9

Authorized FTE: 51.00 Permanent

(3) Risk management funds:

Appropriations:

(a)	Public liability		39,264.7	39,264.7
(b)	Surety bond		137.3	137.3
(c)	Public property reserve		6,925.5	6,925.5
(d)	Local public bodies			
	unemployment compensation		1,282.4	1,282.4
(e)	Workers' compensation			
	retention	13,655.7		13,655.7
(f)	State unemployment			
	compensation		4,847.4	4,847.4

Performance measures:

- (a) Outcome: Percent decrease of state government workers' compensation claims 6%
- (b) Quality: Percent of public property clients rating the risk management program's claims processing services as satisfactory or better 85%
- (c) Efficiency: Percent of workers' compensation warrants canceled as a total of all warrants issued </=5%
- (d) Output: Percent of workers' compensation claims generated electronically 90%

(4) Information technology:

The purpose of the information technology program is to provide quality information processing and communication services that are both timely and cost-effective so agencies can perform their missions efficiently and responsively.

Appropriations:

(a)	Personal services and employee benefits		13,769.6	13,769.6
(b)	Contractual services		5,805.4	5,805.4
(c)	Other	19,855.6	19,855.6	
(d)	Other financing uses		1,630.3	1,630.3

Authorized FTE: 215.00 Permanent

Performance measures:

- (a) Outcome: Percent of compliance with federal cost reimbursement rules 100%
- (b) Efficiency: Percent of individual information processing services that
break even, including sixty days of operating reserve 70%
- (c) Efficiency: Percent of individual communication services that break
even, including sixty days of operating reserve 70%
- (d) Efficiency: Percent of individual printing services that break even,
including sixty days of operating reserve 70%
- (e) Quality: Percent of customer satisfaction with information
processing services 75%
- (f) Quality: Percent of customer satisfaction with client services 75%
- (g) Quality: Percent of customer satisfaction with data network services 85%
- (h) Outcome: Percent of customer satisfaction with human resources
system services 95%

(i) Quality: Percent of customer satisfaction with printing and graphic services 85%

(j) Quality: Percent of customer satisfaction with telephone communication services 86%

(k) Quality: Percent of customer satisfaction with radio communications services 85%

(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 and maintenance so agencies can perform their missions efficiently and responsively.

Appropriations:

(a)	Personal services and			
	employee benefits	5,331.8	199.2	5,531.0
(b)	Contractual services	.2	.1	.3
(c)	Other	3,987.8	68.6	4,056.4
(d)	Other financing uses	284.8	18.1	302.9

Authorized FTE: 152.00 Permanent

Performance measures:

(a) Quality: Percent of customers satisfied with custodial and maintenance services, as measured by an annual survey 90%

(b) Outcome: Number of days to process lease requests 200

(c) Output: Number of scheduled preventive maintenance tasks 5,400

(d) Efficiency: Operating costs per square foot in Santa Fe for state-owned buildings \$5.14

(e) Efficiency: Percent increase in average cost per square foot of both

leased and owned office space in Santa Fe 0%

(f) Efficiency: Percent of contractor pay requests approved within seven working days 95%

(g) Quality: Percent of customers satisfied with property control services 80%

(h) Efficiency: Percent of property control capital projects on schedule within approved budget 90%

(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 efficiently and responsively.

Appropriations:

(a)	Personal services and employee benefits	1,604.1	1,604.1
(b)	Contractual services	55.7	55.7
(c)	Other	4,108.7	4,108.7
(d)	Other financing uses	333.0	333.0

Authorized FTE: 34.00 Permanent

Performance measures:

(a) Quality: Percent of customers satisfied with lease services 90%

(b) Efficiency: Percent of vehicle lease revenue to expenditures 100%

(c) Efficiency: Percent of aircraft revenues to expenditures 100%

(d) Explanatory: Percent of short-term vehicle utilization 80%

(e) Efficiency: Comparison of lease rates with other public vehicle fleet rates $\leq 3\%$

(f) Efficiency: Percent of individual vehicle lease services that break even, including sixty days of operating reserve 70%

(g) Efficiency: Percent of individual aircraft services that break even, including sixty days of operating reserve 70%

(7) Procurement services:

The purpose of the procurement services program is to provide a procurement process for tangible property for government entities to ensure compliance with the Procurement Code so agencies can perform their missions efficiently and responsively.

Appropriations:

(a)	Personal services and				
	employee benefits	1,037.3	232.4	230.8	1,500.5
(b)	Contractual services		50.0		50.0
(c)	Other	147.6	79.7	16.1	243.4
(d)	Other financing uses	106.3	56.0		162.3

Authorized FTE: 25.00 Permanent; 6.00 Term

Performance measures:

- (a) Efficiency: Average cycle-completion times for construction projects, in days 80
- (b) Efficiency: Average cycle-completion times for small purchases, in days 15
- (c) Efficiency: Average cycle-completion times for tangible products and services, in days 45
- (d) Efficiency: Average cycle-completion times for information technology projects, in days 80
- (e) Quality: Percent of customers satisfied with procurement services 85%
- (f) Output: Percent increase in small business clients 10%

(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	2,715.3	2,715.3
(b)	Contractual services	1,723.0	1,723.0
(c)	Other	603.4	603.4
(d)	Other financing uses	682.0	682.0

Authorized FTE: 47.00 Permanent

Performance measures:

(a) Efficiency: Percent of employee files that contain current performance

appraisal development plans completed by the department's
established focal-point period 99%

(b) Outcome: Percent of reclassification entries and audit adjustments

made by outside auditors <=5%

Subtotal 300,241.6

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 a secure monthly benefit when their educational career is finished.

Appropriations:

(a)	Personal services and		
	employee benefits	2,541.4	2,541.4
(b)	Contractual services	16,781.7	16,781.7

(c) Other 679.1 679.1

Authorized FTE: 48.00 Permanent

The other state funds appropriation to the educational retirement board in the contractual services category includes fourteen million nine hundred forty thousand five hundred dollars (\$14,940,500) to be used only for investment manager fees.

The other state funds appropriation to the educational retirement board in the contractual services category includes seven hundred fifty thousand dollars (\$750,000) for payment of custody services associated with the fiscal agent contract upon monthly assessments.

Performance measures:

(a) Outcome: Average rate of return over a cumulative five-year period 8%

(b) Output: Number of benefit estimates and purchase of service

requests computed annually 7,000

(c) Outcome: Funding period of unfunded actuarial accrued liability in

years <=30

Subtotal 20,002.2

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 350.8 350.8

(b) Other 6.0 6.0

Revenue collected from other state funds for a national conference of sentencing commissions shall not revert.

Performance measures:

(a) Outcome: Percent of commission-sponsored bills introduced during the

regular session 50%

(b) Output: Number of research projects completed 8

Subtotal 356.8

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 that 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 also sustains New Mexico's statutory and constitutional mandate to adequately fund a statewide indigent defense system.

Appropriations:

(a)	Personal services and		
	employee benefits	17,266.5	17,266.5
(b)	Contractual services	8,604.1	8,604.1
(c)	Other	3,714.5 810.0	4,524.5

Authorized FTE: 317.00 Permanent

Any unexpended or unencumbered balance in the public defender department remaining at the end of fiscal year 2005 from appropriations made from the general fund shall not revert.

Performance measures:

(a) Outcome:	Percent of felony cases resulting in a reduction of the		
	original formally filed charges	60%	
(b) Efficiency:	Percent of cases in which application fees were collected		36%
(c) Quality:	Number of alternative sentencing treatment placements for		
	felony and juvenile clients	2,250	
(d) Quality:	Number of expert witness service requests approved by the		
	department	3,400	
Subtotal			30,395.1

GOVERNOR:

(1) Executive management and leadership:

The purpose of the executive management and leadership program is to provide appropriate management and leadership to the citizens of the state and, more specifically, to the executive branch of government to allow for more efficient and effective operation of agencies within that branch of government.

Appropriations:

(a)	Personal services and		
	employee benefits	3,466.1	3,466.1
(b)	Contractual services	110.1	110.1
(c)	Other	564.0	564.0

Authorized FTE: 45.30 Permanent

Performance measures:

(a) Outcome: Percent of website re-development projects completed 100%

Subtotal 4,140.2

LIEUTENANT GOVERNOR:

(1) State ombudsman:

The purpose of the state ombudsman program is to facilitate and promote cooperation and understanding among the citizens of New Mexico and the agencies of state government, refer any complaints or special problems citizens may have to the proper entity and keep records of activities and make an annual report to the governor.

Appropriations:

(a)	Personal services and		
	employee benefits	552.7	552.7
(b)	Contractual services	5.0	5.0
(c)	Other	65.3	65.3

Authorized FTE: 7.00 Permanent

Subtotal 623.0

OFFICE OF THE CHIEF INFORMATION OFFICER:

(1) Information technology management:

The purpose of the information technology management program is to provide information technology strategic planning, oversight and consulting services to New Mexico government agencies so they can provide improved services to New Mexico citizens.

Appropriations:

(a)	Personal services and employee benefits	836.7	836.7
(b)	Contractual services	26.1	26.1
(c)	Other	84.2	84.2

Authorized FTE: 10.00 Permanent

Performance measures:

(a) Outcome:	Percent of information technology plans that receive formal feedback	100%
(b) Outcome:	Amount of savings on base information technology spending, in millions	\$5
Subtotal		947.0

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 to which they are entitled (based on age and service) when they retire from public service.

Appropriations:

(a)	Personal services and employee benefits	4,290.0	4,290.0
(b)	Contractual services	18,265.5	18,265.5
(c)	Other	2,186.9	2,186.9

Authorized FTE: 84.00 Permanent; 2.00 Term

The other state funds appropriation to the public employees retirement association in the contractual services category includes sixteen million three hundred seventeen thousand five hundred dollars (\$16,317,500) to be used only for investment manager fees.

The other state funds appropriation to the public employees retirement association in the contractual services category includes one million two hundred fifty thousand dollars (\$1,250,000) for payment of custody services associated with the fiscal agent contract upon monthly assessments.

Performance measures:

(a) Outcome: Five-year average annualized investment returns to exceed
internal benchmark, in basis points >50 b.p.

(b) Outcome: Five-year annualized performance ranking in a national
survey of fifty to sixty similar large public pension plans
in the United States, as a percentile >49th

Subtotal 24,742.4

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 the benefit of government agencies, historical repositories and the public and to effectively create, preserve, protect and properly dispose of records and facilitate their use and understanding and protect the interests of the citizens of New Mexico.

Appropriations:

(a)	Personal services and				
	employee benefits	1,837.0	40.6	8.5	1,886.1
(b)	Contractual services	45.3	3.1		48.4
(c)	Other	244.9	123.5	.8	369.2

Authorized FTE: 36.50 Permanent; 1.70 Term

Performance measures:

(a) Outcome: Maximum number of days between rule effective date and

online availability 42

(b) Outcome: Percent of state agencies with current records retention
and disposition schedules 66%

(c) Output: Number of rules and notices of rulemaking filed with the
commission and published in the New Mexico register in
compliance with the State Rules Act 1,300

Subtotal 2,303.7

SECRETARY OF STATE:

The purpose of the secretary of state program is to provide voter education and information on election law and government ethics to citizens, public officials, candidates and commercial and business entities so they can comply with state law.

Appropriations:

(a)	Personal services and		
	employee benefits	1,779.5	1,779.5
(b)	Contractual services	88.5	88.5
(c)	Other	1,026.0	1,026.0

Authorized FTE: 38.00 Permanent; 1.00 Temporary

Performance measures:

(a) Output: Number of new registered voters 50,000

Subtotal 2,894.0

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 public interest.

Appropriations:

(a)	Personal services and employee benefits	3,397.2 62.7	3,459.9
(b)	Contractual services	84.7	84.7
(c)	Other	315.4	315.4

Authorized FTE: 67.00 Permanent

Performance measures:

- (a) Outcome: Average employee pay as a percent of board-approved comparator market, based on legislative authorization 92%
 - (b) Outcome: Percent of managers and supervisors completing board-required training as a percent of total manager and supervisor category employees 90%
 - (c) Quality: Percent of hiring officials satisfied with state personnel office's employment lists 90%
 - (d) Quality: Percent of classified service employees represented in agencies having a quality assurance review (audit) conducted by the state personnel office in accordance with the quality assurance program 75%
 - (e) Output: Percent of agency-specific human resource audit exceptions corrected within six months of discovery 70%
 - (f) Output: Number of days to produce employment lists 15
- Subtotal 3,860.0

PUBLIC EMPLOYEES LABOR RELATIONS BOARD:

Appropriations:

- (a) Personal services and

	employee benefits	174.0		174.0
(b)	Other	127.6	127.6	
Authorized FTE: 3.00 Permanent				
Subtotal			301.6	

STATE TREASURER:

The purpose of the state treasurer 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	2,529.7	35.5	2,565.2
(b)	Contractual services	174.6		174.6
(c)	Other	675.0	675.0	
Authorized FTE: 41.50 Permanent				

Performance measures:

- (a) Outcome: Percent of investments with a return rate that exceed the overnight rate 100%
- (b) Output: Percent of cash-to-books reconciliation items processed and adjusted to the agency fund balance within thirty days of closing from the department of finance and administration 95%

Subtotal			3,414.8	
TOTAL GENERAL CONTROL	142,255.7	236,882.4	575,996.9	23,271.7
	978,406.7			

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	218.8	218.8
(b)	Contractual services	14.2	14.2
(c)	Other	66.9	66.9
	Authorized FTE: 4.00 Permanent		
	Subtotal		299.9

BORDER AUTHORITY:

(1) Border development:

The purpose of the border development program is to encourage and foster development of the state by developing port facilities and infrastructure at international ports of entry; attract new industries and business to the New Mexico border; and 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	296.3	296.3
(b)	Contractual services	22.8	22.8
(c)	Other	52.5	52.5
	Authorized FTE: 4.00 Permanent		

Performance measures:

(a) Outcome: Annual trade share of New Mexico ports within the west

Texas/New Mexico region 2.8%

Subtotal 371.6

TOURISM DEPARTMENT:

(1) Marketing:

The purpose of the marketing program is to create and maintain an "image" or "brand" for the state of New Mexico and influence in-state, domestic and international markets to directly affect the positive growth and development of New Mexico as a top tourism destination so that New Mexico may increase its tourism market share.

Appropriations:

(a)	Personal services and		
	employee benefits	1,190.6	1,190.6
(b)	Contractual services	156.2	156.2
(c)	Other	3,556.8	3,556.8

Authorized FTE: 34.50 Permanent

Performance measures:

- (a) Outcome: New Mexico's domestic tourism market share 1.10%
- (b) Output: Print advertising conversion rate 40%
- (c) Output: Broadcast conversion rate 30%

(2) Promotion:

The purpose of the promotion program is to produce and provide collateral, editorial and special events for the consumer and trade so that they may increase their awareness of New Mexico as a premier tourist destination.

Appropriations:

(a)	Personal services and		
	employee benefits	227.1	227.1
(b)	Contractual services	74.4	74.4
(c)	Other	215.7	215.7

Authorized FTE: 4.00 Permanent

Performance measures:

- (a) Outcome: Increase in awareness of New Mexico as a visitor destination 63%

(3) Outreach:

The purpose of the outreach program is to provide constituent services for communities, regions and other entities so that 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	130.0	130.0
(b)	Contractual services	20.0	20.0
(c)	Other	1,098.3	1,098.3

Authorized FTE: 2.00 Permanent

Performance measures:

- (a) Output: Number of partnered cooperative advertising applications
received 13

(4) 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 that the audience can learn about New Mexico from a cultural, historical and educational perspective.

Appropriations:

(a)	Personal services and		
	employee benefits	963.0	963.0
(b)	Contractual services	928.9	928.9
(c)	Other	2,386.5	2,386.5

Authorized FTE: 18.00 Permanent

Performance measures:

- (a) Outcome: Circulation rate 123,000
(b) Output: Ancillary product revenue \$320,000

(5) New Mexico clean and beautiful:

The purpose of the New Mexico clean and beautiful program is to accomplish litter control by vesting in the department the authority to eliminate litter from the state to the maximum practical extent and to provide direct or matching grants with cities, counties, Indian nations, tribes and pueblo governments for the purpose of promoting local keep America beautiful system programs in order to develop a statewide litter and solid waste reduction program.

Appropriations:

(a)	Personal services and		
	employee benefits	109.3	109.3
(b)	Contractual services	150.0	150.0
(c)	Other	599.4	599.4

Authorized FTE: 2.00 Permanent

Performance measures:

(a) Outcome:	Pounds of litter removed	5,500,000	
(b) Output:	Number of New Mexico clean and beautiful and community participants and volunteers in spring cleanup - great American cleanup	25/10,000	
(c) Output:	Number of New Mexico clean and beautiful community participants and volunteers in fall cleanup - trek for trash	25/4,500	

(6) 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	833.0	833.0
(b)	Contractual services	107.8	107.8
(c)	Other	706.2	706.2

Authorized FTE: 14.00 Permanent

Subtotal 13,453.2

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	1,325.2	1,325.2
(b)	Contractual services	629.0	629.0
(c)	Other	690.4	690.4

Authorized FTE: 22.00 Permanent

~~[The general fund appropriation to the economic development program of the economic development department includes one permanent full-time equivalent position and sixty-five thousand dollars (\$65,000) for personal services and employee benefits for an economist to assist local workforce development boards with regional economic information in one-stop centers, specifically in Bernalillo, Dona Ana, Lincoln, San Juan, Sandoval and Santa Fe counties and five thousand dollars (\$5,000) for travel expenses.][LINE-ITEM VETO]~~

The general fund appropriation to the economic development program of the economic development department in the contractual services category includes two hundred thirty-five thousand dollars (\$235,000) for the main street program.

Performance measures:

- (a) Outcome: Number of communities certified through the community certification initiative 15
- (b) Outcome: Number of business expansions assisted by the economic development program in urban areas of New Mexico 40
- (c) Outcome: Total number of rural jobs created 1,600

(2) Film:

The purpose of the film program is to maintain the core business of 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	395.6	395.6
(b)	Contractual services	25.0	25.0
(c)	Other	231.9	231.9

Authorized FTE: 8.00 Permanent

Performance measures:

- (a) Outcome: Number of media industry worker days 35,000
- (b) Outcome: Economic impact of media industry productions in New Mexico, in millions \$30

(3) Trade with Mexico:

The purpose of the trade with Mexico 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)	Personal services and		
	employee benefits	224.7	224.7
(b)	Contractual services	100.0	100.0
(c)	Other	128.2	128.2

Authorized FTE: 4.00 Permanent

Performance measures:

- (a) Outcome: Dollar value of New Mexico exports to Mexico as a result of the trade with Mexico program, in millions \$15
- (b) Outcome: Total number of export-related jobs impacted by the trade with Mexico program 270

(4) Technology and space commercialization:

The purpose of the technology and space commercialization program is to increase the start-up, relocation and growth of technology-based business in New Mexico to give New Mexico citizens the opportunity to attain high-paying jobs.

Appropriations:

(a)	Personal services and		
	employee benefits	640.1	640.1
(b)	Contractual services	110.0	110.0
(c)	Other	171.2	171.2

Authorized FTE: 9.00 Permanent; 2.00 Term

The general fund appropriation to the technology and space commercialization program of the economic development department includes two term full-time-equivalent positions and one hundred fifty thousand dollars (\$150,000) for the office of military base planning and support.

Performance measures:

(a) Output:	Number of technology-based jobs created	400
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(5) Program support and marketing:

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	1,375.8	1,375.8
(b)	Contractual services	157.0	157.0
(c)	Other	293.8	293.8

Authorized FTE: 23.00 Permanent

Subtotal 6,497.9

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	6,001.9		184.1	6,186.0
(b)	Contractual services	64.4		55.9	120.3
(c)	Other	1,237.8	60.5	37.4	1,335.7

Authorized FTE: 115.70 Permanent; 1.00 Term

Performance measures:

- (a) Outcome: Percent of permitted manufactured housing projects inspected 85%
- (b) Efficiency: Percent of reviews of commercial plans completed within a standard time based on valuation of project 80%

(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	2,300.5	81.4		2,381.9
(b)	Contractual services	4.3	235.0		239.3
(c)	Other	271.3	204.6		475.9

Authorized FTE: 41.00 Permanent

Performance measures:

- (a) Outcome: Percent of statutorily complete applications processed within a standard number of days by type of application 93%
- (b) Outcome: Percent of examination reports mailed to a depository

institution within thirty days of examination departure 90%

(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 regulate the holding, operating and conducting of certain games of chance by licensing qualified people and, in cooperation with the department of public safety, enforce the Liquor Control Act and the Bingo and Raffle Act to protect the health, safety and welfare of the citizens of and visitors to New Mexico.

Appropriations:

(a)	Personal services and			
	employee benefits	734.8		734.8
(b)	Contractual services	11.0		11.0
(c)	Other	79.1	79.1	

Authorized FTE: 15.00 Permanent

Performance measures:

- (a) Output: Number of days to resolve an administrative citation 46
- (b) Outcome: Number of days to issue new or transfer liquor licenses 125

(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	1,609.1	517.1	2,126.2
(b)	Contractual services	163.0	14.8	177.8
(c)	Other	261.3	130.6	391.9

Authorized FTE: 33.50 Permanent

Performance measures:

(a) Quality: Percent of prior-year audit findings resolved 100%

(b) Output: Percent of payment vouchers submitted to and approved by

the department of finance and administration within seven

days of receipt from vendor 95%

(5) New Mexico state board of public accountancy:

The purpose of the New Mexico state board of public accountancy 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	235.3	235.3
(b)	Contractual services	68.0	68.0
(c)	Other	156.5	156.5
(d)	Other financing uses	38.4	38.4

Authorized FTE: 5.00 Permanent

Performance measures:

(a) Output: Average number of days to process a completed application

and issue a license 5

(6) Board of acupuncture and oriental medicine:

The purpose of the board of acupuncture and oriental medicine 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	81.4	81.4
(b)	Contractual services	45.3	45.3
(c)	Other	37.2	37.2

(d)	Other financing uses	14.9	14.9
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Authorized FTE: 2.00 Permanent

Performance measures:

(a) Output: Average number of days to process a completed application
and issue a license 5

(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	127.7	127.7
(b)	Contractual services	100.0	100.0
(c)	Other	40.0	40.0
(d)	Other financing uses	22.4	22.4

Authorized FTE: 3.00 Permanent

The other funds appropriation to the New Mexico athletic commission in the contractual services category includes seventy-five thousand dollars (\$75,000) for event supervision.

Performance measures:

(a) Output: Average number of days to process a completed application
and issue a license 5

(8) Athletic trainer practice board:

The purpose of the athletic trainer practice board 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	8.9	8.9

(b)	Contractual Services	.7		.7
(c)	Other	3.7	3.7	
(d)	Other financing uses	4.0		4.0

Authorized FTE: .10 Permanent

Performance measures:

- (a) Output: Average number of days to process a completed application
and issue a license 5

(9) Board of barbers and cosmetology:

The purpose of the board of barbers and cosmetology 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	319.7		319.7
(b)	Contractual services	50.0		50.0
(c)	Other	94.7	94.7	
(d)	Other financing uses	81.9		81.9

Authorized FTE: 8.00 Permanent

(10) Chiropractic board:

The purpose of the chiropractic examiners board 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	61.4		61.4
(b)	Contractual services	2.6		2.6
(c)	Other	30.1	30.1	

(d)	Other financing uses	17.3	17.3
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Authorized FTE: 1.10 Permanent

(11) Counseling and therapy practice board:

The purpose of the counseling and therapy practice board 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	204.4	204.4
(b)	Contractual services	21.0	21.0
(c)	Other	100.9	100.9
(d)	Other financing uses	53.5	53.5

Authorized FTE: 5.00 Permanent

(12) New Mexico board of dental health care:

The purpose of the New Mexico board of dental health care 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	159.5	159.5
(b)	Contractual services	41.6	41.6
(c)	Other	82.2	82.2
(d)	Other financing uses	45.9	45.9

Authorized FTE: 4.00 Permanent

Performance measures:

(a) Output: Average number of days to process a completed application

and issue a license 5

(b) Efficiency: Average number of hours to respond to telephone complaints 24

(13) Interior design board:

The purpose of the interior design board 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	11.2	11.2
(b)	Other	10.3	10.3
(c)	Other financing uses	5.4	5.4

Authorized FTE: .20 Permanent

(14) Board of landscape architects:

The purpose of the board of landscape architects 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	16.1	16.1
(b)	Contractual services	.3	.3
(c)	Other	15.5	15.5
(d)	Other financing uses	5.4	5.4

Authorized FTE: .30 Permanent

(15) Board of massage therapy:

The purpose of the board of massage therapy 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	112.6	112.6

(b)	Contractual services	23.0	23.0
(c)	Other	54.2	54.2
(d)	Other financing uses	26.6	26.6

Authorized FTE: 2.40 Permanent

(16) Board of nursing home administrators:

The purpose of the board of nursing home administrators 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	30.8	30.8
(b)	Contractual services	.2	.2
(c)	Other	9.7	9.7
(d)	Other financing uses	7.9	7.9

Authorized FTE: .60 Permanent

(17) Nutrition and dietetics practice board:

The purpose of the nutrition and dietetics practice board 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	15.4	15.4
(b)	Contractual services	.3	.3
(c)	Other	11.8	11.8
(d)	Other financing uses	4.3	4.3

Authorized FTE: .20 Permanent

(18) Board of examiners for occupational therapy:

The purpose of the board of examiners for occupational therapy 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	39.0	39.0
(b)	Contractual services	2.0	2.0
(c)	Other	17.5	17.5
(d)	Other financing uses	9.4	9.4

Authorized FTE: .60 Permanent

(19) Board of optometry:

The purpose of the board of optometry 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	41.3	41.3
(b)	Contractual services	12.8	12.8
(c)	Other	12.4	12.4
(d)	Other financing uses	9.5	9.5

Authorized FTE: .70 Permanent

(20) Board of osteopathic medical examiners:

The purpose of the board of osteopathic medical examiners 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	47.9	47.9

(b)	Contractual services	3.0	3.0
(c)	Other	24.8	24.8
(d)	Other financing uses	8.0	8.0

Authorized FTE: .70 Permanent

(21) Board of pharmacy:

The purpose of the board of pharmacy 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	893.7	893.7
(b)	Contractual services	39.8	39.8
(c)	Other	290.4	290.4
(d)	Other financing uses	69.0	69.0

Authorized FTE: 12.00 Permanent

Performance measures:

(a) Output: Average number of days to process a completed application
and issue a license 5

(b) Efficiency: Average number of hours to respond to telephone complaints 24

(22) Physical therapy board:

The purpose of the physical therapy board 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	81.4	81.4
(b)	Contractual services	3.0	3.0

(c)	Other	29.9	29.9
(d)	Other financing uses	17.7	17.7

Authorized FTE: 1.40 Permanent

(23) Board of podiatry:

The purpose of the board of podiatry 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	16.9	16.9
(b)	Contractual services	.5	.5
(c)	Other	5.9	5.9
(d)	Other financing uses	4.8	4.8

Authorized FTE: .20 Permanent

(24) Private investigators and polygraphers advisory board:

The purpose of the private investigators and polygraphers advisory board 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	59.2	59.2
(b)	Contractual services	10.0	10.0
(c)	Other	34.9	34.9
(d)	Other financing uses	21.8	21.8

Authorized FTE: 1.00 Permanent

(25) New Mexico state board of psychologist examiners:

The purpose of the New Mexico state board of psychologist examiners 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	103.5	103.5
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(b) Contractual services	20.0	20.0
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(c) Other	56.1	56.1
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(d) Other financing uses	28.2	28.2
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authorized FTE: 2.50 Permanent

Performance measures:

(a) Output: Average number of days to process a completed application

and issue a license 5

(26) Real estate appraisers board:

The purpose of the real estate appraisers board 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	84.7	84.7
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(b) Contractual services	9.0	9.0
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(c) Other	31.3	31.3
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(d) Other financing uses	21.8	21.8
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authorized FTE: 1.80 Permanent

(27) New Mexico real estate commission:

The purpose of the New Mexico 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	467.3	467.3
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(b) Contractual services	110.0	110.0
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(c) Other	242.2	242.2
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(d) Other financing uses	65.2	65.2
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authorized FTE: 10.00 Permanent

(28) Advisory board of respiratory care practitioners:

The purpose of the advisory board of respiratory care practitioners 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	39.8	39.8
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(b) Contractual services	.5	.5
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(c) Other	10.7	10.7
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(d) Other financing uses	9.9	9.9
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authorized FTE: .70 Permanent

(29) Board of social work examiners:

The purpose of the board of social work examiners 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	159.8	159.8
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(b) Contractual services	33.0	33.0
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(c) Other	87.2	87.2
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(d) Other financing uses	36.0	36.0
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authorized FTE: 3.00 Permanent

Performance measures:

(a) Output: Average number of days to process a completed application

and issue a license 5

(b) Efficiency: Average number of hours to respond to telephone complaints 24

(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 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	101.4	101.4
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(b) Contractual services	2.7	2.7
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(c) Other	21.5	21.5
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(d) Other financing uses	20.1	20.1
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authorized FTE: 1.90 Permanent

(31) Board of thanatopractice:

The purpose of the board of thanatopractice 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	79.9		79.9
(b)	Contractual services	12.5		12.5
(c)	Other	41.6	41.6	
(d)	Other financing uses	13.2		13.2

Authorized FTE: 1.60 Permanent

Subtotal 20,687.6

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 provision of adequate and reliable services at fair, just and reasonable rates so that the interests of the consumers and regulated industries are balanced to promote and protect the public interest.

Appropriations:

(a)	Personal services and			
	employee benefits	5,794.2	199.0	5,993.2
(b)	Contractual services	395.1		395.1
(c)	Other	923.5	923.5	

Authorized FTE: 89.70 Permanent

The internal services funds/interagency transfers appropriation to the policy and regulation program of the public regulation commissions include one hundred ninety-nine thousand dollars (\$199,000) from the patient's compensation fund.

Performance measures:

(a) Output: Number of formal complaints processed by the transportation

division 6

(b) Output: Percent of docketed cases completed 60%

- (c) Efficiency: Average number of days for a rate case to reach final order 240
- (d) Efficiency: Percent of cases processed in less than the statutory time allowance 100%
- (e) Outcome: Average commercial electric rate comparison between major New Mexico utilities and selected regional utilities + or - 5%
- (f) Outcome: Dollar amount of credits and refunds obtained for New Mexico consumers through complaint resolution (in thousands)
\$1,575.0

(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	2,925.0	793.2	634.0	4,352.2
(b)	Contractual services	49.1	114.6	300.0	463.7
(c)	Other	617.6	367.4	210.0	1,195.0
(d)	Other financing uses		250.0		250.0

Authorized FTE: 79.00 Permanent

The other state funds appropriations to the insurance policy program of the public regulation commission include one million one hundred seventy-nine thousand two hundred dollars (\$1,179,200) from the insurance fraud fund and three hundred forty-six thousand dollars (\$346,000) from the title insurance maintenance fund.

The internal services funds/interagency transfers appropriations to the insurance policy program of the public regulation commission include eight hundred sixty thousand dollars (\$860,000) from the agents' surcharge fund, one hundred twenty-five thousand dollars (\$125,000) from the insurance examination fund, one hundred thousand dollars (\$100,000) from the insurance fraud fund, forty thousand dollars (\$40,000) from the title insurance maintenance fund and nineteen thousand dollars (\$19,000) from the public regulation commission reproduction fund.

Performance measures:

(a) Output: Percent of internal and external insurance-related

grievances closed within one hundred eighty days of filing 90%

(b) Outcome: Percent of employers whose accident frequency is reduced by

counsel, advice and training 60%

(c) Output: Percent of New Mexico department of insurance interventions

conducted with insurance companies when risk-based capital

is less than two hundred percent 80%

(d) Outcome: Percent of insurance fraud bureau complaints processed and

recommended for either further administrative action or

closure within sixty days 80%

(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 risks, as assigned to the public regulation commission.

Appropriations:

(a)	Personal services and				
	employee benefits	150.7	1,661.3	286.5	2,098.5
(b)	Contractual services	41.3	91.8	72.3	205.4
(c)	Other	130.7	842.1	240.5	1,213.3

Authorized FTE: 46.30 Permanent; 1.00 Term

The internal services funds/interagency transfers appropriations to the public safety program of the public regulation commission include one million four hundred thirty-eight thousand three hundred dollars (\$1,438,300) for the office of the state fire marshal from the fire protection fund.

The internal services funds/interagency transfers appropriations to the public safety program of the public regulation commission include one million one hundred fifty-six thousand nine hundred dollars (\$1,156,900) for the firefighter training academy from the fire protection fund.

Performance measures:

(a) Output: Number of inspection audit hours performed by the state

fire marshal's office and pipeline safety bureau

20,220

(b) Output: Number of personnel completing training through the state

fire fighter training academy 3,722

(c) Outcome: Percent of insurance services organization class nine and

ten fire departments reviewed by survey or audit 75%

(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 1,694.7 481.0 2,175.7

(b) Contractual services 18.2 18.2

(c) Other 502.0 502.0

Authorized FTE: 52.00 Permanent

The internal services funds/interagency transfers appropriations to program support of the public regulation commission include two hundred fifty thousand dollars (\$250,000) from the fire protection fund, one hundred thousand dollars (\$100,000) from the patient's compensation fund, seventy thousand dollars (\$70,000) from the insurance fraud fund, twenty-one thousand dollars (\$21,000) from the public regulation commission reproduction fund and forty thousand dollars (\$40,000) from the title insurance maintenance fund.

Performance measures:

(a) Outcome: Percent of total outstanding corporation bureau corporate

revocations processed 100%

(b) Efficiency: Percent of fully functional applications systems 100%

(c) Output: Number of corporate certificates issued within statutory

deadlines 100

(d) Outcome: Opinion of previous fiscal year independent agency audit Unqualified

(5) Patient's compensation fund:

Appropriations:

(a)	Contractual services	250.0	250.0
(b)	Other	10,063.0	10,063.0
(c)	Other financing uses	299.0	299.0
	Subtotal	30,397.8	

MEDICAL BOARD:

(1) Licensing and certification:

The purpose of the licensing and certification program is to provide regulation and licensure to medical doctors, physician assistants and anesthesiologist assistants and to ensure competent and ethical medical care to consumers.

Appropriations:

(a)	Personal services and employee benefits	655.1	655.1
(b)	Contractual services	286.9	286.9
(c)	Other	272.7	272.7
	Authorized FTE: 12.00 Permanent		
	Subtotal	1,214.7	

BOARD OF NURSING:

(1) Licensing and certification:

The purpose of the licensing and certification program is to provide regulation to nurses, hemodialysis technicians and medication aides and their education and training programs so they can provide competent and professional healthcare services to consumers.

Appropriations:

(a)	Personal services and employee benefits	650.2	650.2
(b)	Contractual services	122.9	122.9

(c) Other 303.4 303.4

Authorized FTE: 13.00 Permanent

Performance measures:

(a) Output: Number of licenses issued 11,100

Subtotal 1,076.5

NEW MEXICO STATE FAIR:

(1) State fair:

The purpose of the state fair program is to promote the New Mexico state fair as a year-round operation with venues, events and facilities that provide for greater use of the assets of the agency.

Appropriations:

(a)	Personal services and		
	employee benefits	5,785.2	5,785.2
(b)	Contractual services	3,171.1	3,171.1
(c)	Other	4,251.3	4,251.3

Authorized FTE: 65.00 Permanent; 20.00 Term

The other state funds appropriation to the New Mexico state fair in the personal services and employee benefits category includes two million eight hundred thousand dollars (\$2,800,000) to hire temporary employees, contingent upon the agency providing the department of finance and administration and the legislative finance committee a report to address deficient policies for management, recruitment and retention of temporary employees.

Performance measures:

(a) Outcome: Percent of surveyed attendees at the annual state fair

event rating their experience as satisfactory or better 90%

(b) Output: Number of attendees at annual state fair event 560,000

Subtotal 13,207.6

STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND 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 so they may be assured that only qualified licensees are permitted to provide these services.

Appropriations:

(a) Personal services and

employee benefits	273.6	273.6
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(b) Contractual services	70.5	70.5
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(c) Other	170.6	170.6
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authorized FTE: 7.00 Permanent

Performance measures:

(a) Output:	Number of licenses or certifications issued	600
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Subtotal	514.7
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GAMING CONTROL BOARD:

(1) Gaming control:

The purpose of the gaming control program 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 that the state has honest and competitive gaming free from criminal and corruptive elements and influences.

Appropriations:

(a) Personal services and

employee benefits	3,288.7	3,288.7
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(b) Contractual services	620.4	620.4
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(c) Other	1,051.0	1,051.0
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authorized FTE: 59.00 Permanent; .50 Temporary

Performance measures:

(a) Outcome: Ratio of revenue generated to general funds expended for

regulation 20:1

(b) Quality: Percent of time central monitoring system is operational 100%

(c) Output: Percent variance identified between actual tribal quarterly

payments made to the state treasurer's office and the

audited financial statements received from the tribe as a

result of an analytical review 10%

(d) Output: Percent decrease in repeat violations by licensed gaming

operators 75%

Subtotal 4,960.1

STATE RACING COMMISSION:

(1) Horseracing regulation:

The purpose of the horseracing regulation program is to provide regulation in an equitable manner to New Mexico's parimutuel horseracing industry 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 1,022.7 1,022.7

(b) Contractual services 631.8 631.8

(c) Other 226.4 226.4

authorized FTE: 16.30 Permanent; .60 Term; 1.80 Temporary

Performance measures:

(a) Outcome: Percent of equine samples testing positive for illegal

substance .8%

(b) Efficiency: Average regulatory cost per live race day at each racetrack \$3,120

Subtotal 1,880.9

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 in order to protect the public.

Appropriations:

(a) Personal services and

employee benefits 110.6 110.6

(b) Contractual services 73.2 73.2

(c) Other 51.5 51.5

authorized FTE: 2.00 Permanent

Subtotal 235.3

TOTAL COMMERCE AND INDUSTRY 48,007.2 39,973.5 5,940.4 876.7 94,797.8

E. AGRICULTURE, ENERGY AND NATURAL RESOURCES

OFFICE OF CULTURAL AFFAIRS:

(1) Preservation, arts and library services:

The purpose of the preservation, arts and library services program is to provide resources and expertise to local communities and other organizations to develop and preserve prehistoric and historic sites, arts traditions and public libraries.

Appropriations:

(a)	Personal services and employee benefits	3,043.0	193.2	2,365.7	685.7	6,287.6
(b)	Contractual services	249.5		96.9	134.9	481.3
(c)	Other	1,610.7	201.3	381.4		2,193.4

Authorized FTE: 87.00 Permanent; 44.00 Term; 6.00 Temporary

The internal services funds/interagency transfers appropriations to the preservation, arts and library services program of the office of cultural affairs include one million dollars (\$1,000,000) from the department of transportation for archaeological studies relating to highway projects.

Performance measures:

(a) Outcome: Total number of new structures preserved annually that
utilize preservation tax credits 30

(b) Outcome: Attendance at programs partially funded by New Mexico arts,
provided by arts organizations statewide 1,750,000

(c) Output: Total number of library materials catalogued in system
access to libraries in state agencies and keystone library
automation systems online databases, available through the
web 920,000

(d) Explanatory: Percent of grant funds distributed to communities outside
of Santa Fe, Albuquerque and Las Cruces 50%

(2) Museum services:

The purpose of the museum services program is to maintain and develop quality museums and monuments, providing exhibitions, performances and programs showcasing New Mexico arts and cultural heritage, as well as national and international cultural traditions.

Appropriations:

(a)	Personal services and employee benefits	10,925.7	660.8	402.2		11,988.7
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(b)	Contractual services	396.0	230.1	23.2	649.3
(c)	Other	2,732.1	835.1	36.8	3,604.0

Authorized FTE: 259.50 Permanent; 27.00 Term

The general fund appropriations to the museum services program of the office of cultural affairs include fifty thousand dollars (\$50,000) to provide for the administration and promotion of the culture and history collection of the office of African American affairs; eighty thousand dollars (\$80,000) for a curator and associated costs for the museum of fine arts; thirty thousand dollars (\$30,000) for collections management system software for the museum of fine arts; and one hundred thousand dollars (\$100,000) to continue support of the Lincoln county monument.

Performance measures:

- (a) Outcome: Percent of museum collections, excluding archaeological collections, housed in areas that meet museum standards for adequate environmental and storage conditions 67%
- (b) Outcome: Percent of museum "bulk" collections (archaeological, paleontological and archival) protected in adequate storage environments 100%
- (c) Output: Total attendance to museum exhibitions, performances, films and other presenting programs 750,000

(3) Education and outreach:

The purpose of the education and outreach program is to provide quality educational programs and statewide outreach.

Appropriations:

(a)	Personal services and employee benefits	2,822.4	484.8	435.6	856.0	4,598.8
(b)	Contractual services	839.8	218.8	264.8		1,323.4
(c)	Other	956.8	429.3	370.4		1,756.5

Authorized FTE: 57.30 Permanent; 42.00 Term; 4.00 Temporary

Performance measures:

(a) Outcome: Percent of participants attending off-site education, outreach and special events occurring in communities outside Santa Fe, Albuquerque and Las Cruces, including bookmobile stops 64%

(b) Output: Total number of participants at on-site educational, outreach and special events in agency facilities 310,000

(4) Program support:

The purpose of program support is to provide effective, efficient and high-quality delivery of services through agency leadership, management and support.

Appropriations:

(a)	Personal services and employee benefits	1,476.7		1,476.7
(b)	Contractual services	74.3	15.2	89.5
(c)	Other	94.8	94.8	

Authorized FTE: 26.20 Permanent; 2.00 Temporary

Any unexpended or unencumbered balance in the office of cultural affairs remaining at the end of fiscal year 2005 from appropriations made from the general fund shall not revert.

Subtotal 34,544.0

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 diseases of livestock.

Appropriations:

(a)	Personal services and employee benefits	2,272.6		2,272.6
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(b)	Contractual services		190.8		190.8
(c)	Other	106.7	645.4	752.1	

Authorized FTE: 56.20 Permanent

Performance measures:

(a) Outcome: Average percent of investigation findings completed within
one month 80%

(b) Output: Number of road stops per month 30

(c) Outcome: Number of livestock thefts reported per 1,000 head inspected 1

(2) Meat inspection:

The purpose of the meat inspection program is to provide meat inspection service to meat processors and slaughterers to assure consumers of clean, wholesome and safe products.

Appropriations:

(a)	Personal services and employee benefits		387.2		387.2	774.4
(b)	Contractual services		12.7		12.7	
(c)	Other	74.9	5.3	75.0	155.2	

Authorized FTE: 17.80 Permanent

The general fund appropriation to the New Mexico livestock board for its meat inspection program, including administrative costs, is contingent upon a dollar-for-dollar match of federal funds for that program.

Performance measures:

(a) Outcome: Percent of inspections where violations are found 2%

(b) Outcome: Number of violations resolved within one day 200

(c) Output: Number of establishments checked for compliance 550

(3) Administration:

The purpose of the administration program is to provide administrative and logistical services to employees.

Appropriations:

(a)	Personal services and				
	employee benefits	62.0	305.7	49.5	417.2
(b)	Contractual services		14.2		14.2
(c)	Other	99.8		99.8	

Authorized FTE: 8.00 Permanent

Performance measures:

- (a) Outcome: Number of annual audit findings 0
 - (b) Output: Number of payment vouchers processed 3,800
 - (c) Efficiency: Percent of vouchers processed within five days 90%
 - (d) Outcome: Number of prior-year audit findings resolved 3
- Subtotal 4,689.0

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 and quotas and ensuring that local and financial interests receive consideration.

Appropriations:

(a)	Personal services and				
	employee benefits		6,698.3	2,813.6	9,511.9
(b)	Contractual services		392.0	829.9	1,221.9
(c)	Other	2,401.9	2,087.7	4,489.6	
(d)	Other financing uses			315.0	315.0

Authorized FTE: 177.00 Permanent; 2.00 Term; 8.50 Temporary

The internal services funds/interagency transfers appropriations to the sport hunting and fishing program of the department of game and fish include one hundred thousand dollars (\$100,000) from the game protection fund for Ute dam operation. Any unexpended or unencumbered balance remaining at the end of fiscal year 2005 from this appropriation shall revert to the game protection fund.

Performance measures:

- (a) Outcome: Percent of angler satisfaction 80%
- (b) Outcome: Number of days of elk hunting opportunity provided to New Mexico resident hunters on an annual basis 160,000
- (c) Outcome: Percent of public hunting licenses drawn by New Mexico resident hunters 80%
- (d) Output: Annual output of fish from the department's hatchery system, in pounds 400,000

(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 176.1 751.9 1,176.3 2,104.3
- (b) Contractual services 322.1 486.3 808.4
- (c) Other 1,835.1 798.7 2,633.8

Authorized FTE: 30.00 Permanent; 8.00 Term; 1.00 Temporary

Performance measures:

- (a) Outcome: Number of habitat improvement projects completed in cooperation with private, state and federal entities 100
- (b) Output: Number of threatened and endangered species monitored,

studied or involved in the recovery plan process 49

(c) Output: Number of consultations provided to public and private entities to determine potential impacts of habitat and wildlife resources 400

(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	254.0	254.0
(b)	Contractual services	219.6	219.6
(c)	Other	511.2	511.2

Authorized FTE: 5.00 Permanent

Performance measures:

(a) Outcome: Percent of depredation complaints resolved within the mandated one-year timeframe 95%

(4) Administration:

The purpose of the administration program 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	3,219.3	61.1	3,280.4
(b)	Contractual services	513.5		513.5
(c)	Other	1,903.4	8.2	1,911.6

Authorized FTE: 54.00 Permanent; 2.00 Term

Subtotal 27,775.2

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	594.5	244.3	838.8	
(b)	Contractual services	1.0	574.8	575.8	
(c)	Other	16.0	99.8	115.8	
(d)	Other financing uses	.8	168.0	100.0	268.8

Authorized FTE: 9.00 Permanent; 2.00 Term

Performance measures:

(a) Explanatory: Annual utility costs for state-owned buildings, in thousands
\$13,708.3

(b) Output: Energy savings, in millions of british thermal units, in
state facilities 45,000

(c) Outcome: Percent increase in alternative fuels consumption of
gasoline-equivalent gallons by state entities 15%

(2) Healthy forests:

The purpose of the healthy forests program is to promote the health of New Mexico 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	2,650.9	149.7	649.1	3,449.7
(b)	Contractual services	82.2		4.2	790.0 876.4
(c)	Other	365.3	173.6	400.4	2,352.3 3,291.6
(d)	Other financing uses			430.1	430.1

Authorized FTE: 54.00 Permanent; 11.00 Term

Performance measures:

- (a) Output: Number of acres restored 20,000
- (b) Output: Number of seedlings delivered through conservation 190,000

(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	7,175.6	3,463.8	382.0	11,021.4
(b)	Contractual services	216.7	40.0	1,025.0	1,281.7
(c)	Other	1,348.5	2,865.3	2,145.7	262.7 6,622.2
(d)	Other financing uses			2,145.7	2,145.7

Authorized FTE: 228.00 Permanent; 5.00 Term; 48.00 Temporary

Performance measures:

- (a) Explanatory: Number of visitors to state parks 4,000,000
- (b) Explanatory: Self-generated revenue per visitor, in dollars \$0.86
- (c) Output: Number of interpretive programs available to park visitors 1,800

(4) Mine reclamation:

The purpose of the mine reclamation program is to implement 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	317.6	597.8	1,155.3	2,070.7
(b)	Contractual services	9.5	10.1	1,224.5	1,244.1
(c)	Other	54.4	121.4	286.6	462.4
(d)	Other financing uses		729.3		729.3

Authorized FTE: 16.00 Permanent; 15.00 Term

Performance measures:

- (a) Explanatory: Number of abandoned mines safeguarded 120
- (b) Output: Number of inspections conducted per year to ensure mining is being conducted in compliance with approved permits and regulations 300

(5) Oil and gas conservation:

The purpose of the oil and gas conservation program is to ensure the conservation and responsible development of oil and gas resources through professional and dynamic regulation.

Appropriations:

(a)	Personal services and				
	employee benefits	3,337.8	60.0	80.0	294.0
					3,771.8
(b)	Contractual services	76.5		850.0	926.5
(c)	Other	638.5	60.0	101.1	799.6
(d)	Other financing uses			850.0	105.0
					955.0

Authorized FTE: 63.00 Permanent; 2.00 Term

Performance measures:

(a) Output: Number of orphan wells plugged 60

(b) Outcome: Percent of inventoried, orphaned wells plugged 23.8%

(c) Output: Number of inspections of oil and gas wells and associated facilities 25,750

(6) Program support:

The purpose of program support is to provide leadership, set policy and provide support for every division in achieving goals.

Appropriations:

(a) Personal services and

employee benefits	2,620.8	50.0	157.2	2,828.0
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(b) Contractual services	14.5		4.2	18.7
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(c) Other	125.8	1.0	238.1	364.9
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(d) Other financing uses			1,500.0	1,500.0
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Authorized FTE: 43.00 Permanent; 3.00 Term

Performance measures:

(a) Outcome: Percent of prior-year financial audit findings resolved 100%

Subtotal				46,589.0
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YOUTH CONSERVATION CORPS:

The purpose of the youth conservation corps program is to provide funding for the employment of New Mexicans from 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		119.5		119.5
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(b) Contractual services		1,975.3		1,975.3
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(c) Other	47.6		47.6	
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(d)	Other financing uses	50.0	50.0
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Authorized FTE: 2.00 Permanent

Performance measures:

(a) Output:	Number of projects funded in a year that improve New Mexico's natural and community resources	35
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(b) Output:	Number of youth employed annually	600
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(c) Output:	Number of cash bonuses and tuition vouchers awarded	15
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Subtotal		2,192.4
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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 our 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	8,851.8	8,851.8
(b)	Contractual services	277.8	277.8
(c)	Other [65.0] 2,442.1	2,507.1	
(d)	Other financing uses	587.8	587.8

Authorized FTE: 155.00 Permanent

~~[The general fund appropriation to the land trust stewardship program of the commissioner of public lands includes sixty five thousand dollars (\$65,000) to carry out the duties of the natural resource revenue recovery task force.][LINE-ITEM VETO]~~

Performance measures:

(a) Output:	Total trust revenue generated, in millions	\$219.6
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(b) Outcome:	Dollars generated through oil, natural gas and mineral	
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audit activities, in millions \$5

(c) Output: Average income per acre from oil, natural gas and mineral activities \$94.49

(d) Output: Average income per acre from agriculture leasing activities \$0.85

(e) Output: Average income per acre from commercial leasing activities \$47.18

Subtotal 12,224.5

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.

(a)	Personal services and			
	employee benefits	6,201.6	227.9	6,429.5
(b)	Contractual services	33.0	600.0	633.0
(c)	Other	645.3	200.7	846.0

Authorized FTE: 111.00 Permanent

The internal services funds/interagency transfers appropriation to the water resources allocation program of the state engineer includes six hundred thousand dollars (\$600,000) from the improvement of the Rio Grande fund.

Performance measures:

(a) Output: Average number of unprotested new and pending applications

processed per month 75

(b) Output: Average number of protested and aggrieved applications

processed per month 12

(c) Explanatory: Number of unprotested and unaggrieved water right

applications backlogged 600

(d) Explanatory: Number of protested and aggrieved water rights backlogged 160

(e) Outcome: Percent of applications abstracted into the water

administration technical engineering resource system

database 40%

(2) Interstate stream compact compliance and water development:

The purpose of the interstate stream compact compliance and water development program is to resolve federal and interstate water issues and to develop water resources and stream systems for New Mexico so the state may achieve maximum sustained beneficial use of available water resources.

Appropriations:

(a) Personal services and

employee benefits	1,582.0	104.1		1,686.1
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(b) Contractual services	493.4	25.0	4,366.6	4,885.0
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(c) Other	81.8	80.5	2,460.5	2,622.8
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Authorized FTE: 23.00 Permanent

The internal services funds/interagency transfers appropriations to the interstate stream compact compliance and water development program of the state engineer include four million six hundred seventy-seven thousand one hundred dollars (\$4,677,100) from the irrigation works construction fund. Of this amount two million three hundred sixty-six thousand six hundred dollars (\$2,366,600) is in the contractual services category and two million three hundred ten thousand five hundred dollars (\$2,310,500) is in the other category.

The internal services funds/interagency transfers appropriation to the interstate stream compact compliance and water development program of the state engineer in the contractual services category includes two million dollars (\$2,000,000) from the improvements of the Rio Grande fund.

The internal services 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 operation. Any unexpended or unencumbered balance remaining at the end of fiscal year 2005 from this appropriation shall revert to the game protection fund.

Performance measures:

(a) Outcome: Pecos river compact accumulated delivery credit or deficit,

in acre feet 0

(b) Outcome: Rio Grande compact accumulated delivery credit or deficit,
in acre feet 0

(c) Explanatory: Cumulative number of regional water plans completed and
accepted by interstate stream commission all

(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	3,094.3		3,094.3
(b)	Contractual services	50.0	2,500.0	2,550.0
(c)	Other	316.6	316.6	

Authorized FTE: 49.00 Permanent

Revenue from the sale of water to United States government agencies by New Mexico for the emergency drought water agreement dated April 2003, which expires February 29, 2013, is appropriated to the state engineer for the conservation and recovery of the listed species in the middle Rio Grande basin, including the optimizing of middle Rio Grande conservancy district operations.

Performance measures:

(a) Outcome: Number of offers to defendants in adjudications 2,200

(b) Outcome: Percent of all water rights that have judicial
determinations 20%

(4) Program support:

The purpose of program support is to provide necessary administrative services to the agency programs and staff so they may be successful in achieving their statutory purposes and objectives.

Appropriations:

(a)	Personal services and employee benefits	1,911.6		1,911.6
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(b)	Contractual services	246.8		246.8
(c)	Other	514.3	514.3	

Authorized FTE: 28.00 Permanent

(5) New Mexico irrigation works construction fund:

Appropriations:

(a)	Other financing uses	5,216.9	4,284.3	9,501.2
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The appropriations to the irrigation works construction program of the state engineer include (1) one million nine hundred thousand dollars (\$1,900,000) to 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 the Rio Grande fund and provided that no more than two hundred fifty thousand dollars (\$250,000) shall be appropriated to one acequia per fiscal year; (2) two hundred fifty thousand dollars (\$250,000) for planning, design, supervision of construction and construction of approved acequia improvement projects in cooperation with the United States department of agriculture, United States department of the interior, United States department of the army or other engineers; and (3) two hundred fifty thousand dollars (\$250,000) for the construction, improvement, repair and protection from floods of dams, reservoirs, ditches, flumes and appurtenances of community ditches in the state, provided that not more than sixty thousand dollars (\$60,000) of this appropriation shall be used for any one community ditch. The state engineer may enter into cooperative agreements with the owners or commissioners of ditch associations to ensure that the work is done in the most efficient and economical manner and may contract with the federal government or any of its agencies or instrumentalities that provide matching funds or assistance. No state funds other than loans may be used to meet the association's twenty percent share of the total cost of the project.

The appropriations to the irrigation works construction program of the state engineer include grants, in such amount as determined by the interstate stream commission, for construction, improvement, repair and protection from floods of dams, reservoirs, ditches, flumes and appurtenances of community ditches in the state on Indian land, whether pueblo or reservation.

The interstate stream commission's authority to make loans for irrigation improvements includes five hundred thousand dollars (\$500,000) for loans to acequias, 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.

(6) Debt service fund:

Appropriations:

(a)	Other financing uses		270.0	270.0
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(7) IWCF/IRGF income funds:

Appropriations:

(a)	Other financing uses	4,625.5		4,625.5
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(8) Improvement of the Rio Grande fund:

Appropriations:

(a)	Other financing uses	1,932.6	1,336.1	3,268.7
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None of the money appropriated to the state engineer for operating or trust purposes shall be expended for primary clearing of vegetation in a phreatophyte removal project, except insofar as is required to meet the terms of the Pecos river compact between Texas and New Mexico. However, this prohibition shall not apply to removal of vegetation incidental to the construction, operation or maintenance of works for flood control or carriage of water or both.

The general fund and other state funds appropriations to the state engineer in the contractual services category are contingent upon the state engineer including performance measures in its contracts to increase contract oversight and accountability. The appropriations are further contingent on the preparation and presentation of a report on contractors' purposes and performance compliance to the legislative finance committee prior to October 1, 2004.

Subtotal		43,401.4	
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ORGANIC COMMODITY COMMISSION:

(1) New Mexico organic:

The purpose of the New Mexico organic program is to provide consumers of organic products in New Mexico with credible assurance about the veracity of organic claims and to enhance the development of local economies tied to agriculture, through rigorous regulatory oversight of the organic industry in New Mexico and through ongoing educational and market assistance projects.

Appropriations:

(a)	Personal services and			
	employee benefits	193.4		193.4
(b)	Contractual services	38.0	7.5	45.5
(c)	Other	41.1	31.0	72.1

Authorized FTE: 4.00 Permanent

Performance measures:

(a) Outcome:	Percent increase in New Mexico organic market as measured
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by client gross sales 10%

(b) Output: Number of client requests for assistance 400

Subtotal 311.0

TOTAL AGRICULTURE, ENERGY AND

NATURAL RESOURCES	61,089.0	39,853.2	47,396.6	23,387.7
	171,726.5			

F. HEALTH, HOSPITALS AND HUMAN SERVICES

COMMISSION ON THE STATUS OF WOMEN:

(1) Status of women:

The purpose of the status of women program is to provide information, public events, leadership, support services and career development to individuals, agencies and women's organizations so they can improve the economic, health and social status of women in New Mexico.

Appropriations:

(a)	Personal services and employee benefits	318.3	123.5	441.8
(b)	Contractual services	5.5	1,002.7	1,008.2
(c)	Other	135.2	313.8	449.0

Authorized FTE: 7.00 Permanent; 2.00 Term

The internal services funds/interagency transfer appropriations to the commission on the status of women include one million four hundred forty thousand dollars (\$1,440,000) for the teamworks program directed toward workforce development for adult women receiving temporary assistance for needy families from the federal block grant to New Mexico.

Revenue collected for ticket sales in excess of expenses for conferences, awards programs, seminars and summits shall not revert.

Performance measures:

(a) Outcome:	Number of paid employment teamworks placements	150
(b) Outcome:	Percent of teamworks participants employed nine months after initial employment placement	70%

Subtotal 1,899.0

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	114.5	114.5
(b)	Contractual services	82.4	82.4
(c)	Other	80.2	80.2

Authorized FTE: 2.00 Permanent

The general fund appropriation to the public awareness program of the office of African American affairs in the contractual services category includes twenty-five thousand dollars (\$25,000) to continue the research and assistance activities initiated under the joint agreement with the division of vocational rehabilitation of the public education department.

Subtotal 277.1

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 (1) to provide advocacy, outreach referral and education services to deaf and hard-of-hearing persons to improve their quality of life; and (2) to oversee the New Mexico telecommunications relay network for deaf and hard-of-hearing citizens, government agencies, institutions, businesses and hearing individuals affiliated with those who have a hearing loss so that deaf and hard-of-hearing persons have equal access to telecommunications services.

Appropriations:

(a)	Personal services and employee benefits	583.4	583.4
(b)	Contractual services	107.0	107.0
(c)	Other	68.6 115.4	184.0

Authorized FTE: 11.00 Permanent; 1.00 Term

The internal service funds/interagency transfers appropriations to the commission for the deaf and hard-of-hearing persons include five hundred thirty-three thousand four hundred dollars (\$533,400) from balances and surcharges from the telecommunications access fund for the operation of the commission in fiscal year 2005, contingent on enactment of legislation of the second session of the forty-sixth legislature allowing expenditures from that fund for salaries and other expenses of the commission. If such legislation is not enacted, five hundred thirty-three thousand four hundred dollars (\$533,400) is appropriated to the commission for the deaf and hard-of-hearing persons from the appropriation contingency fund.

Performance measures:

(a) Output:	Number of clients served	3,100
	Subtotal	874.4

MARTIN LUTHER KING, JR. COMMISSION:

The purpose of the Martin Luther King, Jr. commission program 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 helps reduce youth violence in our communities.

Appropriations:

(a)	Personal services and		
	employee benefits	137.4	137.4
(b)	Contractual services	13.8	13.8
(c)	Other	78.4	78.4

Authorized FTE: 2.00 Permanent

The general fund appropriation to the Martin Luther King, Jr. commission in the contractual services category includes ten thousand dollars (\$10,000) for support of the African-American pavilion at expo New Mexico.

The general fund appropriation to the Martin Luther King, Jr. commission in the other category includes twenty-six thousand six hundred dollars (\$26,600) for scholarships for disadvantaged youth statewide to attend the annual youth conference in Albuquerque.

Subtotal	229.6
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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	774.2	769.4	2,743.1	4,286.7
(b)	Contractual services	44.2		163.2	207.4
(c)	Other	674.8	375.0	2,219.1	3,268.9
(d)	Other financing uses		16.0	59.0	75.0

Authorized FTE: 105.50 Permanent; 1.00 Term

Any unexpended or unencumbered balances in the commission for the blind remaining at the end of fiscal year 2005 from appropriations made from the general fund shall not revert.

Performance measures:

- (a) Output: Number of quality employment opportunities for blind or visually impaired consumers of New Mexico 35
 - (b) Output: Number of blind or visually impaired consumers trained in the skills of blindness to enable them to live independently in their homes and communities 400
 - (c) Outcome: Average employment wage for the blind or visually impaired person \$11.00
 - (d) Output: Number of employment opportunities provided for blind business entrepreneurs in different vending and food facilities through the business enterprise program 30
- Subtotal 7,838.0

NEW MEXICO OFFICE OF INDIAN AFFAIRS:

(1) Indian affairs:

The purpose of the Indian affairs program is to serve as the coordinating body between state government and tribal government for New Mexico Indian tribes so they can address issues pertaining to health, the economy, legislation and social issues in the most efficient way.

Appropriations:

(a)	Personal services and			
	employee benefits	717.1		717.1
(b)	Contractual services	283.0		283.0
(c)	Other	1,068.1	1,068.1	

Authorized FTE: 12.00 Permanent

Performance measures:

(a) Outcome: Percent of capital outlay projects closed 20%

Subtotal 2,068.2

STATE AGENCY ON AGING:

(1) Elder rights and health advocacy:

The purpose of the elder rights and health advocacy program is to provide support and education for residents of long-term care facilities along with older individuals and their families so they are aware of the most current information about services and benefits, allowing them to protect their rights and make informed choices about quality service.

Appropriations:

(a)	Personal services and			
	employee benefits	456.2	631.0	1,087.2
(b)	Contractual services	25.1	13.0	38.1
(c)	Other	216.5	204.4	420.9

Authorized FTE: 10.00 Permanent; 10.00 Term

Performance measures:

(a) Outcome: Percent of long-term care complaints resolved 80%

(b) Output: Number of client contacts to assist on health, insurance,

prescriptions and other programs 20,500

(c) Output: Number of clients who receive assistance to access low-cost
or free prescription drugs through MEDBANK and brownbag
events 2,500

(2) Older worker:

The purpose of the older worker program is to provide training, education and work experience to older individuals so they can enter or re-enter the work force and receive appropriate income and benefits.

Appropriations:

(a)	Personal services and				
	employee benefits			37.6	37.6
(b)	Other	793.0	497.6	477.7	1,768.3

Authorized FTE: 1.00 Term

Performance measures:

(a) Outcome: Percent of individuals participating in the state older
worker program obtaining unsubsidized permanent employment 10%

(b) Outcome: Percent of individuals participating in the federal older
worker program obtaining unsubsidized permanent employment 20%

(3) Community involvement:

The purpose of the community involvement program is to provide supportive social and nutrition services for older individuals so they can remain independent and involved in their communities.

Appropriations:

(a)	Personal services and				
	employee benefits	145.0			145.0
(b)	Other	18,063.4		7,094.4	25,157.8
(c)	Other financing uses		280.6		280.6

Authorized FTE: 3.00 Term

Performance measures:

- (a) Outcome: Percent of individuals age sixty and over served through community services 44%
- (b) Output: Number of persons served through community services 139,000
- (c) Output: Number of adult daycare service hours provided 219,500
- (d) Output: Number of hours of respite care provided 174,500

(4) Program support:

The purpose of program support is to provide internal administrative and management support to agency staff, outside contractors and external control agencies so they can implement and manage agency programs.

Appropriations:

(a)	Personal services and employee benefits	1,566.5	216.7	473.6	2,256.8
(b)	Contractual services	77.2	4.0	17.5	98.7
(c)	Other	163.7	81.6	88.6	333.9

Authorized FTE: 30.00 Permanent; 5.00 Term

Performance measures:

- (a) Outcome: Percent of contractors assessed with no significant findings 90%
 - (b) Output: Number of attendees at annual conference on aging 1,600
- Subtotal 31,624.9

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	3,365.4	299.6	3,231.4	6,896.4		
(b)	Contractual services	7,428.5	848.1		28,197.4	36,474.0	
(c)	Other	459,443.7	40,541.8	76,480.0	1,727,133.6	2,303,599.1	
(d)	Other financing uses	16,483.1		55.7	58,509.4	75,048.2	

Authorized FTE: 136.00 Permanent

Performance measures:

- (a) Outcome: Percent of children enrolled in medicaid managed care receiving annual dental exams 50%
- (b) Outcome: Percent of children in medicaid receiving early and periodic screening, diagnosis and treatment services 80%
- (c) Outcome: The readmission rate at the same level of clinical care or higher for individuals discharged from residential treatment centers 19%
- (d) Outcome: Percent of individuals discharged from residential treatment centers who receive follow-up care within seven days 41%
- (e) Outcome: Percent of individuals discharged from residential treatment centers who receive follow-up care within thirty days 60%

(2) 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.

Appropriations:

- (a) Personal services and

	employee benefits	12,320.6		23,916.6	36,237.2
(b)	Contractual services	3,666.1	185.2	21,916.1	25,767.4
(c)	Other	23,770.9		309,806.0	333,576.9
(d)	Other financing uses			47,669.7	47,669.7

Authorized FTE: 924.00 Permanent

The appropriations to the income support program of the human services department include two million three hundred sixty-three thousand dollars (\$2,363,000) from the general fund and seventeen million three hundred seventy-six thousand eight hundred dollars (\$17,376,800) 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 eleven million two hundred ninety thousand one hundred dollars (\$11,290,100) from the general fund and sixty-three million ten thousand dollars (\$63,010,000) 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 education grants, clothing allowances, state-funded assistance to aliens, one-time diversion payments, disregard pass-through payments and wage subsidies.

The appropriations to the income support program of the human services department include thirteen million nine hundred seventy-five thousand dollars (\$13,975,000) from the federal temporary assistance for needy families block grant for support services, including nine million three hundred thousand dollars (\$9,300,000) for job training and placement, two million dollars (\$2,000,000) for a domestic violence program, four hundred twenty-five thousand dollars (\$425,000) for employment-related expenses, one million two hundred fifty thousand dollars (\$1,250,000) for transportation services and one million dollars (\$1,000,000) for a family strengthening and fatherhood program.

The appropriations to the income support program of the human services department include forty-eight million ninety-four thousand seven hundred dollars (\$48,094,700) from the federal temporary assistance for needy families block grant for transfers to other agencies, including one million three hundred thousand dollars (\$1,300,000) to the public education department for teen pregnancy education and prevention, two million nine hundred eighty-two thousand five hundred dollars (\$2,982,500) to the public education department for early childhood development, four million dollars (\$4,000,000) to the public education department for full-day kindergarten, one million dollars (\$1,000,000) to the commission on higher education for adult basic education, one million four hundred forty thousand dollars (\$1,440,000) to the commission on the status of women for the teamworks program, two million dollars (\$2,000,000) to the children, youth and families department for adult protective services, thirty-two million four hundred seventy-two thousand two hundred dollars (\$32,472,200) to the children, youth and families department for childcare programs, five hundred thousand dollars (\$500,000) to the children, youth and families department for childcare training services, six hundred thousand dollars (\$600,000) to the children, youth and families department for domestic violence programs, one million dollars (\$1,000,000) to the department of health for substance abuse and eight hundred thousand dollars (\$800,000) to the state agency on aging for the gold mentor program.

The general fund appropriations to the income support program of the human services department include five million dollars (\$5,000,000) for general assistance.

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.

One hundred thousand dollars (\$100,000) of the general fund appropriation and two hundred thousand dollars (\$200,000) of the federal funds appropriation in the personal services and employee benefits category is contingent on placing eligibility workers in [the] workforce development one-stop employment centers [in Bernalillo, Dona Ana, Lincoln, San Juan, Sandoval and Santa Fe counties]. [LINE-ITEM VETO]

Performance measures:

(a) Output: Number of temporary assistance for needy family clients

placed in jobs 8,250

(b) Outcome: Six-month job retention rate 60%

(c) Outcome: Average hourly wage of temporary assistance for needy families clients \$7.00

(d) Output: Number of New Mexico families receiving food stamps 92,500

(3) 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; ensure that all court orders for support payments are being met to maximize child support collections; and reduce public assistance rolls.

Appropriations:

(a)	Personal services and				
	employee benefits	2,086.2	2,975.0	9,868.0	14,929.2
(b)	Contractual services	5,459.7		10,774.7	16,234.4
(c)	Other	988.6	2,975.0	7,927.3	11,890.9

Authorized FTE: 365.00 Permanent

Performance measures:

(a) Outcome: Amount of child support collected, in millions \$82

(b) Outcome: Percent of current support owed that is collected 57%

(c) Outcome: Percent of cases with support orders 55%

(d) Outcome: Percent of children born out-of-wedlock with voluntary
paternity acknowledgment 55%

(4) Program support:

The purpose of program support is to provide overall leadership, direction and administrative support to each agency program and to assist each in achieving its programmatic goals.

Appropriations:

(a)	Personal services and			
	employee benefits	3,688.1	9,127.8	12,815.9
(b)	Contractual services	349.4	709.3	1,058.7
(c)	Other	1,259.1 896.9	3,158.9	5,314.9
(d)	Other financing uses	46.2	93.8	140.0

Authorized FTE: 217.00 Permanent

Performance measures:

(a) Quality: Percent of federal financial reporting completed on time
and accurately 90%

(b) Outcome: Percent of department of finance and administration
adjusting journal entries submitted fifteen days or less
after completion of reconciliation 85%

(c) Outcome: Percent of reconciliations completed within thirty to
forty-five days after receipt of accurate monthly reports
from the department of finance and administration, joint
accounting system or state treasurer's office 85%

Subtotal 2,927,652.9

LABOR DEPARTMENT:

(1) Operations:

The purpose of the operations program is to provide unemployment insurance, workforce development and labor market services that meet the needs of job seekers and employers.

Appropriations:

(a)	Personal services and				
	employee benefits	1,956.5	14,885.9		16,842.4
(b)	Contractual services		428.5		428.5
(c)	Other	631.7	2,973.4		3,605.1
(d)	Other financing uses		5.4	34.8	40.2

Authorized FTE: 366.00 Permanent; 34.00 Term; 1.00 Temporary

The federal funds appropriation to the operations program of the labor department includes one million seven hundred sixty thousand five hundred forty-six dollars (\$1,760,546) of federal Reed Act funds.

Performance measures:

(a) Outcome: Number of individuals served by labor market services who
found employment 50,000

(b) Efficiency: Percent of status determinations for newly established
employers made within ninety days of the quarter's end 90%

(c) Output: Number of persons served by the labor market services
program 170,000

(2) Compliance:

The purpose of the compliance program is to monitor and evaluate compliance with labor law, including nonpayment of wages, unlawful discrimination, child labor, apprentices and wage rates for public works projects.

Appropriations:

(a)	Personal services and				
	employee benefits	820.4	33.7	1,132.5	1,986.6
(b)	Contractual services	2.8		11.2	2.7
(c)	Other	191.3	180.7	225.5	597.5

(d)	Other financing uses	2.4	1.6	4.0
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Authorized FTE: 41.00 Permanent

The internal service funds/interagency transfers appropriation to the compliance program of the labor department includes one million three hundred twenty-four thousand four hundred dollars (\$1,324,400) from fund balances in the workers' compensation administration fund.

Performance measures:

(a) Output: Number of targeted public works inspections completed 1,775

(b) Outcome: Percent of wage claims investigated and resolved within one hundred twenty days 95%

(c) Efficiency: Number of backlogged human rights commission hearings pending 20

(d) Efficiency: Percent of discrimination cases settled through alternative dispute resolution 75%

(e) Efficiency: Average number of days for completion of discrimination investigations and determinations 145

(3) Information:

The purpose of the information program is to disseminate labor market information measuring employment, unemployment, economic health and the supply of and demand for labor.

Appropriations:

(a)	Personal services and employee benefits			1,128.8	1,128.8
(b)	Contractual services			24.9	24.9
(c)	Other	16.6	179.9	196.5	
(d)	Other financing uses			2.1	2.1

Authorized FTE: 19.00 Permanent; 2.00 Term

Performance measures:

(a) Outcome: Error rate for forecasting employment data +/-2%

(4) Workforce Investment Act:

The purpose of the Workforce Investment Act program is to provide workforce development services that meet the needs of job seekers and employers.

Appropriations:

(a)	Personal services and employee benefits		1,394.0	1,394.0
(b)	Contractual services		24.0	24.0
(c)	Other	700.0	1,753.3	2,453.3
(d)	Other financing uses		2.7	2.7

Authorized FTE: 25.00 Permanent; 2.00 Term

The labor department shall maintain federal funds designated for local workforce development boards under the federal Workforce Investment Act in a separate fund and shall maintain separate accounts within the fund for each local board designated to receive a distribution from the fund.

The labor department may transfer funding from the federal Workforce Investment Act to the office of workforce training and development.

Performance measures:

(a) Outcome: Percent of adults receiving workforce development services
who have entered employment within one quarter of leaving
job training services 70%

(b) Outcome: Percent of all local Workforce Investment Act boards
monitored a minimum of once a year to ensure compliance
with all federal and state fiscal and program requirements 100%

(c) Output: Total number of individuals in the adult, dislocated worker
and youth programs receiving services through the federal
Workforce Investment Act 8,400

(5) Workforce Investment Act local fund:

Appropriations:

(a)	Other	15,235.0	15,235.0
(b)	Other financing uses		2,948.7 2,948.7

(6) Program support:

The purpose of program support is to provide overall leadership, direction and administrative support to each agency program to achieve their programmatic goals.

Appropriations:

(a)	Personal services and employee benefits	561.0 355.1	6,106.3 7,022.4
(b)	Contractual services	207.7	627.4 835.1
(c)	Other 330.0	2,703.0 3,033.0	
(d)	Other financing uses		11.9 11.9

Authorized FTE: 113.00 Permanent; 6.00 Term

The federal funds appropriation to program support of the labor department includes eight hundred one thousand four hundred dollars (\$801,400) of federal Reed Act funds.

The federal funds appropriation to the labor department includes seven hundred thirty-six thousand eight hundred fifty dollars (\$736,850) of federal Reed Act funds previously appropriated in Section 4 of Chapter 76 of Laws 2003; three hundred fifty-seven thousand two hundred sixty-nine dollars (\$357,269) of federal Reed Act funds previously appropriated in Section 1 of Chapter 32 of Laws 2003; and nine hundred sixty-three thousand five hundred thirty-six dollars (\$963,536) of federal Reed Act funds previously appropriated in Section 13 of Chapter 47 of Laws 2003.

Notwithstanding provisions of Subsections C and D of Section 8 of Chapter 76 of Laws 2003 and the provisions of Subsections C and D of Section 6 of Chapter 83 of Laws 2003, the department of finance and administration is authorized to distribute to the labor department any unallocated balances remaining after the distributions required in Section 8 of Chapter 76 of Laws 2003 and in Section 6 of Chapter 83 of Laws 2003.

Beginning in fiscal year 2005, the labor department shall submit vouchers to the department of finance and administration and shall not be granted nonvouchering status for fiscal year 2005. This requirement shall not apply to warrants issued for unemployment insurance benefits.

Subtotal 57,833.4

WORKERS' COMPENSATION ADMINISTRATION:

The purpose of the workers' compensation administration program is to arbitrate and administer the workers' compensation system to maintain a balance between workers' prompt receipt of statutory benefits and reasonable costs for employers.

Appropriations:

(a)	Personal services and			
	employee benefits	7,003.1		7,003.1
(b)	Contractual services	972.2		972.2
(c)	Other	1,211.0	1,211.0	

Authorized FTE: 132.00 Permanent

Performance measures:

(a) Outcome:	Percent of formal claims resolved without trial	85%
(b) Output:	Number of first reports of injury processed	40,750
(c) Output:	Number of reviews of employers to ensure the employer has workers' compensation insurance	3,200
(d) Output:	Number of employers who had a work place safety visit or consultation	4,700
Subtotal		9,186.3

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 that they may maximize their employment, economic self-sufficiency, independence and inclusion and integration into society.

Appropriations:

(a)	Personal services and			
	employee benefits	1,897.6	153.7	7,995.1 10,046.4
(b)	Contractual services	148.0	60.3	823.4 1,031.7

(c)	Other	3,414.6	263.2	14,259.6	17,937.4
(d)	Other financing uses	1.2	31.4	77.5	110.1

Authorized FTE: 184.00 Permanent; 26.00 Term

The general fund appropriation to the rehabilitative services program of the division of vocational rehabilitation in the personal services and employee benefits category includes sixty thousand dollars (\$60,000) to continue the outreach activities initiated under the joint powers agreement with the office of African American affairs.

Performance measures:

- (a) Output: Number of persons achieving suitable employment for a minimum of ninety days 1,695
- (b) Output: Number of independent living plans developed 355
- (c) Output: Number of individuals served for independent living 558

(2) Disability determination:

The purpose of the disability determination program is to produce accurate and timely eligibility determinations to social security disability applicants so that they may receive benefits.

Appropriations:

(a)	Personal services and employee benefits	4,706.0	4,706.0
(b)	Contractual services	153.0	153.0
(c)	Other	5,632.2	5,632.2

Authorized FTE: 97.00 Permanent

The division of vocational rehabilitation may apply an indirect cost rate of up to five percent for administering and monitoring independent living projects.

Any unexpended or unencumbered balance in the division of vocational rehabilitation remaining at the end of fiscal year 2005 from appropriations made from the general fund shall not revert.

Performance measures:

- (a) Efficiency: Number of days for completing an initial disability claim 80
- (b) Quality: Percent of disability determinations completed accurately 97.5%

Subtotal 39,616.8

GOVERNOR'S COMMITTEE ON CONCERNS OF THE HANDICAPPED:

(1) Information and advocacy service:

The purpose of the information and advocacy service program is to provide needed information on disability case law analysis, building code comparisons, awareness of technologies, dispelling of stereotypes, training on the legislative process and population estimates to New Mexico individuals with disabilities and decision-makers, so they can improve the economic, health and social status of New Mexico individuals with disabilities.

Appropriations:

(a)	Personal services and			
	employee benefits	471.1		471.1
(b)	Contractual services	35.4		35.4
(c)	Other	50.2	169.0	219.2

Authorized FTE: 7.50 Permanent; .50 Term

Performance measures:

(a) Output: Number of persons seeking technical assistance on	
disability issues	4,400
(b) Output: Number of architectural plans reviewed and sites inspected	210
Subtotal	725.7

DEVELOPMENTAL DISABILITIES PLANNING COUNCIL:

(1) Developmental disabilities planning council:

The purpose of the developmental disabilities planning council program is to provide and produce opportunities to and for persons with disabilities so that they may realize their dreams and potentials and become integrated members of society.

Appropriations:

(a)	Personal services and				
	employee benefits	126.8	12.2	209.5	348.5
(b)	Contractual services	10.5	1.0	17.3	28.8

(c) Other 173.8 16.8 287.2 477.8

Authorized FTE: 6.50 Permanent

Performance measures:

(a) Output: Number of persons with developmental disabilities served by
the agency in federally mandated areas 7,500

(b) Output: Number of monitoring site visits conducted 36

(c) Output: Number of project, programmatic and financial reports
reviewed to ensure compliance with state and federal
regulations 44

(2) Brain injury advisory council:

The purpose of the brain injury advisory council program is to provide guidance on the utilization and implementation of programs provided through the department of health's brain injury services fund so that they may align service delivery with the needs as identified by the brain injury community.

Appropriations:

(a) Personal services and
employee benefits 53.8 53.8

(b) Contractual services 3.9 3.9

(c) Other 48.0 48.0

Authorized FTE: 1.00 Permanent

Performance measures:

(a) Outcome: Percent of individuals receiving education or training on
traumatic brain injury issues who demonstrate increased
knowledge with a minimum score of seventy percent or better
or a thirty percent increase on post-training tests 80%

(3) Office of guardianship:

The purpose of the office of guardianship program is to enter into, monitor and enforce guardianship contracts for income-eligible persons and to file, investigate and resolve complaints about guardianship services provided by contractors.

Appropriations:

(a)	Personal services and		
	employee benefits	131.4	131.4
(b)	Contractual services	2,223.3	2,223.3
(c)	Other	33.0	33.0

Authorized FTE: 2.50 Permanent

Performance measures:

- (a) Output: Number of complaints received annually 35
- (b) Outcome: Percent of complaints determined to be justified 50%

Subtotal 3,348.5

MINERS' HOSPITAL OF NEW MEXICO:

(1) Healthcare:

The purpose of the healthcare program is to provide quality acute care, long-term care and related health services to the beneficiaries of the miners' trust fund of New Mexico and the people of the region so they can maintain optimal health and quality of life.

Appropriations:

(a)	Personal services and				
	employee benefits	6,656.0	2,557.8	107.0	9,320.8
(b)	Contractual services	1,736.0	697.0	115.6	2,548.6
(c)	Other	3,247.0	1,068.7	37.1	4,352.8

Authorized FTE: 211.50 Permanent; 13.50 Term

The miners' hospital of New Mexico shall investigate cost savings in pharmaceuticals and medical supplies through comparative pricing with the agency buying group and the department of health.

Performance measures:

(a) Outcome:	Percent of billed revenue collected	85%
(b) Output:	Number of outpatient visits	18,000
(c) Output:	Number of outreach clinics conducted	24
(d) Output:	Number of emergency room visits	5,000
(e) Output:	Number of patient days at the acute care facility	6,300
(f) Output:	Number of patient days at the long-term care facility	9,500
Subtotal		16,222.2

DEPARTMENT OF HEALTH:

(1) Prevention, health promotion and early intervention:

The purpose of the prevention, health promotion and early intervention program is to provide a statewide system of prevention, health promotion and education, community health improvement and other public health services for the people of New Mexico.

Appropriations:

(a)	Personal services and					
	employee benefits	12,700.0	1,164.3	133.4	12,100.0	26,097.7
(b)	Contractual services	10,455.1	2,805.0	1,389.9	11,758.9	26,408.9
(c)	Other	8,549.7	10,195.3	106.2	36,401.9	55,253.1
(d)	Other financing uses	304.5			304.5	

Authorized FTE: 106.00 Permanent; 510.50 Term

The general fund appropriation to the prevention, health promotion and early intervention program of the department of health in the contractual services category includes one million eight hundred fifty thousand dollars (\$1,850,000) for contracts related to the County Maternal and Child Health Plan Act.

The general fund appropriation to the prevention, health promotion and early intervention program of the department of health in the contractual services category includes: six million dollars (\$6,000,000) for smoking prevention and cessation programs; one million dollars (\$1,000,000) for diabetes prevention and control services; and four hundred seventy thousand dollars (\$470,000) for human immunodeficiency virus and acquired immunodeficiency syndrome prevention, services and medicine.

The general fund appropriation to the prevention, health promotion and early intervention program of the department of health in the other financing uses category includes four thousand eight hundred dollars

(\$4,800) for the acquired immunodeficiency syndrome medicaid waiver to offset changes in the federal medical assistance percentage.

Performance measures:

- (a) Outcome: Percent of New Mexico children ages nineteen months to thirty-five months whose immunizations are up-to-date 78%
- (b) Outcome: Teenage birth rate per one thousand population for females ages fifteen through seventeen compared with the national average of twenty-four and seven-tenths <35
- (c) Output: Percent of people with diabetes who have seen a healthcare provider in the past year 93%
- (d) Output: Number of adolescents ages fifteen to seventeen receiving agency-funded family planning services 9,500

(2) Health infrastructure:

The purpose of the health infrastructure program is to maintain and enhance a statewide public health infrastructure and the interrelated systems of district and local public health, primary care, rural health, dental and school-based health services to ensure access to an integrated system of high quality healthcare services for all New Mexicans.

Appropriations:

(a)	Personal services and				
	employee benefits	15,182.5	38.5	325.0	15,546.0
(b)	Contractual services	11,684.3		2,940.4 155.3	14,780.0
(c)	Other	2,484.3 76.5	686.4	3,247.2	
(d)	Other financing uses	500.0		500.0	

Authorized FTE: 253.50 Permanent; 59.00 Term

The general fund appropriation to the health infrastructure program of the department of health in the other financing uses category includes five hundred thousand dollars (\$500,000) to leverage federal medicaid funds to support the objective of the Rural Primary Healthcare Act contingent on the human services department obtaining approval and implementation of an alternative prospective payment system to reimburse federally qualified health center safety net providers for the effects of medical

inflation. It is further contingent on the approval and implementation of a methodology by the human services department to reimburse federally qualified health centers for the salaries and overhead costs for medicaid outstationed eligibility workers employed at federally qualified health centers.

Performance measures:

(a) Outcome: Percent of primary care centers reporting performance data
on clinical indicators in the contract year 95%

(b) Output: Number of clients receiving nursing and clinical services
at local public health offices 73,000

(3) Surveillance, response and reporting:

The purpose of the surveillance, response and reporting program is to maintain and enhance a statewide system of population-based surveillance, vital records and health statistics, emergency medical services, bioterrorism, emergency preparedness and injury prevention.

Appropriations:

(a)	Personal services and				
	employee benefits	6,035.3	309.5	945.0	7,289.8
(b)	Contractual services	3,100.7		7,420.2	10,520.9
(c)	Other	733.9	204.5	1,080.6	3,481.7
					5,500.7

Authorized FTE: 53.00 Permanent; 88.70 Term

Performance measures:

(a) Outcome: Percent of individuals living in rural areas served by a
comprehensive emergency medical services response within
fifteen minutes 79%

(b) Efficiency: Percent of inquiries and incidents regarding urgent threats
to public health that result in initiation of follow-up
investigation and, if warranted, control activities within
thirty minutes of initial notification 97%

(c) Efficiency: Percent of birth certificates issued within three weeks

after receipt of completed request and fees 95%

(4) Testing and pharmaceutical:

The purpose of the testing and pharmaceutical program is to provide ancillary services to assist in the diagnosis and treatment of identified conditions and to provide pharmacy services.

Appropriations:

(a)	Personal services and				
	employee benefits	3,283.0	2,630.1	289.5	6,202.6
(b)	Contractual services	432.2	.2	199.9	632.3
(c)	Other	2,313.1	954.5	361.0	3,628.6

Authorized FTE: 79.00 Permanent; 44.00 Term

The other state funds appropriation to the testing and pharmaceutical program of the department of health in the other category includes two hundred thousand dollars (\$200,000) for building and structures maintenance and repairs at the scientific laboratory.

Performance measures:

(a) Outcome: Percent of blood alcohol tests from driving while
intoxicated cases analyzed and reported within three days
of receipt 80%

(b) Output: Dollar amount of returned or wasted drugs and vaccines per
fiscal year \$45,000

(5) Behavioral health services:

The purpose of the behavioral health services program is to provide an effective, accessible, regionally coordinated and integrated continuum of behavioral health prevention and treatment services that are consumer-driven and provided in the least restrictive setting for eligible persons in New Mexico so that they may become stabilized and their functioning levels may improve.

Appropriations:

(a)	Personal services and				
	employee benefits	32,059.3	6,598.3	16,412.6	119.5 55,189.7
(b)	Contractual services	39,666.1	326.9	12,773.9	52,766.9

(c)	Other	3,850.8	3,840.0	1,112.5	8,803.3
(d)	Other financing uses		1,286.5		1,286.5

Authorized FTE: 1,228.00 Permanent; 120.00 Term

The other state funds appropriation to the behavioral health services program of the department of health in the other category includes two hundred thousand dollars (\$200,000) for building and structures maintenance and repairs at the Las Vegas medical center.

The internal services funds/interagency transfers appropriation to the behavioral health services program of the department of health in the other category includes one million dollars (\$1,000,000) from the federal temporary assistance for needy families block grant.

Performance measures:

- (a) Outcome: Percent of adults receiving community-based substance abuse services who experience diminishing severity of problems after treatment 85%
- (b) Efficiency: Percent of adults registered in regional care coordination plans discharged from psychiatric inpatient care who receive follow-up care within seven days 85%
- (c) Efficiency: Percent of newly registered adults with urgent behavioral health treatment needs who have first face-to-face meeting with a community-based behavioral health professional within twenty-four hours of request for services 87%
- (d) Output: Number of active clients provided agency substance abuse treatment services during the fiscal year 7,200

(6) Long-term care services:

The purpose of the long-term care services program is to provide an effective, efficient and accessible safety net system of long-term care facilities and services for eligible New Mexicans so that their quality of life and independence can be maximized.

Appropriations:

- (a) Personal services and

	employee benefits	4,327.0	6,398.8	23,241.8	1,122.0	35,089.6
(b)	Contractual services	820.0	215.5	1,053.4	535.2	2,624.1
(c)	Other	2,999.0	990.2	4,642.3	1,619.4	10,250.9

Authorized FTE: 576.00 Permanent; 329.50 Term; 15.00 Temporary

The other state funds appropriation to the long-term care services program of the department of health in the other category includes two hundred thousand dollars (\$200,000) for building and structures maintenance and repairs at the Fort Bayard medical center and two hundred thousand dollars (\$200,000) for building and structures maintenance and repairs at the New Mexico veterans' home.

Performance measures:

- (a) Quality: Rate of abuse, neglect and exploitation per one hundred patients in department of health-operated long-term care facilities as confirmed by the division of health improvement <5%
- (b) Quality: Status of Fort Bayard medical center long-term care facility efforts to acquire accreditation by the joint commission on accreditation of healthcare organizations Retain

(7) Developmentally disabled community services:

The purpose of the developmentally disabled community services program is to provide a statewide system of community-based services and supports to improve the quality of life and increase the independence 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	5,456.4		544.9		6,001.3
(b)	Contractual services	18,916.8		1,739.0	3,976.5	27,397.4
(c)	Other	883.0		103.7		986.7
(d)	Other financing uses	56,959.6		2,000.0		58,959.6

Authorized FTE: 67.00 Permanent; 46.00 Term

The general fund appropriation to the developmentally disabled community services program of the department of health in the other financing uses category includes seven hundred eighty-five thousand two hundred dollars (\$785,200) to the developmental disabilities medicaid waiver to offset changes in the federal medical assistance percentage; twenty thousand one hundred dollars (\$20,100) to the medically fragile medicaid waiver to offset changes in the federal medical assistance percentage; four million dollars (\$4,000,000) to reduce the developmental disabilities medicaid waiver waiting list[; and one million (\$1,000,000) for service provider rate increases].[LINE-ITEM VETO]

Performance measures:

- (a) Outcome: Percent of families who report, as an outcome of receiving early intervention services, an increased capacity to address their child's special needs 95%
- (b) Outcome: Rate of abuse, neglect and exploitation per one hundred clients in community-based long-term care programs as confirmed by the division of health improvement 15%
- (c) Outcome: Number of customers or registrants requesting and actively waiting for admission to the developmental disabilities medicaid waiver program on the measurement date 2,233
- (d) Explanatory: Percent of individuals participating in developmentally disabled community services programs who report that services helped them maintain or increase independence in areas such as daily living skills, work and functional skills 80%

(8) Licensing, certification and oversight:

The purpose of the licensing, certification and oversight program is to ensure high quality healthcare systems through licensing and certification, quality oversight and contract compliance and auditing functions.

Appropriations:

- (a) Personal services and employee benefits 3,140.7 808.5 2,291.8 1,242.7 7,483.7

(b)	Contractual services	140.0		142.0	282.0
(c)	Other	1,003.8	340.6	110.0	249.1
				1,703.5	

Authorized FTE: 56.00 Permanent; 77.00 Term

Performance measures:

- (a) Efficiency: Percent of community-based program incident investigations completed within forty-five days 92%
- (b) Output: Number of reviews of behavioral health services regional care coordinators conducted 5
- (c) Output: Number of long-term services, developmental disabilities waiver, and supported-living providers receiving unannounced, on-site health and safety reviews 24

(9) Administration and policy:

The purpose of the administration and policy program is to provide leadership, policy development and administrative support to the department of health.

Appropriations:

(a)	Personal services and				
	employee benefits	7,194.8		602.5	650.6
					8,447.9
(b)	Contractual services	622.1		124.0	1,094.6
(c)	Other	190.0		174.0	1,445.4
					1,809.4

Authorized FTE: 137.50 Permanent; 21.10 Term

Two million eight hundred thousand dollars (\$2,800,000) of the general fund appropriation made to the department of health in Subsection F of Section 4 of Chapter 76 of Laws 2003 shall not revert at the end of fiscal year 2004 and is reappropriated from other state funds to the testing and pharmaceutical, behavioral health services, long-term care services and developmentally disabled community services programs of the department of health for expenditure in fiscal year 2005.

The general fund appropriation to the department of health in the contractual services category in all programs is contingent upon the department including performance measures in its outcome-based contracts to increase oversight and accountability.

As part of the fiscal year 2006 appropriation request, the department of health shall report on efforts to maximize medicaid reimbursement for services provided.

Performance measures:

(a) Efficiency: Percent of warrants issued within thirty days from date of acceptance of goods or services 94%

(b) Output: Number of repeat audit findings <2

Subtotal 456,835.5

DEPARTMENT OF ENVIRONMENT:

(1) Field operations:

The purpose of the field operations program is to ensure the highest possible level of public health through oversight of food service, safe drinking water, liquid waste and radiological control.

Appropriations:

(a)	Personal services and				
	employee benefits	4,934.9	1,469.6	2,468.6	8,873.1
(b)	Contractual services	62.3	2,007.8	997.8	3,067.9
(c)	Other	1,034.9	801.0	685.8	2,521.7

Authorized FTE: 111.00 Permanent; 62.00 Term

Performance measures:

(a) Outcome: Percent of permit decisions made within time allowed by statute or regulation 85%

(b) Outcome: Percent increase in the significant compliance rate among regulated entities under state authority 10%

(c) Output: Percent of regulated entities under state authority, taking compliance actions to mitigate violations discovered, as a result of inspections 70%

(2) Water quality:

The purpose of the water quality program is to monitor and regulate impacts on New Mexico's ground and surface water for all users to ensure public and watershed health.

Appropriations:

(a)	Personal services and				
	employee benefits	3,039.8	1,917.0	5,472.1	10,428.9
(b)	Contractual services	133.4	1,014.7	2,897.5	4,045.6
(c)	Other	295.6	607.3	778.7	1,681.6
(d)	Other financing uses			15.0	15.0

Authorized FTE: 46.00 Permanent; 138.50 Term

Performance measures:

- (a) Output: Reduction in percent of impaired stream miles 5%
- (b) Explanatory: Number of stream miles assessed for surface water quality impairments 500
- (c) Outcome: Percent of permits issued within the time allowed by statute or regulation 40%
- (d) Output: Percent of permitted facilities receiving field inspections 60%

(3) Environmental protection program:

The purpose of the environmental protection program is to monitor, regulate and remediate impacts to New Mexico's soil and ground water in order to protect public and wildlife health and safety.

Appropriations:

(a)	Personal services and				
	employee benefits	2,098.0	5,420.0	2,653.3	10,171.3
(b)	Contractual services	51.9	105.7	51.7	209.3
(c)	Other	447.8	1,247.7	610.7	2,306.2

Authorized FTE: 66.00 Permanent; 120.00 Term

Performance measures:

- (a) Outcome: Percent of permit decisions made within time allowed by statute or regulation 95%
- (b) Outcome: Percent reduction of inspected aggregate facilities with repeat emissions violations 10%
- (c) Output: Percent change of the ambient air concentration in relation to the state and federal ambient air quality standards <5%
- (d) Outcome: Percent increase in the significant compliance rate among regulated entities under state authority 10%
- (e) Output: Percent of regulated entities under state authority taking compliance action to mitigate violations discovered, as a result of inspections 95%

(4) Program support:

The purpose of program support is to provide overall leadership, administrative, legal and information management support to allow 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 2,247.0 1,567.3 2,322.0 6,136.3
- (b) Contractual services 262.6 165.4 245.1 673.1
- (c) Other 221.1 292.2 432.9 946.2

Authorized FTE: 58.00 Permanent; 39.00 Term

Performance measures:

- (a) Outcome: Percent increase in the significant compliance rate among

regulated entities under state authority 10%

(b) Output: Percent of enforcement actions brought within one year of
inspection or documentation of violation 90%

(5) Special revenue funds:

Appropriations:

(a)	Contractual services	6,000.0	6,000.0
(b)	Other	12,500.0	12,500.0
(c)	Other financing uses	16,527.1	16,527.1

If legislation to allow the department to access revenue from the corrective action fund for operational purposes is enacted into law during the second session of the forty-sixth legislature, the general fund appropriation shall be reduced by four hundred ninety-seven thousand nine hundred dollars (\$497,900).

Subtotal 86,103.3

OFFICE OF THE NATURAL RESOURCES TRUSTEE:

(1) Natural resource damage assessment and restoration:

The purpose of the natural resource damage assessment and restoration program is to restore or replace natural resources or resource services injured or lost due to releases of hazardous substances or oil into the environment.

Appropriations:

(a)	Personal services and employee benefits	141.8	141.1	282.9
(b)	Contractual services		16.5	16.5
(c)	Other	46.0	46.0	

Authorized FTE: 3.70 Permanent

Performance measures:

(a) Output: Number of acres of habitat restoration 500

(b) Outcome: Percent of cases in settlement or settled and restorations

planned, in progress or completed 75%

(c) Output: Number of acre-feet of water conserved through restoration 600

Subtotal 345.4

NEW MEXICO HEALTH POLICY COMMISSION:

(1) Health information and policy analysis:

The purpose of the health information and policy analysis program is to provide relevant and current health-related data, information and comprehensive analysis to consumers, state health agencies, the legislature and the private health sector so they can obtain or provide improved healthcare access in New Mexico.

Appropriations:

(a)	Personal services and		
	employee benefits	862.7	862.7
(b)	Contractual services	205.3	205.3
(c)	Other	223.0	223.0

Authorized FTE: 17.00 Permanent

Performance measures:

(a) Output: Number of health-related bills analyzed during the
legislative session 200

Subtotal 1,291.0

NEW MEXICO VETERANS' SERVICE COMMISSION:

(1) Veterans' services:

The purpose of the veterans' services program is to provide information and assistance to veterans and their eligible dependents to obtain the benefits to which they are entitled in order to improve their quality of life.

Appropriations:

(a)	Personal services and		
	employee benefits	1,391.1	108.6 1,499.7

(b)	Contractual services	382.2			382.2	
(c)	Other	222.2	21.1	23.0	39.0	305.3

Authorized FTE: 32.00 Permanent; 2.00 Term

The general fund appropriation to the veterans' services program includes three hundred eighty-two thousand two hundred dollars (\$382,200) in the contractual services category contingent on developing performance measures for the contracted veterans' service organizations.

The general fund appropriation to the veterans' services program includes one hundred forty thousand dollars (\$140,000) in the personal services and employee benefits category contingent upon submitting outcome measures to the department of finance and administration for the field services and constituent services division no later than July 1, 2004.

Performance measures:

(a) Output: Number of veterans served by commission field offices 25,000

(b) Output: Number of referrals from veteran service officers to
contract veterans organizations 14,500

(c) Output: Number of educational programs reviewed, approved and
audited 165

(d) Output: Number of homeless veterans provided shelter for a period
of two weeks or more 40

Subtotal 2,187.2

CHILDREN, YOUTH AND FAMILIES DEPARTMENT:

(1) Juvenile justice:

The purpose of the juvenile justice program is to provide rehabilitative services to youth committed to the department, including but not limited to medical, educational, mental health and other services.

Appropriations:

(a)	Personal services and employee benefits	38,706.2		1,053.7	39,759.9
(b)	Contractual services	8,309.2			8,309.2
(c)	Other	5,892.6	777.6	666.4	7,336.6

Authorized FTE: 876.50 Permanent; 30.30 Term

Performance measures:

- (a) Output: Percent of clients earning education credits while in facility schools 75%
- (b) Outcome: Percent of youth confined over ninety days who show an increase in reading, math or language arts scores between department facility admission and discharge 70%
- (c) Outcome: Percent of re-adjudicated clients 4%
- (d) Outcome: Percent of clients who complete formal probation 80%
- (e) Outcome: Percent of clients recommitted to a department facility 10%

(2) Child and adult protective services:

The purpose of the child and adult protective services program is to receive and investigate referrals of child and adult abuse and neglect and provide family preservation and treatment and legal services to vulnerable children and adults and their families to ensure their safety and well-being.

Appropriations:

- (a) Personal services and employee benefits 26,342.8 8,952.1 10,819.8 46,114.7
- (b) Contractual services 2,050.0 8,286.4 10,336.4
- (c) Other 17,165.7 1,259.5 1,070.6 22,527.4 42,023.2

Authorized FTE: 921.70 Permanent; 6.00 Term; 2.00 Temporary

The general fund appropriation to the child and adult protective services program of the children, youth and families department in the other costs category includes two million four hundred thousand dollars (\$2,400,000) for support of adult services.

Performance measures:

- (a) Output: Number of children in foster care for twelve months with no more than two placements 2,000
- (b) Outcome: Percent of children with repeat maltreatment 5%

(c) Outcome: Percent of children adopted in less than twenty-four months
 from entry into foster care 38.3%

(d) Outcome: Percent of adults with repeat maltreatment 8%

(3) Family services:

The purpose of the family services program is to provide behavioral health, quality child care and nutrition services to children so they can enhance physical, social and emotional growth and development and can access quality care.

Appropriations:

(a)	Personal services and				
	employee benefits	6,725.4	537.9	2,063.5	9,326.8
(b)	Contractual services	24,176.6	225.9	5,841.8	30,244.3
(c)	Other	8,568.8 900.0	34,659.2	79,158.4	123,286.4
(d)	Other financing uses	327.5		1,173.8	1,501.3

Authorized FTE: 143.30 Permanent; 59.00 Term

Performance measures:

(a) Outcome: Percent of children in families receiving behavioral health
 services who experience an improved level of functioning at
 discharge 60%

(b) Outcome: Percent of family providers participating in the child and
 adult care food program 82%

(c) Outcome: Increase in the percent of movement through levels one
 through five of aim high 25%

(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 to support the development and professionalism of employees.

Appropriations:

(a)	Personal services and employee benefits	7,090.8	508.6	2,547.3	10,146.7
(b)	Contractual services	1,179.8	100.5	339.0	1,619.3
(c)	Other	1,165.7	300.6	1,440.8	2,907.1

Authorized FTE: 170.00 Permanent

The general fund appropriation to the children, youth and families department in the contractual services category is contingent upon the department including performance measures in its outcome-based contracts to increase oversight and accountability.

Performance measures:

- (a) Output: Turnover rate for social workers 20%
- (b) Output: Turnover rate for juvenile correctional officers 14.5%

Subtotal 332,911.9

TOTAL HEALTH, HOSPITALS AND HUMAN

SERVICES 1,000,267.3 152,511.9 212,405.1 2,613,887.0 3,979,071.3

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 military and civilian activities so they can maintain a high degree of readiness to respond to state and federal missions.

Appropriations:

(a)	Personal services and employee benefits	1,929.5	1,925.5	3,855.0	
(b)	Contractual services	18.6	615.0	633.6	
(c)	Other	2,031.7	53.7	1,480.8	3,566.2

Authorized FTE: 31.00 Permanent; 50.00 Term

The general fund appropriation to the national guard support program of the department of military affairs in the personal services and employee benefits category includes funding for the adjutant general position not to exceed range thirty-five in the governor's exempt salary plan and funding for the deputy adjutant general position not to exceed range thirty-two in the governor's exempt salary plan.

The general fund appropriation to the national guard support program of the department of military affairs in the other category includes five thousand dollars (\$5,000) for employee support of the guard and reserve program.

Performance measures:

- (a) Output: Number of major environmental compliance findings from inspections 35
- (b) Outcome: Percent of strength of the New Mexico national guard 90%
- (c) Outcome: Rate of attrition of the New Mexico national guard 14%

(2) Crisis response:

The purpose of the crisis response program is to provide resources and a highly trained and experienced force to protect the public and improve the quality of life for New Mexicans.

Appropriations:

- (a) Personal services and employee benefits 741.9 990.5 1,732.4
- (b) Contractual services 232.0 348.0 580.0
- (c) Other 272.0 341.5 613.5

Authorized FTE: 1.00 Permanent; 39.00 Term

Performance measures:

- (a) Outcome: Percent of cadets successfully graduating from the youth challenge academy 80%

Subtotal 10,980.7

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 into the community as law-abiding citizens.

Appropriations:

(a)	Personal services and		
	employee benefits	248.9	248.9
(b)	Contractual services	6.2	6.2
(c)	Other	99.2	99.2

Authorized FTE: 5.00 Permanent

Performance measures:

- (a) Efficiency: Percent of revocation hearings held within thirty days of a parolee's return to the corrections department 99%
- (b) Efficiency: Percent of initial parole hearings held a minimum of thirty days prior to an inmate's projected release date 99%

Subtotal 354.3

JUVENILE PAROLE BOARD:

(1) Juvenile parole:

The purpose of the juvenile parole program is to provide fair and impartial hearings through reviews to incarcerated youth so they can mainstream into society as law abiding citizens.

Appropriations:

(a)	Personal services and		
	employee benefits	310.3	310.3
(b)	Contractual services	6.0	6.0
(c)	Other	45.2	45.2

Authorized FTE: 6.00 Permanent

Performance measures:

(a) Output:	Percent increase in the number of parole hearings	10%
(b) Output:	Percent of total residents placed on the hearing agenda by juvenile parole board staff	33%
(c) Output:	Percent of facilities' populations paroled	60%
(d) Outcome:	Percent of residents paroled that successfully complete the conditions of their parole	50%
Subtotal		361.5

CORRECTIONS DEPARTMENT:

(1) Inmate management and control:

The purpose of the inmate management and control program is to incarcerate offenders sentenced to prison in a humane, professionally sound manner and to provide safe and secure prison operations. This includes quality hiring and in-service training of corrections 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	69,982.2	8,875.6	151.9	79,009.7
(b)	Contractual services	28,930.8			28,930.8
(c)	Other	67,257.5	1,527.3	150.0	500.0
					69,434.8
(d)	Other financing uses	10.0			10.0

Authorized FTE: 1,672.00 Permanent; 16.00 Term

One million five hundred thousand dollars (\$1,500,000) is appropriated from the general fund operating reserve to the state board of finance for disbursement to the corrections department. Disbursement is contingent upon certification by the department to the board of finance that inmate population growth exceeded the number of inmates assumed within the fiscal year 2005 appropriation. The corrections department shall present to the secretary of finance and administration justification for requesting disbursement of funds from this appropriation and demonstrate that all austerity measures have been taken to internally manage inmate population growth.

The appropriations to the inmate management and control program of the corrections department include forty-seven million six hundred thirty-nine thousand dollars (\$47,639,000) to be used only for housing inmates in privately operated facilities.

Performance measures:

- (a) Outcome: Percent turnover of correctional officers 13%
- (b) Outcome: Percent of female offenders successfully released in accordance with their scheduled release date, per month 95%
- (c) Efficiency: Daily cost per inmate \$88.27
- (d) Efficiency: Percent of monthly participants in the residential program for women dually diagnosed with mental illness and substance abuse compared with available beds 95%
- (e) Output: Number of cadets entering corrections department training academy 221
- (f) Output: Percent of inmates testing positive in monthly drug tests within department facilities <=5%
- (g) Output: Graduation rate of correctional officer cadets from the corrections department training academy 78%

(2) Inmate programming:

The purpose of the inmate programming program is to provide motivated inmates the opportunity to participate in appropriate programs and services so they have less propensity toward inmate violence while incarcerated and the opportunity to acquire living skills and links to community support systems that can assist them upon release.

Appropriations:

(a)	Personal services and				
	employee benefits	6,768.8	454.6	78.9	7,302.3
(b)	Contractual services	708.6	10.0	80.7	799.3
(c)	Other	2,018.2	4.4	66.1	8.7
					2,097.4

Authorized FTE: 129.50 Permanent; 11.50 Term

The general fund appropriations to the inmate programming program of the corrections department include two hundred fifty thousand dollars (\$250,000) for substance abuse therapeutic communities.

The general fund appropriations to the inmate programming program of the corrections department include four hundred thousand dollars (\$400,000) for sexual offender programs in the correctional facilities.

Performance measures:

(a) Output: Number of inmates enrolled in cognitive education, employability development planning and literacy skills, by month 900

(b) Output: Number of inmates who successfully complete general equivalency diploma 125

(c) Output: Number of inmates enrolled in adult basic education 1,650

(d) Output: Percent of reception diagnostic center intake inmates who receive substance abuse screening 99%

(e) Output: Number of inmates enrolled in the success for offenders after release program 500

(3) Corrections industries:

The purpose of the corrections industries program is to provide training and work experience opportunities for inmates in order to instill a quality work ethic, to perform effectively in an employment position and to reduce idle time of inmates while in prison.

Appropriations:

(a)	Personal services and employee benefits	1,888.7	1,888.7
(b)	Contractual services	20.6	20.6
(c)	Other	3,436.6	3,436.6
(d)	Other financing uses	100.0	100.0

Authorized FTE: 33.00 Permanent; 4.00 Term

Performance measures:

(a) Outcome: Profit/loss ratio Break even

(b) Outcome: Percent of inmates employed 7.4%

(4) Community offender management:

The purpose of the community offender management program is to provide programming and supervision to offenders on probation and parole with increased emphasis on high-risk offenders to better ensure the probability of them becoming law-abiding citizens in order 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	12,738.0	1,041.1	588.5	14,367.6
(b)	Contractual services	85.6	57.3	142.9	
(c)	Other	6,422.2	.2	432.7	6,855.1

Authorized FTE: 323.00 Permanent; 9.00 Term

The general fund appropriations to the community offender management program of the corrections department include four hundred nine thousand eight hundred dollars (\$409,800) for sexual offender programs and five hundred thousand dollars (\$500,000) for sexual offender programs, monitoring and tracking devices and polygraph examinations.

No more than one million dollars (\$1,000,000) of the general fund appropriations to the community offender management program of the corrections department shall be used for detention costs for parole violators.

Performance measures:

(a) Outcome: Percent of out-of-office contacts with offenders on maximum supervision on regular caseloads 90%

(b) Quality: Number of regular caseloads per probation and parole officer 77

(c) Quality: Average number of intensive supervision program caseloads per probation and parole officer 20

(d) Quality: Average number of special program caseloads per probation and parole officer 30

(5) Community corrections/vendor-run:

The purpose of the community corrections/vendor run 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	2.2		2.2
(b)	Contractual services		106.5	106.5
(c)	Other	3,558.5	100.0	3,658.5

The appropriations to the community corrections vendor-run program of the corrections department are appropriated to the community corrections grant fund.

Performance measures:

- (a) Output: Number of terminations per year from male residential treatment center at Fort Stanton 10
- (b) Output: Number of successful completions per year from male residential treatment center at Fort Stanton 74
- (c) Output: Number of transfers or other noncompletions per year from male residential treatment center at Fort Stanton 12

(6) 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 and personnel management and cost-effective management information system services.

Appropriations:

(a)	Personal services and			
	employee benefits	5,246.1	181.6	5,427.7
(b)	Contractual services		254.8	254.8
(c)	Other	910.6	16.5 32.8	959.9

(d)	Other financing uses	1,303.9	1,303.9
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Authorized FTE: 92.00 Permanent

The other state funds appropriation to the program support program of the corrections department in the other financing uses category includes one million three hundred three thousand nine hundred dollars (\$1,303,900) for the corrections department building fund.

Performance measures:

(a) Quality: Percent of employee files containing performance appraisal

development plans completed and submitted within the focal
point evaluation period 99%

(b) Outcome: Number of meetings of recidivism task force required to

formulate an action plan with timetables that identify the
corrections department recidivism rate, to formulate an
action plan for a ten percent reduction in male and female
recidivism and to report progress quarterly to the
department of finance and administration and the
legislative finance committee 6

Subtotal		226,109.3	
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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	696.9	696.9	
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(b)	Contractual services	205.2	205.2
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(c)	Other 810.2 400.0	1,210.2	
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Authorized FTE: 15.00 Permanent

Performance measures:

(a) Outcome: Percent increase in number of reparation applications
received 2%

(b) Efficiency: Average number of days to process applications <150

(2) Federal grant administration:

The purpose of the federal grant administration program is to provide funding and training to nonprofit victim providers and public agencies so they can provide services to victims of crime.

Appropriations:

(a) Personal services and employee benefits	195.1	195.1		
(b) Contractual services			18.9	18.9
(c) Other	3,483.2	3,483.2		
(d) Other financing uses			1,037.4	1,037.4

Authorized FTE: 4.00 Term

Performance measures:

(a) Outcome: Percent increase in number of service units provided to
victims of violent crime by grant subrecipients 2%

(b) Efficiency: Percent of site visits conducted 30%

Subtotal 6,846.9

DEPARTMENT OF PUBLIC SAFETY:

(1) Law enforcement:

The purpose of the law enforcement program is to provide the highest quality law enforcement services to the public and ensure a safer state.

Appropriations:

(a)	Personal services and employee benefits	46,124.5	232.3	9,076.6	3,020.4	58,453.8
(b)	Contractual services	821.7	30.0	7.5	142.7	1,001.9
(c)	Other	12,013.3	1,632.7	569.7	1,133.5	15,349.2

Authorized FTE: 997.00 Permanent; 57.00 Term; 31.50 Temporary

The internal services funds/interagency transfers appropriations to the law enforcement program of the department of public safety include seven million eight hundred ninety-four thousand dollars (\$7,894,000) for the motor transportation division from the state road fund. Any unexpended or unencumbered balance in the department of public safety remaining at the end of fiscal year 2005 made from appropriations from the state road fund shall revert to the state road fund.

The general fund appropriation to the law enforcement program of the department of public safety in the personal services and employee benefits category includes one million five hundred forty-four thousand five hundred dollars (\$1,544,500) for a five percent salary increase for state police officers[; ~~one hundred thousand dollars (\$100,000) for a five percent salary increase for special investigation division officers and one hundred thousand dollars (\$100,000) for a one and one half percent salary increase for motor transportation division officers~~].

~~[The internal service funds/interagency transfers appropriation to the law enforcement program of the department of public safety includes one hundred thousand dollars (\$100,000) for a one and one half percent salary increase for motor transportation division officers.][LINE-ITEM VETO]~~

Performance measures:

- (a) Outcome: Number of New Mexico traffic fatalities per one hundred million vehicle miles driven compared with national average 1.7
- (b) Outcome: Commercial motor vehicle crash rate in New Mexico per one hundred million miles driven 26.1
- (c) Outcome: Number of New Mexico alcohol-related traffic fatalities per one hundred million miles driven compared with national average 1.42
- (d) Outcome: Number of New Mexico illegal drug-related deaths per one hundred thousand population compared with national average 1.66
- (e) Output: Percent of the department of public safety law enforcement

commissioned officers trained in domestic violence 15%

(f) Output: Percent of the department of public safety law enforcement

commissioned officers trained in crimes against children 10%

(2) Public safety support:

The purpose of the public safety support program is to provide statewide training, criminal record services, forensic and emergency management support to law enforcement, government agencies and the general public to maintain and improve overall public safety in New Mexico.

Appropriations:

(a) Personal services and

employee benefits 4,090.9 726.2 86.5 997.2 5,900.8

(b) Contractual services 625.5 426.4 16.0 419.7 1,487.6

(c) Other 501.7 350.8 152.6 27,335.4 28,340.5

Authorized FTE: 77.00 Permanent; 33.00 Term

The other state funds appropriation to the public safety support program of the department of public safety includes six hundred thirty thousand dollars (\$630,000) from fees paid for criminal background checks in fiscal year 2005, contingent upon enactment of Senate Bill 562 or House Bill 510 or similar legislation of the second session of the forty-sixth legislature. If such legislation is not enacted, six hundred thirty thousand dollars (\$630,000) is appropriated to the department of public safety from the appropriation contingency fund.

Performance measures:

(a) Outcome: Percent of crime laboratory compliance compared with

American society of crime laboratory director's standards 100%

(b) Output: Number of unprocessed deoxyribonucleic acid cases 100

(c) Output: Number of unprocessed firearms cases 90

(d) Quality: Average satisfaction rating from advanced training

attendees where one is poor and five is excellent 3.5

(3) Information technology:

The purpose of the information technology program is to ensure access to information and to provide reliable and timely information technology services to the department of public safety programs, law enforcement and other government agencies in their commitment to build a safer, stronger New Mexico.

Appropriations:

(a)	Personal services and		
	employee benefits	1,972.7	1,972.7
(b)	Contractual services	80.0	80.0
(c)	Other	509.9	509.9

Authorized FTE: 33.00 Permanent

Performance measures:

(a) Outcome:	Percent of operability for all mission-critical software	
	applications residing on agency servers	90%

(4) Accountability and compliance support:

The purpose of the accountability and compliance support program is to provide quality legal, administrative, financial, technical and auditing services to department of public safety programs in their commitment to building a safer, stronger New Mexico and to ensure the fiscal integrity and responsibility of those programs.

Appropriations:

(a)	Personal services and					
	employee benefits	3,504.1	98.5	48.1	418.8	4,069.5
(b)	Contractual services	87.4			26.3	113.7
(c)	Other	1,894.1	65.7	11.6	4,004.5	5,975.9

Authorized FTE: 71.00 Permanent; 10.00 Term

The general fund appropriation to the accountability and compliance support program of the department of public safety in the personal services and employee benefits category includes three hundred fifty thousand dollars (\$350,000) for four full-time-equivalent positions, including one position to coordinate statewide drinking while intoxicated efforts.

Performance measures:

(a) Quality:	Percent of employee files that contain performance
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	evaluation plans completed and submitted within thirty days			
	of employees' anniversary date		90%	
(b) Quality:	Percent of prior-year audit findings resolved		100%	
Subtotal		123,255.5		
TOTAL PUBLIC SAFETY	284,880.2	22,331.2	11,015.6	49,681.2
	367,908.2			

H. TRANSPORTATION

DEPARTMENT OF TRANSPORTATION:

(1) Construction:

The purpose of the construction program is to provide improvements and additions to the highway infrastructure to serve the interest of the general public.

Appropriations:

(a)	Personal services and			
	employee benefits	37,749.2	13,228.3	50,977.5
(b)	Contractual services	75,343.0	169,817.7	245,160.7
(c)	Other	74,670.1	104,429.0	179,099.1

Authorized FTE: 968.00 Permanent; 15.00 Term; 32.10 Temporary

The other state funds appropriations to the construction program of the department of transportation include six million four hundred sixty-nine thousand three hundred dollars (\$6,469,300) for a state-funded construction program~~], for which the department shall provide the legislative finance committee an annual plan defining projects to be completed with associated performance measures].~~ [LINE-ITEM VETO]

Performance measures:

(a) Quality:	Ride quality index for new construction	>=4.7
(b) Outcome:	Number of combined systemwide miles in deficient condition	2,500
(c) Quality:	Percent of final cost over bid amount	4%

(2) Maintenance:

The purpose of the maintenance program is to maintain and provide improvements to the highway infrastructure to serve the interest of the general public.

Appropriations:

(a)	Personal services and			
	employee benefits	46,818.6		46,818.6
(b)	Contractual services	47,529.4		47,529.4
(c)	Other	63,523.0	63,523.0	

Authorized FTE: 1,182.00 Permanent; 1.00 Term; 17.50 Temporary

Performance measures:

- (a) Output: Number of statewide improved pavement surface miles 5,000
- (b) Efficiency: Maintenance expenditures per lane mile of combined systemwide miles \$5,250
- (c) Outcome: Number of non-interstate miles rated good 8,225
- (d) Outcome: Number of interstate miles rated good 1,190
- (e) Quality: Customer satisfaction levels at rest areas 88%
- (f) Outcome: Number of combined systemwide miles in deficient condition 2,500

(3) Traffic safety:

The purpose of the traffic safety program is to provide comprehensive traffic education that supports the laws relating to driver and traffic safety while striving to decrease fatalities and accidents on the state's roadways.

Appropriations:

(a)	Personal services and			
	employee benefits	535.3	275.3	810.6
(b)	Other	3,400.2	7,029.1	10,429.3

Authorized FTE: 14.00 Permanent; 3.00 Term

Performance measures:

- (a) Outcome: Percent of front occupant seat belt use by the public 92%

(b) Outcome: Number of head-on crashes per one hundred million vehicle miles traveled 2.15

(c) Outcome: Number of alcohol-involved fatalities per one hundred million vehicle miles traveled 0.55

(d) Outcome: Number of traffic fatalities per one hundred million vehicle miles traveled 1.45

(4) Public transportation:

The purpose of the public transportation program is to participate in the planning and operation of public transportation programs with metropolitan and regional planning organizations.

Appropriations:

(a)	Personal services and employee benefits	384.9	134.6	519.5
(b)	Contractual services	1,652.2		1,652.2
(c)	Other	599.7	7,035.3	7,635.0

Authorized FTE: 7.00 Permanent; 2.00 Term

The other state funds appropriation to the public transportation program of the department of transportation includes one million six hundred fifty-two thousand two hundred dollars (\$1,652,200) [~~for a sixty percent state match to federal funds~~] for the park and ride project. [~~The department of transportation shall provide the legislative finance committee with quarterly reports detailing percent of capacity served by route, the profit and loss income by route, and reduction in traffic by route.~~][*LINE-ITEM VETO*]

Performance measures:

(a) Output: Annual rural public transportation ridership	671,000
(b) Output: Number of low-income riders on public transportation	137,300

(5) Aviation:

The purpose of the aviation program is to promote, develop, maintain and protect an air transportation infrastructure that provides for the safe and efficient airborne movement of people, goods and services within New Mexico and provides access to the global aviation network.

Appropriations:

(a)	Personal services and employee benefits	421.9	421.9
(b)	Contractual services	104.0	150.0 254.0
(c)	Other	1,892.4	1,892.4

Authorized FTE: 7.00 Permanent

Performance measures:

- (a) Output: Number of airport improvement projects throughout the state 50
- (b) Outcome: Total dollar amount of airport projects completed, in millions \$16
- (c) Outcome: Five-year capital improvement funding compared with needs 29%

(6) 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	24,604.1	90.0	24,694.1
(b)	Contractual services	1,463.6	1,463.6	
(c)	Other	16,622.7	16,622.7	
(d)	Other financing uses	7,894.0	7,894.0	
Authorized FTE: 423.00 Permanent; 1.90 Temporary				
Subtotal		707,397.6		
TOTAL TRANSPORTATION		405,208.3	302,189.3	707,397.6

I. OTHER EDUCATION

PUBLIC EDUCATION DEPARTMENT:

Appropriations:

(a)	Personal services and employee benefits	9,008.7	192.4	104.3	4,355.6	13,661.0	
(b)	Contractual services	239.2	57.2	166.2	6,398.2	6,860.8	
(c)	Other	1,019.3	348.2	91.6	1,456.5	2,915.6	
(d)	Other financing uses	84.0			2,631.6	176.2	2,891.8

Authorized FTE: 175.20 Permanent; 79.00 Term; .20 Temporary

~~[The public education department shall submit a quarterly program evaluation to the legislative finance committee detailing the benefits to the state of New Mexico and public school districts from having implemented reform programs.]~~*[LINE-ITEM VETO]*

Subtotal 26,329.2

APPRENTICESHIP ASSISTANCE:

Appropriations:

(a)	Other	650.0			650.0
	Subtotal				650.0

REGIONAL EDUCATION COOPERATIVES:

Appropriations:

(a)	Northwest:	50.0			1,869.2	1,919.2
(b)	Northeast:	30.0			2,569.5	2,599.5
(c)	Lea county:				3,485.0	3,485.0
(d)	Pecos valley:	1,408.0			2,283.5	3,691.5
(e)	Southwest:	392.9			4,076.7	4,469.6
(f)	Central:	2,000.0		2,006.0	4,006.0	
(g)	High plains:	2,165.5		2,037.3	4,202.8	
(h)	Clovis:	100.0		1,385.4	1,485.4	

(i)	Ruidoso:	2,565.2	4,313.3	6,878.5
Subtotal			32,737.5	

PUBLIC EDUCATION DEPARTMENT SPECIAL APPROPRIATIONS:

Appropriations:

(a)	Beginning teacher induction	900.0		900.0
(b)	Charter schools stimulus			
	fund	200.0	200.0	
(c)	Advanced placement framework	381.6		381.6
(d)	Indian Education Act	2,500.0		2,500.0
(e)	Family and Youth Resource			
	Act	1,800.0	1,800.0	
(f)	Teacher loan for service	386.5		386.5
(g)	Kindergarten plus	100.0		100.0

The appropriation for family and youth services shall be to fund programs pursuant to the Family and Youth Resource Act. The appropriation for teacher loan for service shall be transferred to the commission on higher education.

Subtotal		6,268.1		
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NEW MEXICO SCHOOL FOR THE VISUALLY HANDICAPPED:

The purpose of the New Mexico school for the visually handicapped 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 the work force and to lead independent, productive lives.

Appropriations:	11.5	10,302.5	629.0	185.1	11,128.1
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Subtotal		11,128.1			
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NEW MEXICO SCHOOL FOR THE DEAF:

Appropriations:	500.0	8,746.2	528.3	9,774.5
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Subtotal 9,774.5

PUBLIC SCHOOL FACILITIES AUTHORITY:

Appropriations:

(a)	Personal services and		
	employee benefits	2,523.9	2,523.9
(b)	Contractual services	255.0	255.0
(c)	Other	904.7	904.7

Authorized FTE: 37.00 Permanent

Subtotal 3,683.6

TOTAL OTHER EDUCATION 17,780.8 32,041.7 3,622.7 37,125.8 90,571.0

J. HIGHER EDUCATION

On approval of the commission on higher education, 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 commission on higher education, 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 or unencumbered balance remaining at the end of fiscal year 2005 shall not revert to the general fund.

COMMISSION ON HIGHER EDUCATION:

(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 commission's statutory authority for the higher education partners to ensure both the efficient use of state resources and progress in implementing the public agenda.

Appropriations:

(a)	Personal services and		
	employee benefits	1,773.0	125.1 1,898.1
(b)	Contractual services	217.9	222.7 440.6

(c)	Other	2,345.1	30.0	1,787.5	4,162.6
(d)	Other financing uses	5,405.3		1,323.0	1,601.0 8,329.3

Authorized FTE: 24.00 Permanent; 9.50 Term

By June 15, 2004, the commission on higher education shall seek approval from the department of finance and administration with prior review by the legislative finance committee of a recommendation of the funding allocation design, performance assessment criteria and targets and audit verification process by which awards for student persistence and completion are granted to post-secondary institutions from the performance fund.

By September 1, 2004, the commission on higher education shall report time series data to the office of the governor, public education department, department of finance and administration and legislative finance committee on performance measures and targets for recruitment, enrollment, retention and graduation rates for native American and Hispanic students. The commission on higher education shall provide an action plan by institution to achieve targeted results.

Any unexpended or unencumbered balance in the policy development and institutional financial oversight program remaining at the end of fiscal year 2005 from appropriations made from the general fund shall revert to the general fund.

Performance measures:

- (a) Efficiency: Percent of properly completed capital infrastructure draws
released to the state board of finance within thirty days
of receipt from the institutions 90%

- (b) Output: Number of outreach services and events provided to students 78

(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 can benefit from post-secondary education and training beyond high school.

Appropriations:

(a)	Other	22,244.6	25,785.8	486.7	48,517.1
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Performance measures:

- (a) Output: Number of lottery success recipients enrolled in or
graduated from college after the ninth semester 2,900
- (b) Outcome: Percent of students meeting eligibility criteria for state

loan programs who continue to be enrolled or graduated by
the sixth semester 80%

(c) Outcome: Percent of students meeting eligibility criteria for
work-study programs who continue to be enrolled or
graduated by the sixth semester 70%

(d) Outcome: Percent of students meeting eligibility criteria for
merit-based programs who continue to be enrolled or
graduated by the sixth semester 78%

(e) Outcome: Percent of students meeting eligibility criteria for
need-based programs who continue to be enrolled or
graduated by the sixth semester 60%

Subtotal 63,347.7

UNIVERSITY OF NEW MEXICO:

(1) Main campus:

The purpose of the instruction and general program is to provide education services designated 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	149,041.0	110,264.1	6,875.0	266,180.1
(b)	Athletics	2,662.0	22,651.4	106.0	25,419.4
(c)	Educational television	1,263.4	3,354.3	1,994.8	6,612.5
(d)	Other - main campus		152,306.9	103,587.5	255,894.4

Performance measures:

(a) Outcome: Percent of full-time, degree-seeking, first-time freshmen

retained to second year 75.5%

(b) Output: Number of post-baccalaureate degrees awarded 1,275

(c) Outcome: Amount of external dollars for research and public service,
in millions \$112.2

(d) Output: Number of undergraduate transfer students from two-year
colleges 1,516

(e) Outcome: Percent of full-time, degree-seeking, first-time freshmen
completing an academic program within six years 41%

(2) Gallup branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit post-secondary 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 8,317.6 7,103.7 1,429.5 16,850.8

(b) Nurse expansion 34.9 34.9

Performance measures:

(a) Outcome: Percent of new students taking nine or more credit hours
successful after three years 42%

(b) Outcome: Percent of graduates placed in jobs in New Mexico 51%

(c) Output: Number of students enrolled in the area vocational schools
program 450

(d) Outcome: Percent of new students taking nine credits or more
retained after one year 51%

(3) Los Alamos branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit post-secondary 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 2,134.3 2,369.0 161.2 4,664.5

Performance measures:

(a) Outcome: Percent of new students taking nine or more credit hours

successful after three years 65%

(b) Outcome: Percent of graduates placed in jobs in New Mexico 65%

(c) Output: Number of students enrolled in the small business

development center program 580

(d) Outcome: Percent of new students taking nine credits or more

retained after one year 65%

(4) Valencia branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit post-secondary 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

urposes 4,329.5 3,784.0 1,814.3 9,927.8

Performance measures:

(a) Outcome: Percent of new students taking nine or more credit hours

successful after three years 53%

(b) Outcome: Percent of graduates placed in jobs in New Mexico 67%

(c) Output: Number of students enrolled in the adult basic education

rogram 1,150

(d) Outcome: Percent of new students taking nine credits or more

etained after one year 56%

(5) Taos branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit post-secondary 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

urposes 1,898.4 3,142.7 623.0 5,664.1

Performance measures:

(a) Outcome: Percent of new students taking nine or more credit hours

uccessful after three years 57%

(b) Outcome: Percent of graduates placed in jobs in New Mexico 63%

(c) Output: Number of students enrolled in the concurrent enrollment

rogram 470

(d) Outcome: Percent of new students taking nine credits or more

etained after one year 50%

(6) Research and public service projects:

Appropriations:

(a) Judicial selection 74.1 74.1

(b)	Judicial education center		88.7		88.7
(c)	Spanish resource center		110.1		110.1
(d)	Southwest research center		1,244.1	271.6	1,515.7
(e)	Substance abuse program		152.2		152.2
(f)	Native American intervention		190.5		190.5
(g)	Resource geographic information system	128.1			128.1
(h)	Natural heritage program		78.7		78.7
(i)	Southwest Indian law clinic	120.3	15.6		135.9
(j)	BBER census and population analysis	251.0	4.4		255.4
(k)	New Mexico historical review	81.8	5.5		87.3
(l)	Ibero-American education consortium	164.6			164.6
(m)	Youth education recreation program	140.1			140.1
(n)	Advanced materials research		67.6		67.6
(o)	Manufacturing engineering program	642.8			642.8

(p)	Hispanic student				
enter		122.4		122.4	
(q)	Wildlife law education	73.0		73.0	
(r)	Science and engineering				
omen's career		21.6		21.6	
(s)	Youth leadership development	74.8		74.8	
(t)	Morrissey hall research	54.7		54.7	
(u)	Disabled student services	223.9		223.9	
(v)	Minority graduate				
recruitment and retention		164.3		164.3	
(w)	Graduate research				
velopment fund		90.1	92.3	182.4	
(x)	Community-based education	415.8	105.2	521.0	
(y)	Corrine Wolfe children's law				
enter		47.5		47.5	
(z)	Mock trials program	23.8		23.8	

The general fund appropriation to the bureau of business and economic research at the university of New Mexico includes two hundred thousand dollars (\$200,000) to conduct an intercensal population estimate program and demographic analysis project.

The general fund appropriation to the manufacturing engineering program at the university of New Mexico includes two hundred fifty thousand dollars (\$250,000) to expand the manufacturing training and technology center clean room operations.

(7) Health sciences center:

Appropriations:

(a) Medical school instruction

nd general purposes 44,242.5 25,500.0 1,450.0 71,192.5

(b) Office of medical

nvestigator 3,258.2 1,110.0 35.0 4,403.2

(c) Emergency medical services

cademy 771.3 500.0 1,271.3

(d) Children's psychiatric

ospital 5,187.9 11,900.0 17,087.9

(e) Hemophilia program 528.2 5.0 533.2

(f) Carrie Tingley hospital 3,883.6 10,200.0 14,083.6

(g) Out-of-county indigent

fund 1,242.4 1,242.4

(h) Specialized perinatal care 433.7 433.7

(i) Newborn intensive care 3,033.7 1,620.0 4,653.7

(j) Pediatric oncology 588.7 588.7

(k) Young children's health

enter 231.8 1,950.0 2,181.8

(l) Pediatric pulmonary center 178.1 178.1

(m) Area health education

enters 226.5 350.0 576.5

(n) Grief intervention program 157.0 12.0 169.0

(o)	Pediatric dysmorphology	138.5		138.5
(p)	Locum tenens	428.0	1,550.0	1,978.0
(q)	Disaster medicine program	98.8		98.8
(r)	Poison control center	1,414.7	120.0	120.0 1,654.7
(s)	Fetal alcohol study	163.9		163.9
(t)	Telemedicine	423.5	165.0	500.0 1,088.5
(u)	Nurse-midwifery program	370.4		370.4
(v)	College of nursing expansion	1,388.9		1,388.9
(w)	Other - health sciences	187,050.0		62,130.0 249,180.0
(x)	Cancer center	2,675.2	17,446.0	3,600.0 23,721.2
(y)	Cancer center-NCI			
	ccreditation	1,000.0		1,000.0
(z)	Lung and tobacco-related			
	Illnesses	1,000.0	100.0	1,100.0
(aa)	Genomics, biocomputing and			
	nvironmental health research	1,500.0	300.0	1,800.0
(bb)	Los pasos program	50.0		50.0
(cc)	Trauma specialty education	400.0		400.0
(dd)	Pediatrics specialty			
	ducation	400.0		400.0

The general fund appropriations to the university of New Mexico include four million four hundred thousand dollars (\$4,400,000) for the following: one million dollars (\$1,000,000) for research and clinical care programs in lung and tobacco-related illnesses; one million five hundred thousand dollars (\$1,500,000) for research in genomics, biocomputing and environmental health; four hundred fifty thousand dollars (\$450,000) for the poison control center; four hundred thousand dollars (\$400,000) for

the pediatric oncology program; one hundred fifty thousand dollars (\$150,000) for the telemedicine program; fifty thousand dollars (\$50,000) for the los pasos program; fifty thousand dollars (\$50,000) for area health education centers; four hundred thousand dollars (\$400,000) for specialty education in trauma; and four hundred thousand dollars (\$400,000) for specialty education in pediatrics.

Subtotal 999,718.2

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 work force, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a)	Instruction and general purposes	96,072.1	60,736.5	11,677.4	168,486.0
(b)	Athletics	2,925.6	6,173.6	32.6	9,131.8
(c)	Educational television	1,123.1	302.1	614.3	2,039.5
(d)	Extended services instruction	604.4		604.4	
(e)	Other - main campus		60,292.7	79,327.2	139,619.9

The general fund appropriation to New Mexico State University in the instruction and general purposes category limits the general fund cost of the Texas one hundred thirty-five mile nonresident tuition waiver program. By June 30, 2004, the commission on higher education shall recommend adjustments to the higher education funding formula to provide relief for the affected regional institutions and report to the department of finance and administration and the legislative finance committee.

Performance measures:

- (a) Outcome: Percent of full-time, degree-seeking, first-time freshmen retained to second year 75%
- (b) Outcome: External dollars for research and creative activity, in millions \$186.3
- (c) Output: Number of teacher preparation programs available at New

Mexico community college sites 4

(d) Outcome: Number of undergraduate transfer students from two-year colleges 1,099

(e) Outcome: Percent of full-time, degree-seeking, first-time freshmen completing programs within six years 50%

(2) Alamogordo branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit post-secondary 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	5,257.3	3,603.4	1,570.0	10,430.7
(b)	Nurse expansion		28.0		28.0

Performance measures:

(a) Outcome: Percent of new students taking nine or more credit hours successful after three years 39%

(b) Outcome: Percent of graduates placed in jobs in New Mexico 54%

(c) Output: Number of students enrolled in the small business development center program 1,000

(d) Outcome: Percent of new students taking nine credits or more retained after one year 57%

(3) Carlsbad branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit post-secondary 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	3,247.0	3,541.8	2,192.7	8,981.5
(b)	Nurse expansion		35.0		35.0

Performance measures:

(a) Outcome:	Percent of new students taking nine or more credit hours successful after three years	61%
(b) Outcome:	Percent of graduates placed in jobs in New Mexico	80%
(c) Output:	Number of students enrolled in the contract training program	225
(d) Outcome:	Percent of new students taking nine credits or more retained after one year	55%

(4) Dona Ana branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit post-secondary 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	12,908.3	9,680.6	8,756.9	31,345.8
(b)	Nurse expansion		104.9		104.9

Performance measures:

(a) Outcome:	Percent of new students taking nine or more credit hours successful after three years	38%
(b) Outcome:	Percent of graduates placed in jobs in New Mexico	64%
(c) Output:	Number of students enrolled in the adult basic education program	4,700
(d) Outcome:	Percent of new students taking nine credits or more	

retained after one year 56%

(5) Grants branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit post-secondary 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 2,591.3 1,911.5 1,180.8 5,683.6

Performance measures:

(a) Outcome: Percent of new students taking nine or more credit hours

successful after three years 40%

(b) Outcome: Percent of graduate students placed in jobs in New Mexico 66%

(c) Output: Number of students enrolled in the community services

program 1,180

(d) Outcome: Percent of new students taking nine credits or more

retained after one year 42%

(6) Department of agriculture:

Appropriations:

(a) Department of agriculture 8,469.4 6,272.2 3,024.4 17,766.0

(7) Research and public service projects:

Appropriations:

(a) Agricultural experiment

tation 12,543.4 2,303.0 8,851.0 23,697.4

(b) Cooperative extension

ervice	9,521.1	3,834.0	4,054.5	17,409.6
(c) Water resource research	433.1	244.2	1,022.1	1,699.4
(d) Coordination of Mexico				
rograms	93.1	5.3	98.4	
(e) Indian resources development	380.3		380.3	
(f) Waste management				
ducation program	506.5	259.8	3,710.2	4,476.5
(g) Campus security	91.4		91.4	
(h) Carlsbad manufacturing				
ector development program	358.6		358.6	
(i) Manufacturing sector				
velopment program	384.9	.1	385.0	
(j) Alliances for				
nderrepresented students	354.0	80.3	434.3	
(k) Nurse expansion	419.2		419.2	

The general fund appropriation to the agricultural experiment station at New Mexico state university includes one hundred thousand dollars (\$100,000) for an expansion of building renewal and replacement funding for facilities; two hundred fifty thousand dollars (\$250,000) to enhance research and education programs relating to water conservation, dairy production, cropping systems and agricultural sustainability at the agricultural science center at Clovis; and one hundred thousand dollars (\$100,000) to fund the position of state climatologist.

Subtotal 443,707.2

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 work force, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a)	Instruction and general purposes	23,094.9	9,950.0	4,375.0	37,419.9
(b)	Athletics	1,354.0	180.0		1,534.0

Performance measures:

- (a) Outcome: Percent of first-time, full-time freshmen retained to second year 64%
- (b) Outcome: Percent of graduating seniors indicating "satisfied" or "very satisfied" with the university on student satisfaction survey 91%
- (c) Outcome: Percent of total funds generated by grants and contracts 36%
- (d) Output: Number of undergraduate transfer students from two-year colleges 145
- (e) Output: Percent of full-time, degree-seeking, first-time freshmen completing programs within six years 24%

(2) Research and public service projects:

Appropriations:

(a)	Upward bound	100.8	25.0	460.0	585.8
(b)	Advanced placement	286.7			286.7
(c)	Native American recruitment and retention	43.3			43.3
(d)	Diverse populations study	213.3	85.0	1,463.0	1,761.3

(e) Visiting scientist 17.7 17.7

Subtotal 41,648.7

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 work force, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a) Instruction and general

purposes 13,797.8 4,058.9 655.4 18,512.1

(b) Athletics 1,507.7 160.0 1,667.7

(c) Educational television 1.2 1.2

(d) Extended services

instruction 1,004.7 1,004.7

The general fund appropriation to western New Mexico university in the instruction and general purposes category limits the general fund cost of the Texas one hundred thirty-five mile nonresident tuition waiver program. By June 30, 2004, the commission on higher education shall recommend adjustments to the higher education funding formula to provide relief for the affected regional institutions and report to the department of finance and administration and the legislative finance committee.

Performance measures:

(a) Outcome: Percent of first-time, full-time freshmen retained to

second year 60%

(b) Output: Number of graduates receiving teacher licensure 145

(c) Outcome: External dollars to be used for programs to promote student

success, in millions \$3.1

(d) Output: Number of undergraduate transfer students from two-year

colleges 168

(e) Output: Percent of full-time first-time students completing
 programs within six years 27%

(2) Research and public service projects:

Appropriations:

(a)	Educational television	121.4		121.4
(b)	Child development center	568.8	353.2	922.0
(c)	North American free trade agreement	15.3		15.3
(d)	Nurse expansion	141.9		141.9
Subtotal			22,386.3	

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 work force, compete and advance in the new economy and contribute to social advancement through informed citizenship.

Appropriations:

(a)	Instruction and general purposes	21,269.3	7,300.0	2,200.0	30,769.3
(b)	Athletics	1,626.7	300.0		1,926.7
(c)	Educational television	1,016.0	500.0	100.0	1,616.0
(d)	Extended services instruction		600.0		600.0
(e)	Other - main campus		9,000.0	8,000.0	17,000.0

The general fund appropriation to eastern New Mexico university in the instruction and general purposes category limits the general fund cost of the Texas one hundred thirty-five mile nonresident tuition waiver program. By June 30, 2004, the commission on higher education shall recommend adjustments to the

higher education funding formula to provide relief for the affected regional institutions and report to the department of finance and administration and the legislative finance committee.

Performance measures:

- (a) Outcome: Percent of first-time freshmen retained to second year 61%
- (b) Efficiency: Ratio of FTE students to FTE of instruction and general staff 6.2:1
- (c) Outcome: Number of external dollars supporting research and student success, in millions \$8.5
- (d) Output: Number of undergraduate transfer students from two-year colleges 350
- (e) Output: Percent of full-time freshmen completing their program within six years 31.5%

(2) Roswell branch:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit post-secondary 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	11,785.0	9,000.0	10,000.0	30,785.0
(b)	Extended services instruction		250.0	250.0	
(c)	Ruidoso off-campus center		747.6	900.0	1,647.6
(d)	Nurse expansion		69.9		69.9

Performance measures:

- (a) Outcome: Percent of new students taking nine or more credit hours successful after three years 59%

- (b) Efficiency: Percent of programs having stable or increasing enrollments 63%
- (c) Outcome: Percent of new students taking nine credits or more
 retained after one year 41%

(3) Research and public service projects:

Appropriations:

(a)	Center for teaching excellence	258.1		258.1
(b)	Blackwater Draw site and museum	88.2		88.2
(c)	Assessment project	130.8		130.8
(d)	Social work	150.0		150.0
(e)	Job training for physically and mentally challenged	23.8		23.8
(f)	Airframe mechanics	71.2		71.2
(g)	Nurse expansion	41.9		41.9
	Subtotal		85,428.5	

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	22,494.1	8.0	22,502.1
(b)	Athletics	157.2	157.2	314.4

Performance measures:

- (a) Outcome: Percent of first-time freshmen retained to second year 75%
- (b) Output: Unduplicated number of students registered in master of science teaching program 41
- (c) Outcome: External dollars for research and creative activity, in millions \$58
- (d) Output: Number of undergraduate transfer students from two-year colleges 35
- (e) Output: Percent of full-time, first-time freshmen completing their program within six years 40%

(2) Research and public service projects:

Appropriations:

(a)	Research and other programs			18,000.0	18,000.0
(b)	Bureau of mines	3,832.0	3,832.0	800.0	8,464.0
(c)	Petroleum recovery research center	1,926.2	1,726.2	3,500.0	7,152.4
(d)	Bureau of mine inspection	290.1	290.1	250.0	830.2
(e)	Energetic materials research center	779.0	779.0	20,000.0	21,558.0
(f)	Science and engineering fair	319.0	134.6		453.6
(g)	Institute for complex additive systems analysis	530.3	530.3	20,000.0	21,060.6
(h)	Cave and karst research	321.9	350.0	1,000.0	1,671.9

(i) Geophysical research center	872.6	872.6	15,000.0	16,745.2
(j) Homeland security center	241.7	241.7	20,000.0	20,483.4

The general fund appropriation to the New Mexico institute of mining and technology for the bureau of mines includes eight hundred thousand dollars (\$800,000) from federal Mineral Lands Leasing Act receipts.

Subtotal 139,235.8

NORTHERN 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 post-secondary 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	8,045.4	625.0	3,684.6	12,355.0
(b)	Nurse expansion	27.9		27.9	

Performance measures:

- (a) Outcome: Percent of new students taking nine or more credit hours successful after three years 71%
- (b) Outcome: Percent of graduates placed in jobs in New Mexico 65%
- (c) Output: Number of students enrolled in the adult basic education program 350
- (d) Outcome: Percent of new students taking nine credits or more retained after one year 27%

(2) Research and public service projects:

Appropriations:

(a)	Northern pueblos institute	55.1		55.1	
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Subtotal 12,438.0

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 post-secondary 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	8,772.4	17,240.0	26,012.4
(b)	Nurse expansion	34.9	40.0	74.9

Performance measures:

(a) Outcome:	Percent of new students taking nine or more credit hours	
	successful after three years	42%
(b) Outcome:	Percent of graduates placed in jobs in New Mexico	83%
(c) Output:	Number of students enrolled in the contract training program	1,275
(d) Outcome:	Percent of new students taking nine credits or more	
	retained after one year	48%

(2) Research and public service projects:

Appropriations:

(a)	Small business development			
	enters	3,229.7	3,000.0	6,229.7
(b)	Sign language services	20.1	30.0	50.1

Subtotal 32,367.1

TECHNICAL-VOCATIONAL INSTITUTE:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit post-secondary 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	42,954.7	35,500.0		78,454.7
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(b) Other	4,500.0	20,000.0		24,500.0
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Performance measures:

(a) Outcome: Percent of new students taking nine or more credit hours

successful after three years 43%

(b) Outcome: Percent of graduates placed in jobs in New Mexico 82%

(c) Output: Number of students enrolled in distance education program 2,150

(d) Outcome: Percent of new students taking nine credits or more

retained after one year 56.2%

Subtotal				102,954.7
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LUNA VOCATIONAL TECHNICAL INSTITUTE:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit post-secondary 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	6,559.9	250.0	900.0	7,709.9
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(b) Nurse expansion	34.9	300.0		334.9
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(c) Other	2,750.0	2,300.0	5,050.0	
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Performance measures:

(a) Outcome: Percent of new students taking nine or more credit hours
 successful after three years 73%

(b) Outcome: Percent of graduates placed in jobs in New Mexico 31%

(c) Output: Number of students enrolled in the small business
 development center program 324

(d) Outcome: Percent of new students taking nine credits or more
 retained after one year 48%

Subtotal 13,094.8

MESALANDS COMMUNITY COLLEGE:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit post-secondary 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 2,284.1 345.0 400.0 461.3 3,490.4

(b) Other 800.0 350.0 1,150.0

Performance measures:

(a) Outcome: Percent of new students taking nine or more credit hours
 successful after three years 47%

(b) Outcome: Percent of graduates placed in jobs in New Mexico 70%

(c) Output: Number of students enrolled in the small business
 development center program 71

(d) Outcome: Percent of new students taking nine credits or more
 retained after one year 48%

Subtotal 4,640.4

NEW MEXICO JUNIOR COLLEGE:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit post-secondary 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	7,677.4	5,410.0	3,903.8	1,540.0	18,531.2
(b)	Athletics	34.5	35.5			70.0
(c)	Nurse expansion		69.9	69.9		139.8
(d)	Other			3,660.0	3,660.0	

Performance measures:

(a) Outcome:	Percent of new students taking nine or more credit hours successful after three years	65%
(b) Outcome:	Percent of graduates placed in jobs in New Mexico	60%
(c) Output:	Number of students enrolled in distance education program	2,400
(d) Outcome:	Percent of new students taking nine credits or more retained after one year	60%

Subtotal 22,401.0

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 post-secondary 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	18,030.9	3,762.0	11,000.0	32,792.9
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(b)	Other	3,178.2	3,178.2
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Performance measures:

(a) Outcome:	Percent of new students taking nine or more credit hours
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successful after three years	54%
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(b) Outcome:	Percent of graduates placed in jobs in New Mexico	65%
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(c) Output:	Number of students enrolled in the service learning program	340
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(d) Outcome:	Percent of new students taking nine credits or more
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retained after one year	70%
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(2) Research and public service projects:

Appropriations:

(a)	Dental hygiene program	190.1	190.1
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(b)	Oil and gas job training
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program	95.0	95.0
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(c)	Nurse expansion	334.7	334.7
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Subtotal	36,590.9
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CLOVIS COMMUNITY COLLEGE:

The purpose of the instruction and general program at New Mexico's community colleges is to provide credit and noncredit post-secondary 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
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purposes	9,222.8	1,600.0	1,400.0	12,222.8
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(b)	Nurse expansion	69.9	69.9
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(c)	Other	400.0	500.0	900.0
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Performance measures:

- (a) Outcome: Percent of new students taking nine or more credit hours
 successful after three years 42%
- (b) Outcome: Percent of graduates placed in jobs in New Mexico 57%
- (c) Output: Number of students enrolled in the concurrent enrollment
 program 380
- (d) Outcome: Percent of new students taking nine credits or more
 retained after one year 42%
- Subtotal 13,192.7

NEW MEXICO MILITARY INSTITUTE:

Appropriations:

(a)	Instruction and general				
	purposes	17,409.5	416.1	17,825.6	
(b)	Other	5,147.6	5,147.6		
	Subtotal		22,973.2		
	TOTAL HIGHER EDUCATION	656,827.2	906,642.4	5,976.8	486,678.8
					2,056,125.2

K. PUBLIC SCHOOL SUPPORT

Except as otherwise provided, unexpended and unencumbered balances of appropriations made in this subsection shall not revert at the end of fiscal year 2005.

PUBLIC SCHOOL SUPPORT:

(1) State equalization guarantee distribution:

Appropriations:	1,840,374.6	1,700.0	1,842,074.6
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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 2004-2005 school year and then, upon verification of the number of units statewide for fiscal year 2005 but no later than January 31, 2005, the secretary of public education may adjust the program unit value.

For the 2004-2005 school year, the state equalization guarantee distribution contains sufficient funding for school districts implementing a formula-based program for the first time. Those districts shall use current year membership in the calculation of program units for the new formula-based program.

The general fund appropriation for the state equalization guarantee distribution contains sufficient funds to provide a two percent salary increase for teacher other instructional staff and other certified staff and noncertified staff, effective July 1, 2004.

The general fund appropriation to the state equalization guarantee distribution reflects the deduction of federal revenues 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 USCA 7701 et seq., formerly known as "PL874 funds".

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 Lands Leasing Act receipts otherwise unappropriated.

~~[Each school district shall demonstrate support for career technical education offerings before approval and certification of its fiscal year 2005 operating budget by the public education department.][LINE-ITEM VETO]~~

The general fund appropriation for the state equalization guarantee contains sufficient funds to initiate the implementation of a three-tier career licensing framework for educational assistants in fiscal year 2005 contingent upon the enactment into law of House Bill 304 or similar legislation of the second session of the forty-sixth legislature.

~~[For those school districts with MEM greater than ten thousand, the secretary of public education, prior to approval of school district and charter school budgets for fiscal year 2005, shall verify that the school board is providing a two percent salary increase for teachers and staff.]~~

~~The expenditure of school funds for Gallup McKinley school district is contingent on Smith Lake elementary school remaining open for school year 2005.][LINE-ITEM VETO]~~

The general fund appropriation for the state equalization guarantee distribution includes funding for bilingual multicultural educational programs. The public education department shall evaluate the program effectiveness and use of bilingual muticultural education program funds to ensure that program needs are met. The public education department shall compile and report the progress made toward achieving program goals to the legislative education study committee and legislative finance committee, including a status report by July 2004 and a final report by December 1, 2004.

Prior to the approval of a school district, state institution, private school or adult basic education center instructional material allocation for fiscal year 2005, the secretary of public education shall certify to the secretary of finance and administration that the allocation reflects the deduction of an amount equal to its prorated share of six million one hundred thousand dollars (\$6,100,000) attributed to instructional materials cash balances for that school district, state institution, private school or adult basic education center.

Any unexpended or unencumbered balance in the distributions authorized remaining at the end of fiscal year 2005 from appropriations made from the general fund shall revert to the general fund.

(2) Transportation distribution:

Appropriations:	98,236.8	98,236.8
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The general fund appropriation to the transportation distribution includes sufficient funds for a two percent salary increase for transportation employees effective July 1, 2004.

(3) Supplemental distribution:

Appropriations:

(a)	Out-of-state tuition	495.0	495.0
(b)	Emergency supplemental	2,600.0	2,600.0

Any unexpended or unencumbered balance in the distributions authorized remaining at the end of fiscal year 2005 from appropriations made from the general fund shall revert to the general fund.

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 children of school age in the state.

Performance measures:

- (a) Outcome: Percent of fourth grade students who achieve proficiency or above on the criterion referenced assessments in reading/language arts 55%
- (b) Outcome: Percent of eighth grade students who achieve proficiency or above on the criterion referenced assessments in reading/language arts 59%
- (c) Outcome: Percent of fourth grade students who achieve proficiency or above on the criterion referenced assessments in mathematics 61%
- (d) Outcome: Percent of eighth grade students who achieve proficiency or above on the criterion referenced assessments in mathematics 56%
- (e) Quality: Percent of classes being taught by "highly qualified" teachers in high-poverty schools 90%
- (f) Quality: Percent of classes being taught by "highly qualified"

teachers in all schools across the state 92%

(g) Quality: Percent of stakeholders who rate their involvement with

public elementary schools as positive 91%

(h) Quality: Percent of stakeholders who rate their involvement with

public middle schools as positive 88%

(i) Quality: Percent of stakeholders who rate their involvement with

public high schools as positive 85%

Subtotal 1,943,406.4

FEDERAL FLOW THROUGH:

Appropriations: 352,000.0 352,000.0

Subtotal 352,000.0

INSTRUCTIONAL MATERIAL FUND:

Appropriations: 26,600.0 26,600.0

The appropriation to the instructional materials fund is made from the federal Minerals Land Leasing Act (30 USCA 181, et seq.) receipts.

Subtotal 26,600.0

EDUCATIONAL TECHNOLOGY FUND:

Appropriations: 5,000.0 5,000.0

Subtotal 5,000.0

INCENTIVES FOR SCHOOL IMPROVEMENT FUND:

Appropriations: 1,600.0 1,600.0

Subtotal 1,600.0

TOTAL PUBLIC SCHOOL SUPPORT 1,974,906.4 1,700.0 352,000.0 2,328,606.4

GRAND TOTAL FISCAL YEAR 2005

APPROPRIATIONS 4,336,409.4 1,849,277.8 871,646.0 3,893,768.7 10,951,101.9

Chapter 114 Section 5 Laws 2004

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 2004 and 2005. Unless otherwise indicated, any unexpended or unencumbered balance of the appropriations remaining at the end of fiscal year 2005 shall revert to the general fund.

150.0

150.0

For covering the legislative share of the research and development project of an XML database and its use for legislative document systems and an integrated tagged database of the session laws. The appropriation is from legislative cash balances.

~~(2) LEGISLATIVE EDUCATION STUDY~~

~~COMMITTEE: 75.0 _____ 75.0~~

~~For examining the treatment of other instructional support staff in the current training and experience index.~~

~~(3) ADMINISTRATIVE OFFICE OF~~

~~THE COURTS: 2,000.0 _____ 2,000.0~~

~~For assisting with new courthouses, including moving, furnishing, equipping and wiring. These funds shall be distributed according to a plan developed by the administrative office of the courts and reviewed by the legislative finance committee and department of finance and administration.][LINE-ITEM VETO]~~

(4) ADMINISTRATIVE OFFICE OF

THE COURTS: 500.0 500.0

For the magistrate court program to join forces with the United States marshal and local law enforcement agencies to decrease the number of outstanding bench warrants in New Mexico magistrate courts. The appropriation is from the warrant enforcement fund balance.

(5) BERNALILLO COUNTY METROPOLITAN

The period of time for expending the seven million five hundred thousand dollars (\$7,500,000) appropriated from the magistrate and metropolitan court capital fund for courthouse construction overrun and design modifications, contained in Subsection (6) of Section 7 of Chapter 64 of Laws 2001 is extended through fiscal year 2004 for the same purpose.

(6) BERNALILLO COUNTY METROPOLITAN

COURT:

The period of time for expending the one million seven hundred thousand dollars (\$1,700,000) appropriated from the magistrate and metropolitan court capital fund to purchase audio video equipment, infrastructure for video arraignments and for the replacement of data processing equipment contained in Subsection (3) of Section 5 of Chapter 4 of Laws 2002 (1st E.S.) is extended through fiscal year 2004 for the same purpose.

(7) FOURTH JUDICIAL DISTRICT ATTORNEY: 530.0 530.0

For prosecution of the Santa Rosa prison riot cases.

(8) FOURTH JUDICIAL DISTRICT ATTORNEY:

The period of time for expending the three hundred seventy-five thousand dollars (\$375,000) appropriation made from the general fund for prosecution of criminal cases related to the Santa Rosa prison riots, contained in Subsection (F) of Section 2 of Chapter 83 of Laws 2003 for the fourth judicial district attorney is extended through fiscal year 2005 for the same purpose.

(9) ATTORNEY GENERAL:

The period of time for expending the four million nine hundred ninety thousand dollars (\$4,990,000) appropriated from the general fund in Subsection (8) of Section 5 of Chapter 4 of Laws 2002 (1st E.S.) for the attorney general to enter into cooperative agreements with the state engineer, interstate stream commission and New Mexico department of environment in preparing for potential litigation with Texas on water issues as extended by Subsection (5) of Section 5 of Chapter 76 of Laws 2003 is extended through June 30, 2005, for the same purpose.

(10) ATTORNEY GENERAL:

The period of time for expending the three million dollars (\$3,000,000) appropriated from the general fund operating reserve in Subsection (9) of Section 5 of Chapter 4 of Laws 2002 (1st E.S.) to the attorney general contingent on certification by the attorney general to the state board of finance that the appropriation made in Subsection (8) of Section 5 of Chapter 4 of Laws 2002 (1st E.S.) has been expended and additional funds are required to prepare for potential litigation with Texas on water issues contingent on the state board of finance certifying that need as extended by Subsection (6) of Section 5 of Chapter 76 of Laws 2003 is extended through June 30, 2005, for the same purpose.

~~[(11) ATTORNEY GENERAL: 100.0 100.0~~

~~For prosecution of the Santa Rosa prison riot cases.~~

~~(12) ATTORNEY GENERAL: 200.0 200.0~~

~~For general fund replacement of nonmaterializing other state funds.~~

(13) TAXATION AND REVENUE DEPARTMENT: 500.0 500.0

~~For auditing commercial vehicle companies that have weight distance tax accounts with the state of New Mexico for compliance with the weight distance tax. The appropriation is made from the state road fund and includes authorization to hire five auditors. The appropriation shall be used only for the purpose of weight distance tax compliance and collection. Any unexpended or unencumbered balance from this appropriation shall revert to the state road fund.][LINE-ITEM VETO]~~

(14) TAXATION AND REVENUE DEPARTMENT: 2,300.0 2,300.0

For the tax administration program to enhance tax collection efforts.

(15) TAXATION AND REVENUE DEPARTMENT: 230.0 230.0

For revising motor vehicle division "agent" agreements in order to standardize agent contracts, operating procedures and accountability and maximize state revenues. The department shall develop a work plan containing tasks, due dates and estimated additional revenues to be collected and submit copies to the legislative finance committee and the department of finance and administration by September 1, 2004.

(16) TAXATION AND REVENUE DEPARTMENT: 381.2 381.2

For term positions and related costs for the purpose of revising the traffic citation process, clearing out backlog, collecting overdue fines and maximizing revenues. The department shall develop a work plan containing tasks, due dates and estimated additional revenues to be collected and submit copies to the legislative finance committee and the department of finance and administration by September 1, 2004.

(17) DEPARTMENT OF FINANCE AND

ADMINISTRATION: 700.0 700.0

For improving administration of the capital outlay program.

(18) DEPARTMENT OF FINANCE AND

ADMINISTRATION: 800.0 800.0

For operation of the Cumbres and Toltec scenic railroad. Any revenues generated by the Cumbres and Toltec scenic railroad commission in fiscal year 2005, such as ticket sales, are appropriated to the Cumbres and Toltec scenic railroad commission for use towards operating expenses of the railroad.

(19) DEPARTMENT OF FINANCE AND

ADMINISTRATION: 50.0 50.0

For a contemporary art exhibit series in downtown Albuquerque.

(20) DEPARTMENT OF FINANCE AND

ADMINISTRATION: 100.0 100.0

For a youth mentoring program.

(21) DEPARTMENT OF FINANCE AND

ADMINISTRATION: 200.0 200.0

For the statewide food bank program.

(22) DEPARTMENT OF FINANCE AND

ADMINISTRATION: 300.0 300.0

For the international science fair.

(23) DEPARTMENT OF FINANCE AND

ADMINISTRATION: 800.0 800.0

For weatherization services and program costs.

(24) DEPARTMENT OF FINANCE AND

ADMINISTRATION: 4,900.0 4,900.0

For direct services to increase the number of persons served by the developmental disabilities medicaid waiver program at the department of health and the disabled and elderly medicaid waiver program at the human services department. Not more than ten percent of the total appropriation may be used for administrative purposes by the department of health and the human services department. The disbursement to the agency is contingent upon the secretary of the department of health and the secretary of the human services department submitting an increase in services plan to the secretary of the department of finance and administration. It is further contingent on approval by the board of finance and review by the legislative finance committee.

(25) GENERAL SERVICES DEPARTMENT: 1,000.0 1,000.0

For retrofitting light and climate control fixtures for energy cost savings.

(26) NEW MEXICO SENTENCING COMMISSION: 300.0 300.0

For the support of sex offender legislation and the sex offender management board.

(27) PUBLIC DEFENDER DEPARTMENT: 870.0 870.0

For defense of the Santa Rosa prison riot cases.

(28) SECRETARY OF STATE:

Five hundred forty-eight thousand dollars (\$548,000) is appropriated to the office of the secretary of state from the appropriation contingency fund for expenditure in fiscal year 2005 for the purposes of legal publication of constitutional amendments and general obligation bond issues, printing of constitutional booklets, translators for native American languages and radio time for broadcasting the translations for

the 2004 primary and general elections, contingent upon certification from the office of the secretary of state to the department of finance and administration that the additional funding in the base budget for this purpose has been expended and additional funds are required to prepare for the 2004 primary and general elections. Any unexpended or unencumbered balance remaining at the end of fiscal year 2005 shall revert to the appropriation contingency fund.

(29) SECRETARY OF STATE: 800.0 800.0

To the electronic voting system revolving fund for purchasing voting machines.

(30) SECRETARY OF STATE: 50.0 50.0

For a voter registration project to assist young citizens in institutions of higher education to vote.

(31) TOURISM DEPARTMENT: 1,300.0 1,300.0

For cooperative advertising. Two hundred fifty thousand dollars (\$250,000) is contingent on maximizing advertising efforts with the economic development department, the office of cultural affairs, the energy, minerals and natural resources department state parks division, and the department of transportation and reporting results to the legislative finance committee by May 1, 2004.

(32) ECONOMIC DEVELOPMENT DEPARTMENT: 6,000.0 6,000.0

To the development training fund for the industrial development training program.

(33) ECONOMIC DEVELOPMENT DEPARTMENT: 100.0 100.0

For the border governors conference regarding border safety, trade and economic development opportunities.

(34) ECONOMIC DEVELOPMENT DEPARTMENT: 50.0 50.0

For evaluating the most appropriate use of the Fort Stanton facility.

(35) ECONOMIC DEVELOPMENT DEPARTMENT: 200.0 200.0

For hydrogen and fuel cell technologies development.

(36) ECONOMIC DEVELOPMENT DEPARTMENT: 250.0 250.0

For support of the office of military base planning and support.

(37) ECONOMIC DEVELOPMENT DEPARTMENT: 5,000.0 5,000.0

From the general fund operating reserve for the x-prize project space vehicle air show and competition contingent on New Mexico being awarded the project.

(38) ECONOMIC DEVELOPMENT DEPARTMENT: 300.0 300.0

For manufacturing extension services contracts.

(39) ECONOMIC DEVELOPMENT DEPARTMENT:

The period of time for expending the seven million dollars (\$7,000,000) appropriated from the general fund in Subsection (3) of Section 2 of Chapter 83 of Laws 2003 for the industrial development training program is extended through June 30, 2005, for the same purpose.

(40) ECONOMIC DEVELOPMENT DEPARTMENT: 500.0 500.0

For the expansion of marketing and recruitment projects.

(41) REGULATION AND LICENSING

DEPARTMENT: 100.0 100.0

For enhancing and revising the alcohol servers training program.

(42) PUBLIC REGULATION COMMISSION: 250.0 250.0

For the state fire marshal's office to conduct a needs assessment based on the legislative finance committee fire protection fund audit recommendation.

~~[(43) GAMING CONTROL BOARD:~~

~~Unexpended or unencumbered balances in the gaming control board remaining at the end of fiscal year 2004 from appropriations made from the general fund shall not revert and shall be used exclusively for the purpose of supporting information technology initiatives associated with the central monitoring system.][LINE-ITEM VETO]~~

(44) GAMING CONTROL BOARD: 500.0 500.0

For negotiating a new central gaming monitoring system contract to replace the current equipment contract.

(45) STATE RACING COMMISSION:

The period of time for expending the one hundred thousand dollars (\$100,000) appropriated from the appropriation contingency fund in Subsection (12) of Section 5 of Chapter 76 of Laws 2003 is extended through June 30, 2005, for the same purpose. Any unexpended or unencumbered balance remaining at the end of fiscal year 2005 shall revert to the appropriation contingency fund.

(46) OFFICE OF CULTURAL AFFAIRS: 500.0 400.0 900.0

For the office of cultural affairs to address operating costs at new and expanding facilities including the Roy E. Disney center for the performing arts, Bosque Redondo, and Camino Real. The general fund appropriation includes fifty thousand dollars (\$50,000) for the J. Paul Taylor memorial at Mesilla plaza for fire and security systems and fifty thousand dollars (\$50,000) for the museum of natural history for the Sandia mountain center. The other state funds appropriation is from facility rentals and admission fees.

(47) OFFICE OF CULTURAL AFFAIRS: 20.0 20.0

For sending the Albuquerque symphony to Mexico.

(48) OFFICE OF CULTURAL AFFAIRS: 50.0 50.0

For Bosque Redondo, including one full-time equivalent position.

(49) OFFICE OF CULTURAL AFFAIRS: 50.0 50.0

For a volunteer coordinator position at the farm and ranch museum, including one-half of one full-time-equivalent position.

(50) OFFICE OF CULTURAL AFFAIRS: 200.0 200.0

For support of the statewide literacy program.

~~[(51) OFFICE OF CULTURAL AFFAIRS: 500.0 500.0]~~

~~For improvements at the farm and ranch museum.][LINE-ITEM VETO]~~

(52) LIVESTOCK BOARD: 700.0 700.0

For the bovine spongiform encephalopathy inspection and identification program.

(53) DEPARTMENT OF GAME AND FISH: 75.0 75.0

For habitat improvement and water rights acquisition at the Bernardo waterfowl area. The appropriation is from the game protection fund.

(54) ENERGY, MINERALS AND NATURAL RESOURCES

DEPARTMENT: 500.0 500.0

For establishing and administering a competitive grant program for energy efficiency and renewable energy projects.

(55) ENERGY, MINERALS AND NATURAL RESOURCES

DEPARTMENT: 1,700.0 1,700.0

For nonrecurring capital costs associated with expansion of five existing state parks and the costs associated with building four new state parks.

(56) ENERGY, MINERALS AND NATURAL RESOURCES

DEPARTMENT: 1,810.0 1,810.0

~~For land acquisition, planning and construction and operational costs at Mesilla valley bosque state park[, contingent on a thirty percent match from local resources in response to the economic development opportunities that will become available when the park is completed.][LINE-ITEM VETO]~~

(57) COMMISSIONER OF PUBLIC LANDS: 1,700.0 1,700.0

For asset inventory, forest health and other necessary remediation projects for state trust lands, royalty recovery litigation costs, and preservation and protection of state trust water assets in administrative and judicial forums. The appropriation is from the state lands maintenance fund.

(58) COMMISSIONER OF PUBLIC LANDS:

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 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.

(59) STATE ENGINEER:

The period of time for expending the two million dollars (\$2,000,000) appropriated from the general fund in Subsection (34) of Section 5 of Chapter 4 of Laws 2002 (1- E.S.) to protect water rights, retire water rights or other measures designed to correct the imbalances between water right holders, New Mexico obligations under the Pecos river compact and water supply of the lower Pecos river basin downstream from the Sumner dam, is extended through June 30, 2005, for the same purpose.

(60) STATE ENGINEER:

The period of time for expending the three hundred thousand dollars (\$300,000) appropriated from the general fund in Subsection (V) of Section 2 of Chapter 83 of Laws 2003 for water planning is extended through June 30, 2005, for the same purpose.

(61) STATE ENGINEER:

The period of time for expending the one million five hundred thousand dollars (\$1,500,000) appropriated from the general fund in Subsection (V) of Section 2 of Chapter 83 of Laws 2003 for the water administration technical engineering resource system database is extended through June 30, 2005, for the same purpose.

(62) STATE ENGINEER:

The period of time for expending the one million one hundred fifty thousand dollars (\$1,150,000) appropriated from the general fund in Subsection (V) of Section 2 of Chapter 83 of Laws 2003 for adjudication of water rights on the Pecos river and Rio Grande is extended through June 30, 2005, for the same purpose.

(63) STATE ENGINEER:

The period of time for expending the fifty thousand dollars (\$50,000) appropriated from the general fund in Subsection (V) of Section 2 of Chapter 83 of Laws 2003 for a deep aquifer study in Lea county is extended through June 30, 2005, for the same purpose.

(64) STATE ENGINEER:

The period of time for expending the two million five hundred thousand dollars (\$2,500,000) appropriated from the improvement of Rio Grande income fund in Subsection (E) of Section 3 of Chapter 83 of Laws 2003 for litigation expenses regarding federal natural resource policies is extended through June 30, 2005, for the same purpose.

(65) STATE ENGINEER:

The period of time for expending the first approved increment of ten million dollars (\$10,000,000) from the tax stabilization reserve in Subsection (A) of Section 2 of Chapter 109 of Laws 2002 for the purpose of protecting, enhancing or conserving New Mexico's water resources is extended through June 30, 2005, for the same purpose.

(66) STATE ENGINEER:

The period of time for expending the one million five hundred thousand dollars (\$1,500,000) appropriated from the general fund in Subsection (29) of Section 5 of Chapter 4 of Laws 2002 (1st E.S.) as extended by Subsection (19) of Section 5 of Chapter 76 of Laws 2003 to administer the Pecos river supreme court decree is extended through June 30, 2005, for the same purpose.

(67) STATE ENGINEER:

The period of time for expending the five hundred thousand dollars (\$500,000) appropriated from the general fund in Subsection (32) of Section 5 of Chapter 4 of Laws 2002 (1st E.S.) as extended by Subsection (22) of Section 5 of Chapter 76 of Laws 2003 for establishing the required data evaluations of the state's framework water plan and regional plans is extended through June 30, 2005, for the same purpose.

(68) STATE ENGINEER:

The period of time for expending revenue from the sale of water to the United States' government agencies by New Mexico resulting from a litigation settlement between New Mexico and the United States implemented by the conservation water agreement is extended through June 30, 2005, for the same purpose.

(69) STATE ENGINEER: 1,310.0 390.0 1,700.0

For ~~contracting for~~ water administration technical engineering resource system database abstracting and imaging costs. The internal service funds/interagency transfer appropriation is from the irrigation works construction income fund.

(70) STATE ENGINEER: 200.0 200.0

For three watermasters for three areas based on the highest priority of the office of the state engineer and the interstate stream commission.

(71) STATE ENGINEER: 925.0 700.0 1,625.0

For compliance with federal mandates in the Pecos river basin. Three hundred thousand dollars (\$300,000) of the appropriation is for seven term full-time-equivalent positions, four hundred thousand dollars (\$400,000) of the appropriation is for the federal Endangered Species Act program for seven term full-time-equivalent positions, and nine hundred twenty-five thousand dollars (\$925,000) of the appropriation is for litigation costs.

(72) STATE ENGINEER: 1,300.0 1,300.0

For the office of the state engineer to fund permanent full-time-equivalent positions for adjudication on the Pecos and lower Rio Grande.

(73) STATE ENGINEER: 175.7 175.7

For the office of the state engineer to fund permanent full-time-equivalent positions for the Pecos river supreme court decree.

(74) STATE ENGINEER: 200.0 200.0

For planning and implementation of a statewide water plan.

(75) STATE ENGINEER: 100.0 100.0

For administration of eagle nest dam and reservoir. The appropriation is from the game protection fund.

(76) STATE ENGINEER: 20,000.0 20,000.0

For the purchase of land and appurtenant water rights or rights to the delivery of water pursuant to Chapter 94 of Laws 2002. The appropriation is in lieu of the transfer and expenditure of the second and third increments of the appropriation made in Section 2 of Chapter 109 of Laws 2002. If the second or third increments are transferred or expended pursuant to that section, this appropriation shall not be made.

(77) HUMAN SERVICES DEPARTMENT: 608.9 608.9

For the medicaid fraud detection initiative.

(78) HUMAN SERVICES DEPARTMENT:

The period of time for expending the two hundred thousand dollars (\$200,000) appropriated from the general fund contained in Paragraph (3) of Subsection (Z) of Section 2 of Chapter 83 of Laws 2003 for completion of the fiscal year 2002 fiscal audit is extended through the end of fiscal year 2004 for the same purpose and is expanded to include fiscal year 2003 audit costs.

(79) DEPARTMENT OF HEALTH: 200.0 200.0

For additional acquired immune deficiency syndrome medication purchases.

(80) DEPARTMENT OF HEALTH: 100.0 100.0

For qualifying children with cancer to provide health insurance, deductibles, co-pays and first six-month treatment expenses.

(81) DEPARTMENT OF HEALTH:

The period of time for expending the three hundred thousand dollars (\$300,000) appropriated from cash balances contained in Subsection (G) of Section 3 of Chapter 83 of Laws 2003 for nursing management is extended through fiscal year 2005 for the same purpose.

(82) DEPARTMENT OF HEALTH:

The period of time for expending the two hundred fifty thousand dollars (\$250,000) appropriated from the general fund contained in Paragraph (13) of Subsection (CC) of Section 1 of Chapter 83 of Laws 2003 for receivership costs is extended through fiscal year 2005 for the same purpose.

(83) ENVIRONMENT DEPARTMENT:

The period of time for expending two million dollars (\$2,000,000) appropriated from the general fund in Subsection (45) of Section 5 of Chapter 4 of Laws 2002 (1st E.S.) for the superfund cleanup at the Fruit avenue plume site in Albuquerque, the North Railroad avenue plume site in Espanola, the Griggs and Walnut plume site in Las Cruces, the McGaffey and Main plume site in Roswell, and the Cimarron mining site in Carrizozo is extended through June 30, 2005, for the same purpose. Any unexpended or unencumbered balance remaining at the end of fiscal year 2005 shall revert to the general fund.

(84) CHILDREN, YOUTH AND FAMILIES

DEPARTMENT:1,667.7 1,667.7

For the Joseph A. consent decree. In addition, the period of time for expending the one million five hundred thousand dollars (\$1,500,000) appropriated from the general fund contained in Subsection (EE) of Section 2 of Chapter 83 of Laws 2003 for legal costs associated with the Joseph A. class action suit is extended through fiscal year 2005 for the same purpose.

(85) CHILDREN, YOUTH AND FAMILIES

DEPARTMENT:500.0 500.0

For domestic violence shelters.

(86) CORRECTIONS DEPARTMENT: 600.0 600.0

For sexual offender treatment programs.

(87) DEPARTMENT OF PUBLIC SAFETY: 225.0 225.0

For the crime laboratory to contract with private forensic laboratories for serological, deoxyribonucleic acid, and trace evidence analyses related to sexual offenses.

(88) DEPARTMENT OF PUBLIC SAFETY: 150.0 150.0

For the crime laboratory to contract with private forensic laboratories to eliminate the deoxyribonucleic acid backlog.

(89) DEPARTMENT OF PUBLIC SAFETY: 200.0 200.0

For reducing the criminal background check backlog.

(90) DEPARTMENT OF PUBLIC SAFETY: 40.0 40.0

For equipment for the crime laboratory.

(91) PUBLIC EDUCATION DEPARTMENT: 200.0 200.0

For the adult general equivalent diploma initiative.

(92) PUBLIC EDUCATION DEPARTMENT: 350.0 350.0

For the bullying prevention initiative.

(93) PUBLIC EDUCATION DEPARTMENT: 475.0 475.0

For charter school expanded services.

(94) PUBLIC EDUCATION DEPARTMENT: 200.0 200.0

For the dropout prevention program.

(95) PUBLIC EDUCATION DEPARTMENT: 113.6 113.6

For education support, including one full-time-equivalent position.

(96) PUBLIC EDUCATION DEPARTMENT: 47.6 47.6

For educator preparation for three-tier licensure support, including one full-time-equivalent position.

(97) PUBLIC EDUCATION DEPARTMENT: 200.0 200.0

For the family school readiness program initiative.

(98) PUBLIC EDUCATION DEPARTMENT: 50.0 50.0

For the governor's commission on teaching.

(99) PUBLIC EDUCATION DEPARTMENT: 113.6 113.6

For Indian education, including one full-time-equivalent position.

(100) PUBLIC EDUCATION DEPARTMENT: 113.6 113.6

For information technology education reform support, including one full-time-equivalent position.

(101) PUBLIC EDUCATION DEPARTMENT: 200.0 200.0

For math and science standard-based education technology.

(102) PUBLIC EDUCATION DEPARTMENT: 100.0 100.0

For middle college dropout prevention.

(103) PUBLIC EDUCATION DEPARTMENT: 140.0 140.0

For new teacher licensing support, including a full-time-equivalent position.

(104) PUBLIC EDUCATION DEPARTMENT: 300.0 300.0

For rural education initiatives.

(105) PUBLIC EDUCATION DEPARTMENT: 113.6 113.6

For rural education, including one full-time-equivalent position.

(106) PUBLIC EDUCATION DEPARTMENT: 100.0 100.0

For rural school advance placement acceleration program.

(107) PUBLIC EDUCATION DEPARTMENT: 113.6 113.6

For school district and public education department quality assurance and district interface, including one full-time-equivalent position.

(108) PUBLIC EDUCATION DEPARTMENT: 385.5 385.5

For student assessment.

(109) PUBLIC EDUCATION DEPARTMENT: 350.0 350.0

For student assessment criterion reference testing for state-level costs.

(110) PUBLIC EDUCATION DEPARTMENT: 500.0 500.0

For the truancy initiative.

(111) PUBLIC EDUCATION DEPARTMENT: 225.0 225.0

For the vocational high school model.

(112) PUBLIC EDUCATION DEPARTMENT: 1,500.0 1,500.0

To the instructional material fund.

(113) PUBLIC EDUCATION DEPARTMENT: 1,800.0 1,800.0

For the national center for educational statistics chart of accounts implementation.

(114) PUBLIC EDUCATION DEPARTMENT: 2,400.0 2,400.0

To the professional development fund. The general fund appropriation includes nine hundred thousand dollars (\$900,000) for re:learning, five hundred thousand dollars (\$500,000) for strengthening quality in schools and the balance for other professional development programs. ~~[In fiscal year 2005, the public education department shall evaluate programs funded through the professional development fund including re:learning, regional education technology assistance, strengthening quality in schools, service learning and golden apple; train staff in probationary schools in cultural competencies on reducing the current achievement gap among New Mexico students; and provide a report to the legislative education study committee by November 2004.][LINE-ITEM VETO]~~

(115) PUBLIC EDUCATION DEPARTMENT: 1,000.0 1,000.0

To the school library fund.

(116) PUBLIC EDUCATION DEPARTMENT: 93.0 93.0

For the state student identification number system.

(117) PUBLIC EDUCATION DEPARTMENT: 1,000.0 1,000.0

For the three-tiered licensure evaluation system implementation.

(118) PUBLIC EDUCATION DEPARTMENT: 200.0 200.0

For upgrading information technology infrastructure and network. The public education department shall develop an upgrade plan and coordinate with the general services department and the state chief information officer prior to expending any funds from this appropriation.

(119) PUBLIC EDUCATION DEPARTMENT: 500.0 500.0

For preparing project plan, need assessment and system requirements to upgrade the accountability data system to meet federal No Child Left Behind Act data requirements.

(120) PUBLIC EDUCATION DEPARTMENT: 200.0 200.0

For the New Mexico border superintendent leadership institute.

(121) PUBLIC EDUCATION DEPARTMENT: 200.0 200.0

For the magnet career academy.

~~[(122) PUBLIC EDUCATION DEPARTMENT: 150.0 150.0]~~

~~For middle school video programs.][LINE-ITEM VETO]~~

(123) PUBLIC EDUCATION DEPARTMENT: 100.0 100.0

For a dance activity program through in-school or residency programs for public schools.

(124) COMMISSION ON HIGHER EDUCATION: 1,300.0 1,300.0

For expenditure in fiscal year 2005 for the program development enhancement fund for nursing and teacher education programs.

(125) COMMISSION ON HIGHER EDUCATION: 300.0 300.0

For expenditure in fiscal year 2005 for high-skills training.

~~[(126) COMMISSION ON HIGHER EDUCATION: 6,000.0 6,000.0]~~

~~For the faculty endowment fund to be disbursed in equal amounts to the three research universities, the New Mexico institute of mining and technology, the university of New Mexico and New Mexico state university. Each institution shall be eligible to receive funding of one million dollars (\$1,000,000) upon notification to the commission on higher education that the institution has received matching funds for the endowment from other than state sources in an amount equal to or greater than one million dollars (\$1,000,000).][LINE-ITEM VETO]~~

(127) COMMISSION ON HIGHER EDUCATION: 100.0 100.0

For the gear up program.

(128) UNIVERSITY OF NEW MEXICO: 100.0 100.0

For the Anderson school of management for support of economic development.

(129) UNIVERSITY OF NEW MEXICO: 100.0 100.0

For the assessment, planning and development of the American Indian research and outreach program at the Zimmerman library at the university of New Mexico.

(130) UNIVERSITY OF NEW MEXICO: 300.0 300.0

For establishing the native American health center at the university of New Mexico school of medicine.

(131) UNIVERSITY OF NEW MEXICO: 50.0 50.0

For the creation of a cochlear implant surgery center with an emphasis on school-aged children.

(132) UNIVERSITY OF NEW MEXICO: 900.0 900.0

For pediatric oncology at the university of New Mexico health sciences center for pediatric outreach to address children's health issues for expenditure in fiscal years 2005, 2006 and 2007. Any unexpended or unencumbered balance at the end of fiscal year 2007 shall revert to the general fund.

(133) UNIVERSITY OF NEW MEXICO: 35.0 35.0

For the purchase of ten multi-media computers for pediatric oncology patients hospitalized for childhood cancer treatment.

(134) UNIVERSITY OF NEW MEXICO: 900.0 900.0

For the hepatitis C virus education and treatment network pilot project for expenditure in fiscal years 2005, 2006 and 2007. By October 15, 2005, and annually thereafter, the health sciences center of the university of New Mexico shall report to the commission on higher education, department of finance and administration and the legislative finance committee on performance outcomes and costs and benefits of the pilot project.

(135) UNIVERSITY OF NEW MEXICO: 150.0 150.0

For the border project to develop a sustainable management plan for the Rio Grande and Rio Bravo river basins.

(136) UNIVERSITY OF NEW MEXICO: 100.0 100.0

For supporting children with cancer through camp participation.

(137) NEW MEXICO HIGHLANDS UNIVERSITY: 250.0 250.0

For expenditure in fiscal year 2005 for the Spanish instruction program.

(138) NEW MEXICO STATE UNIVERSITY: 200.0 200.0

For developing an aerospace curriculum.

~~[(139) NEW MEXICO STATE UNIVERSITY: 475.0 475.0]~~

~~For the New Mexico department of agriculture to match federal funds for water conservation and natural resource restoration.][LINE-ITEM VETO]~~

(140) NEW MEXICO STATE UNIVERSITY: 2,400.0 2,400.0

For expenditure through fiscal year 2006 for restoration and revegetation of native species on the Canadian river, the Pecos river and the Rio Grande including monitoring, revegetation, rehabilitation, and long-term strategic planning. Up to five hundred thousand dollars (\$500,000) will be available to an interagency work group comprising the department of agriculture; energy, minerals and natural resources department; state engineer; department of environment; and office of Indian affairs, in consultation with the soil and water conservation districts. The work group shall develop a statewide policy and plan to guide future treatment and to provide templates and protocols for monitoring, revegetation, rehabilitation and long-term watershed management.

(141) NEW MEXICO STATE UNIVERSITY: 2,400.0 2,400.0

For expenditure through fiscal year 2006 for a non-native phreatophyte eradication and control program on the Canadian river, the Pecos river and the Rio Grande river contingent upon a statewide phreatophyte/watershed strategic plan to be developed by the departments of agriculture, energy, minerals and natural resources, state engineer, environment and Indian affairs.

(142) NEW MEXICO INSTITUTE OF MINING

AND TECHNOLOGY: 500.0 500.0

For observatory improvements.

~~[(143) NEW MEXICO INSTITUTE OF MINING~~

~~AND TECHNOLOGY: 200.0 200.0~~

~~For an independent study of the effectiveness of phreatophyte eradication and native species restoration and revegetation programs, including evaluation of program performance, costs and benefits, and water conserved. The New Mexico institute of mining and technology shall coordinate preparation of the evaluation and water conservation report with other entities at New Mexico state university, including the water resources research institute, college of agriculture and home economics, and college of engineering, and other participating entities, such as the energy, minerals and natural resources department, state engineer, department of environment, and office Indian affairs, in consultation with the soil and water conservation districts. The New Mexico institute of mining and technology shall submit a status report to the department of finance and administration and the legislative finance committee by October 1, 2004.][LINE-ITEM VETO]~~

(144) COMPUTER SYSTEMS ENHANCEMENT

FUND: 13,850.0 13,850.0

TOTAL SPECIAL APPROPRIATIONS 104,812.6 8,250.0 565.0 700.0 114,327.6

Chapter 114 Section 6 Laws 2004

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 2004 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 2004 for the purpose specified and approval by the department of finance and administration. Any unexpended or unencumbered balance remaining at the end of fiscal year 2004 shall revert to the appropriate fund.

(1) SUPREME COURT LAW LIBRARY: 19.8 19.8

For personal services and employee benefits.

(2) JUDICIAL STANDARDS COMMISSION: 25.0 25.0

For operating expenses, including personal services and employee benefits.

(3) SUPREME COURT: 24.0 24.0

For personal services and employee benefits.

(4) ADMINISTRATIVE OFFICE OF THE COURTS: 300.0 300.0

For jury demand fees, mileage rate increases and interpreter payments.

~~[(5) EIGHTH JUDICIAL DISTRICT COURT: 15.7 15.7]~~

~~For juvenile drug court funding.][LINE-ITEM VETO]~~

(6) NINTH JUDICIAL DISTRICT COURT: 15.0 15.0

For domestic violence hearing officer contract and file/intake clerk contract.

(7) ELEVENTH JUDICIAL DISTRICT

ATTORNEY-DIVISION II: 20.0 20.0

For expert witness fees.

~~[(8) ATTORNEY GENERAL: 500.0 500.0]~~

~~For general fund replacement of non-materializing other state funds.][LINE-ITEM VETO]~~

(9) GENERAL SERVICES DEPARTMENT: 231.4 231.4

For governor's mansion staff, including three full-time-equivalent positions.

(10) STATE TREASURER: 168.3 168.3

For the building lease for fiscal year 2004.

(11) PUBLIC REGULATION COMMISSION: 400.0 400.0

For personal services and employee benefits. The appropriation is from nonreverting agent surcharges.

(12) OFFICE OF CULTURAL AFFAIRS: 200.0 200.0

For the office of cultural affairs operations based on agency prioritization.

(13) COMMISSION FOR THE DEAF AND HARD

OF HEARING: 20.0 20.0

For sign language and real-time captioning services.

(14) HUMAN SERVICES DEPARTMENT: 950.0 2,050.0 3,000.0

For general services department information systems division charges. Included in the federal funds appropriation is eight hundred thousand dollars (\$800,000) from the temporary assistance for needy families block grant.

(15) HUMAN SERVICES DEPARTMENT: 3,600.0 3,600.0

Two million dollars (\$2,000,000) of the appropriation made from the temporary assistance for the needy families block grant to the income support program of the human services department for the industrial development training program in Subsection (F) of Section 4 of Chapter 76 of Laws 2003 and one million six hundred thousand dollars (\$1,600,000) of the appropriation made from the temporary assistance for needy families block grant in Section 2 of Chapter 106 of Laws 2002 shall not be expended for their original purpose but are appropriated to the human services department for expenditure in fiscal year 2004 for settlement of outstanding contractual charges related to the state system applicant link to services for assistance project. Expenditure of the appropriation by the human services department is contingent upon certification to the secretary of finance and administration that the expenditure is the final payment for any unpaid information technology contractual services charges related to the state system applicant link to services for assistance project. Any unexpended or unencumbered balance remaining at the end of fiscal year 2004 shall revert to the temporary assistance for needy families block grant carry forward fund.

(16) LABOR DEPARTMENT: 286.0 2,569.1 2,855.1

For personal services and employee benefits and to replace lost federal revenues from the Workforce Investment Act and unemployment insurance federal funds. The federal fund appropriation is from the federal Reed Act grant.

(17) DEVELOPMENTAL DISABILITIES

PLANNING COUNCIL: 200.0 200.0

For guardianship contracts.

(18) DEPARTMENT OF HEALTH: 300.0 300.0

For receiverships, contingent upon all other funds appropriated for this purpose being expended as certified by the department of finance and administration.

(19) DEPARTMENT OF HEALTH: 1,500.0 1,500.0

The one million five hundred thousand dollars (\$1,500,000) appropriated to the public health infrastructure and health systems capacity and improvement program of the department of health in Section 4 of Chapter 76 of Laws 2003 from unexpended prior year balances in the county-supported medicaid fund to support the Rural Primary Health Care Act is rescinded, and is reappropriated one

million five hundred thousand dollars (\$1,500,000) from unexpended prior-year balances reserved in the department of health's operating fund for Rural Primary Health Care Act activities.

(20) NEW MEXICO VETERANS' SERVICE

COMMISSION: 30.0 30.0

For personal services and employee benefits.

(21) CHILDREN, YOUTH AND FAMILIES

DEPARTMENT:800.0 800.0

For restoring the fiscal year 2003 level of funding for adult services.

(22) DEPARTMENT OF MILITARY AFFAIRS: 25.0 25.0

For maintenance and repair backlog, rising natural gas utility costs, and required fire suppression and rising maintenance costs.

(23) PUBLIC EDUCATION DEPARTMENT: 730.0 730.0

For personal services, employee benefits, operating expenses and contractual services.

(24) PUBLIC EDUCATION DEPARTMENT: 810.0 810.0

For providing funding for an over obligation of student testing contracts related to the No Child Left Behind Act.

TOTAL SUPPLEMENTAL AND DEFICIENCY

APPROPRIATIONS 5,670.2 1,900.0 8,219.1 15,789.3

Chapter 114 Section 7 Laws 2004

Section 7. **ADDITIONAL APPROPRIATIONS.**--Appropriations in this section are from the general fund for expenditure in fiscal year 2005 for the purposes specified and, unless otherwise indicated, any unexpended or unencumbered balance remaining at the end of fiscal year 2005 shall revert to the general fund.

(1) LEGISLATIVE COUNCIL SERVICE: 70.0 70.0

For a comprehensive healthcare cost study.

(2) LEGISLATIVE COUNCIL SERVICE: 20.0 20.0

For the production of a chronological political history of New Mexico.

(3) JUDICIAL STANDARDS COMMISSION: 50.0 50.0

For two full-time-equivalent positions.

(4) ADMINISTRATIVE OFFICE OF THE COURTS: 14.0 14.0

For costs associated with the tribal-state judicial consortium cross-court cultural exchange program.

(5) ADMINISTRATIVE OFFICE OF THE COURTS: 100.0 100.0

To replace funding for juvenile drug courts in the third, eleventh, twelfth and thirteenth judicial districts.

(6) SUPREME COURT BUILDING COMMISSION: 25.0 25.0

To complete the renovation of the supreme court building.

(7) SECOND JUDICIAL DISTRICT COURT: 75.0 75.0

For personal services and employee benefits costs associated with the truancy court pilot project.

(8) SECOND JUDICIAL DISTRICT COURT: 30.0 30.0

To contract with the counseling center to provide family counseling services.

(9) THIRD JUDICIAL DISTRICT COURT: 25.0 25.0

To provide for an increase in personal services and employee benefits.

(10) TWELFTH JUDICIAL DISTRICT COURT: 30.0 30.0

To develop a video arraignment system.

~~[(11) THIRTEENTH JUDICIAL DISTRICT COURT: 25.0 25.0~~

~~For costs associated with imaging system and furnishings.][LINE-ITEM VETO]~~

(12) BERNALILLO COUNTY METROPOLITAN
COURT: 70.0 70.0

To expand an adult mental health court program.

~~[(13) SECOND JUDICIAL DISTRICT ATTORNEY: 50.0 50.0~~

~~To cover projected shortfall in the other costs category.][LINE-ITEM VETO]~~

(14) THIRD JUDICIAL DISTRICT ATTORNEY: 25.0 25.0

For a paralegal.

(15) THIRD JUDICIAL DISTRICT ATTORNEY: 25.0 25.0

For personal services and employee benefits.

(16) SIXTH JUDICIAL DISTRICT ATTORNEY: 40.0 40.0

For a deputy district attorney for six months.

~~[(17) ELEVENTH JUDICIAL DISTRICT ATTORNEY-~~

~~DIVISION I: 100.0 100.0~~

~~For three full-time equivalent positions.][LINE-ITEM VETO]~~

(18) ELEVENTH JUDICIAL DISTRICT ATTORNEY,

DIVISION II: 25.0 25.0

For McKinley county district attorney's office to prosecute driving while intoxicated offenders.

(19) THIRTEENTH JUDICIAL DISTRICT ATTORNEY: 60.0 60.0

For a secretary and program specialists.

(20) DEPARTMENT OF FINANCE AND

ADMINISTRATION: 100.0 100.0

To the local government division for costs associated with home-delivered meals for the homebound in Santa Fe county.

(21) DEPARTMENT OF FINANCE AND

ADMINISTRATION: 100.0 100.0

To the local government division to contract for a domestic violence program in Torrance county.

(22) DEPARTMENT OF FINANCE AND

ADMINISTRATION: 150.0 150.0

To the local government division for various state councils of government.

~~[(23) DEPARTMENT OF FINANCE AND~~

~~ADMINISTRATION: 50.0 50.0~~

~~To the local government division for the southeast New Mexico councils of government.][LINE-ITEM VETO]~~

(24) DEPARTMENT OF FINANCE AND

ADMINISTRATION: 75.0 75.0

To the local government division to contract for ambulance services in Mora county.

(25) DEPARTMENT OF FINANCE AND

ADMINISTRATION: 25.0 25.0

To the local government division to contract for family strengthening services in Taos county.

(26) DEPARTMENT OF FINANCE AND

ADMINISTRATION: 35.0 35.0

To the local government division for a visual and performing arts education program for primary, secondary and post-secondary students in Otero county.

(27) DEPARTMENT OF FINANCE AND

ADMINISTRATION: 50.0 50.0

To the local government division for substance abuse services in Talpa in Taos county.

(28) DEPARTMENT OF FINANCE

AND ADMINISTRATION: 25.0 25.0

To the local government division for design and construction expenses at the Unser children's center and racing museum.

(29) DEPARTMENT OF FINANCE

AND ADMINISTRATION: 25.0 25.0

To the local government division for design and construction improvements for phase one of Ventana ranch community park.

(30) DEPARTMENT OF FINANCE

AND ADMINISTRATION: 25.0 25.0

To the local government division for design and construction improvements for phase three and four of Rinconada park in Bernalillo county.

(31) DEPARTMENT OF FINANCE

AND ADMINISTRATION: 25.0 25.0

To the local government division to support the Vecinos boys and girls boxing club in Taos county.

(32) DEPARTMENT OF FINANCE

AND ADMINISTRATION: 75.0 75.0

To the local government division to establish an aquifer mapping study in Taos.

(33) DEPARTMENT OF FINANCE

AND ADMINISTRATION: 25.0 25.0

To the local government division to renovate and restore the El Valle community center in Villanueva.

(34) DEPARTMENT OF FINANCE

AND ADMINISTRATION: 50.0 50.0

To the local government division to complete the renovation of the veterans of foreign wars building in Mora.

~~[(35) DEPARTMENT OF FINANCE~~

~~AND ADMINISTRATION: 100.0 100.0~~

~~To the local government division for road and other improvements for the village of Los Ranchos in Bernalillo county.][LINE-ITEM VETO]~~

(36) DEPARTMENT OF FINANCE

AND ADMINISTRATION: 25.0 25.0

To the local government division to provide a horse therapy program and related services for physically and mentally challenged individuals in Chaves county.

~~[(37) DEPARTMENT OF FINANCE~~

~~AND ADMINISTRATION: 100.0 100.0~~

~~To the local government division for the waste water treatment plant in Cloudercroft.~~

~~(38) DEPARTMENT OF FINANCE~~

~~AND ADMINISTRATION: 50.0 50.0~~

~~To the local government division for the boys and girls club in Bloomfield.~~

~~(39) DEPARTMENT OF FINANCE~~

~~AND ADMINISTRATION: 100.0 100.0~~

~~To the local government division for program development expenses for medical services for the detention center in Lea county.~~

~~(40) DEPARTMENT OF FINANCE~~

~~AND ADMINISTRATION: 40.0 40.0~~

~~To the local government division for supporting the child abuse and neglect citizen review board program statewide.][LINE-ITEM VETO]~~

(41) DEPARTMENT OF FINANCE

AND ADMINISTRATION: 50.0 50.0

To the local government division to contract with the Nob Hill-Highland renaissance corporation to implement the metropolitan redevelopment area plan.

(42) DEPARTMENT OF FINANCE

AND ADMINISTRATION: 25.0 25.0

To the local government division for Chichiltah chapter to wire homes.

(43) DEPARTMENT OF FINANCE

AND ADMINISTRATION: 25.0 25.0

To the local government division for water improvements at Williams Acres water sanitation district.

(44) DEPARTMENT OF FINANCE

AND ADMINISTRATION: 25.0 25.0

To the local government division to pay for the expenses of the Santa Fe junior wrestling team to assist with the grand national tournament.

(45) DEPARTMENT OF FINANCE

AND ADMINISTRATION: 75.0 75.0

To the local government division for a solid waste program in Valencia county.

(46) DEPARTMENT OF FINANCE

AND ADMINISTRATION: 25.0 25.0

To the local government division for remodeling expenses in McKinley county.

(47) DEPARTMENT OF FINANCE AND

ADMINISTRATION: 16.0 16.0

To the local government division for a domestic violence program in San Miguel county.

~~[(48) DEPARTMENT OF FINANCE~~

~~AND ADMINISTRATION: 10.0 10.0~~

~~To the local government division for an incinerator in Rio Arriba county.][LINE-ITEM VETO]~~

(49) DEPARTMENT OF FINANCE

AND ADMINISTRATION: 250.0 250.0

To the local government division for the women's health services family care and counseling center in Santa Fe.

(50) PUBLIC DEFENDER DEPARTMENT: 50.0 50.0

For alternative sentencing in Dona Ana county.

(51) GOVERNOR: 50.0 50.0

To conduct the border governors' conference.

(52) OFFICE OF THE CHIEF INFORMATION

OFFICER: 50.0 50.0

For costs associated with acquiring and operating a statewide information technology asset inventory and management system.

(53) ECONOMIC DEVELOPMENT DEPARTMENT: 100.0 100.0

For expenses associated with support and expansion of business incubation services in southeast Albuquerque.

~~[(54) REGULATION AND LICENSING DEPARTMENT: 40.0 40.0]~~

~~For personal services and employee benefits upgrades for bank examiners.][LINE-ITEM VETO]~~

(55) OFFICE OF CULTURAL AFFAIRS: 100.0 100.0

For costs associated with a nationwide traveling art exhibit of three New Mexico artists.

(56) OFFICE OF CULTURAL AFFAIRS: 50.0 50.0

For costs associated with a children's performing arts program in Santa Fe ~~[that annually performs at least five plays by and for children].~~[LINE-ITEM VETO]

(57) OFFICE OF CULTURAL AFFAIRS: 175.0 175.0

To the Fort Stanton development fund for costs associated with operating expenses of the Fort Stanton development commission.

(58) OFFICE OF CULTURAL AFFAIRS: 145.0 145.0

For costs associated with the operations of the national Hispanic cultural center.

(59) OFFICE OF CULTURAL AFFAIRS: 25.0 25.0

To cover costs of the museum of natural history Sandia mountain center.

(60) OFFICE OF CULTURAL AFFAIRS: 25.0 25.0

To prevent staff furloughs at the space history museum.

(61) OFFICE OF CULTURAL AFFAIRS: 100.0 100.0

To the historic preservation division to contract for the development of educational programs in historic preservation and regionalism.

(62) OFFICE OF CULTURAL AFFAIRS: 50.0 50.0

To implement and operate a program for youth education in the performing arts in Santa Fe.

(63) OFFICE OF CULTURAL AFFAIRS: 70.0 70.0

For operational and program expenses for Anthony valley library.

(64) OFFICE OF CULTURAL AFFAIRS: 35.0 35.0

For expenses related to the rodeo museum.

(65) OFFICE OF CULTURAL AFFAIRS: 25.0 25.0

For the space hall of fame.

(66) ENERGY, MINERALS AND NATURAL

RESOURCES DEPARTMENT: 30.0 30.0

To provide coordination services by the state forester for bosque management and river improvement projects.

~~[(67) STATE ENGINEER: 75.0 75.0]~~

~~For costs to carry out provisions of the water well drillers licensure act contingent upon enactment of House Bill 204 or similar legislation enacted by the second session of the forty-sixth legislature.~~

~~(68) STATE ENGINEER: 50.0 50.0~~

~~For the North Star water association.][LINE-ITEM VETO]~~

(69) STATE ENGINEER: 75.0 75.0

For a study by the Tularosa community ditch association of the effects of a proposed desalination plant.

(70) OFFICE OF AFRICAN AMERICAN AFFAIRS: 50.0 50.0

For costs associated with a youth program intended to decrease the number of African Americans entering the juvenile justice system and to assist African American veterans and senior citizens with obtaining health care services.

(71) MARTIN LUTHER KING, JR. COMMISSION: 25.0 25.0

To purchase educational literature and video training materials for establishing a resource library.

(72) OFFICE OF INDIAN AFFAIRS: 6.0 6.0

For costs associated with a native and non-native information clearinghouse in Farmington.

(73) OFFICE OF INDIAN AFFAIRS: 150.0 150.0

To contract for domestic violence shelter services for native American women and children in Albuquerque.

(74) OFFICE OF INDIAN AFFAIRS: 25.0 25.0

For costs associated with the Isleta pueblo recreation program.

(75) OFFICE OF INDIAN AFFAIRS: 25.0 25.0

To fund youth development programs in Tohatchi.

(76) OFFICE OF INDIAN AFFAIRS: 100.0 100.0

For expenses related to holding a conference on ~~[racism and]~~ diversity.

~~[(77) OFFICE OF INDIAN AFFAIRS: 75.0 75.0]~~

~~To implement reorganization efforts.][LINE-ITEM VETO]~~

(78) STATE AGENCY ON AGING: 75.0 75.0

For operational costs of the South Valley multipurpose family services center in Bernalillo county.

(79) STATE AGENCY ON AGING: 60.0 60.0

For ten project lifesaver programs to monitor persons with Alzheimer's disease or other dementia.

(80) HUMAN SERVICES DEPARTMENT: 50.0 50.0

To help fund programs for the mentally ill homeless.

~~[(81) LABOR DEPARTMENT: 75.0 75.0]~~

~~To the Workforce Investment Act program to enhance contracts for at-risk youth.~~

~~(82) DIVISION OF VOCATIONAL REHABILITATION: 100.0 100.0~~

~~For a statewide low-interest or no-interest technology assistance loan program for persons with disabilities to be matched with two million dollars (\$2,000,000) in federal funds.][LINE-ITEM VETO]~~

(83) DIVISION OF VOCATIONAL REHABILITATION: 65.0 65.0

To expand independent living services statewide.

~~[(84) DEPARTMENT OF HEALTH: 100.0 100.0]~~

~~For a pharmacy program in Roswell for indigent senior citizens of Chaves county.][LINE-ITEM VETO]~~

(85) DEPARTMENT OF HEALTH: 50.0 50.0

For diabetes education, prevention, diagnosis and treatment services.

(86) DEPARTMENT OF HEALTH: 20.0 20.0

To implement provisions of the Child Helmet Safety Act contingent on enactment of House Bill 259 or similar legislation enacted by the second session of the forty-sixth legislature.

(87) DEPARTMENT OF HEALTH: 75.0 75.0

For native American human immunodeficiency virus and acquired immunodeficiency syndrome services.

(88) DEPARTMENT OF HEALTH: 25.0 25.0

For mileage and per diem for the pain management advisory council contingent upon enactment of House Bill 163 or similar legislation enacted by the second session of the forty-sixth legislature.

(89) DEPARTMENT OF HEALTH: 75.0 75.0

To augment statewide mental health programs.

(90) DEPARTMENT OF HEALTH: 75.0 75.0

For behavioral health services for Totah behavioral health authority in Farmington.

(91) DEPARTMENT OF HEALTH: 30.0 30.0

For a primary healthcare clinic in Roswell.

(92) DEPARTMENT OF HEALTH: 40.0 40.0

To develop and augment crisis intervention training.

(93) DEPARTMENT OF HEALTH: 200.0 200.0

For contractual services related to the County Maternal and Child Health Plan Act.

(94) DEPARTMENT OF HEALTH: 100.0 100.0

For family planning activities.

(95) DEPARTMENT OF HEALTH: 75.0 75.0

For the Grant county health council.

(96) DEPARTMENT OF HEALTH: 75.0 75.0

For the Socorro county maternal and child health council.

(97) HEALTH POLICY COMMISSION: 100.0 100.0

For personal services and employee benefits, contractual services and other categories.

(98) CHILDREN, YOUTH AND FAMILIES

DEPARTMENT: 50.0 50.0

For the operations of McKinley county juvenile crisis center.

(99) CHILDREN, YOUTH AND FAMILIES

DEPARTMENT: 75.0 75.0

For an anti-drug program for children in Bernalillo county.

(100) CHILDREN, YOUTH AND FAMILIES

DEPARTMENT: 75.0 75.0

To provide nonsecure alternatives to detention for juveniles and other services.

~~[(101) CHILDREN, YOUTH AND FAMILIES~~

~~DEPARTMENT: 200.0 200.0~~

~~To contract with nonprofit organizations in Bernalillo county to provide public advertising campaigns on the value of marriage and education on relationship skills.][LINE-ITEM VETO]~~

(102) CHILDREN, YOUTH AND FAMILIES

DEPARTMENT: 10.0 10.0

To mentor troubled youth in Chaves county.

(103) CHILDREN, YOUTH AND FAMILIES

DEPARTMENT: 50.0 50.0

To support services, including treatment, shelter and counseling for victims of domestic violence and their children statewide.

(104) DEPARTMENT OF MILITARY AFFAIRS: 100.0 100.0

For expenditures for the employee support of guard and reserve program.

(105) CORRECTIONS DEPARTMENT: 75.0 75.0

To operate a reintegration program for female inmates.

(106) DEPARTMENT OF TRANSPORTATION: 100.0 100.0

For the Loma Larga road in Corrales.

(107) PUBLIC EDUCATION DEPARTMENT: 80.0 80.0

For a character building program for underprivileged and native American youth in San Juan county.

(108) PUBLIC EDUCATION DEPARTMENT: 100.0 100.0

For an educational resource center serving the southeastern region of New Mexico to support middle schools that implement career technical education programs.

~~(109) PUBLIC EDUCATION DEPARTMENT: 35.0 35.0~~

~~For costs of New Mexico foundation for human rights workshops.~~

~~(110) PUBLIC EDUCATION DEPARTMENT: 37.5 37.5~~

~~For professional development activities for all staff and for extra curricular activities for students in the Quemado independent school district.~~

~~(111) PUBLIC EDUCATION DEPARTMENT: 37.5 37.5~~

~~For professional development activities for all staff and for extra curricular activities for students in the Reserve independent school district.~~

~~(112) PUBLIC EDUCATION DEPARTMENT: 25.0 25.0~~

~~For Alamogordo headstart teacher training.][LINE-ITEM VETO]~~

(113) PUBLIC EDUCATION DEPARTMENT: 25.0 25.0

For character counts in Roswell.

(114) PUBLIC EDUCATION DEPARTMENT: 75.0 75.0

For a smaller learning communities pilot project at Santa Fe and Capital high schools in Santa Fe.

(115) PUBLIC EDUCATION DEPARTMENT: 75.0 75.0

To create a New Mexico government education fund contingent upon enactment of House Bill 18 or similar legislation enacted by the second session of the forty-sixth legislature.

(116) PUBLIC EDUCATION DEPARTMENT: 25.0 25.0

For capital projects at west mesa high school in Bernalillo county.

~~[(117) PUBLIC EDUCATION DEPARTMENT: 35.0 35.0]~~

~~To contract for character counts program services in Chaves county.][LINE-ITEM VETO]~~

(118) PUBLIC EDUCATION DEPARTMENT: 10.0 10.0

To develop implementation plans for a magnet career high school in the Gadsden independent school district.

(119) PUBLIC EDUCATION DEPARTMENT: 30.0 30.0

For a drug demand reduction program through the civil air patrol cadet program for at-risk middle and high school students.

(120) PUBLIC EDUCATION DEPARTMENT: 200.0 200.0

To support dropout prevention, leadership development and family education programs.

(121) COMMISSION ON HIGHER EDUCATION: 55.0 55.0

For the faculty endowment fund.

(122) COMMISSION ON HIGHER EDUCATION: 59.0 59.0

For operation of the youth college program.

(123) UNIVERSITY OF NEW MEXICO: 75.0 75.0

For operations of the young children's medical center in Albuquerque.

~~[(124) UNIVERSITY OF NEW MEXICO: 75.0 75.0]~~

~~To fund a study to identify, admit and support highly talented students.~~

~~(125) UNIVERSITY OF NEW MEXICO: 75.0 75.0]~~

~~For the cancer research program.~~

~~(126) UNIVERSITY OF NEW MEXICO: 75.0 75.0]~~

~~For science and math programs.][LINE-ITEM VETO]~~

(127) UNIVERSITY OF NEW MEXICO: 20.0 20.0

To the Corrine Wolfe children's law center.

(128) UNIVERSITY OF NEW MEXICO: 20.0 20.0

To expand the manufacturing training and technology center clean room operations.

(129) UNIVERSITY OF NEW MEXICO: 50.0 50.0

To support the university's special programs office implementation of college preparatory mentoring programs for eighth graders in the Albuquerque public school system.

(130) UNIVERSITY OF NEW MEXICO: 50.0 50.0

For Latin American student recruitment programs.

(131) UNIVERSITY OF NEW MEXICO: 75.0 75.0

For the school of law to conduct the New Mexico high school mock trial program.

(132) UNIVERSITY OF NEW MEXICO: 100.0 100.0

For operational costs associated with the oncology department.

~~[(133) UNIVERSITY OF NEW MEXICO: 75.0 75.0]~~

~~For the center on southwest research.][LINE-ITEM VETO]~~

(134) NEW MEXICO STATE UNIVERSITY: 50.0 50.0

For expansion of the rural health awareness program at the cooperative extension service.

(135) NEW MEXICO STATE UNIVERSITY: 50.0 50.0

For science, engineering and mathematics programs for students with disabilities.

(136) NEW MEXICO STATE UNIVERSITY: 50.0 50.0

To the department of agriculture for promotion and development of New Mexico farmers' markets.

(137) NEW MEXICO STATE UNIVERSITY: 75.0 75.0

For research and education programs at the agricultural science center in Clovis.

(138) NEW MEXICO STATE UNIVERSITY: 75.0 75.0

For the arrowhead center for business development in the college of business administration.

(139) NEW MEXICO STATE UNIVERSITY: 75.0 75.0

For a viticulturist.

(140) NEW MEXICO STATE UNIVERSITY: 75.0 75.0

To match federal funds for water conservation and natural resource restoration programs.

(141) NEW MEXICO STATE UNIVERSITY: 50.0 50.0

To support ongoing efforts to create a permanent farmers' market at the Santa Fe rail yard.

(142) NEW MEXICO STATE UNIVERSITY: 75.0 75.0

To create an aerospace engineering department.

(143) NEW MEXICO STATE UNIVERSITY: 50.0 50.0

For a pink bollworm control program.

(144) NEW MEXICO STATE UNIVERSITY: 20.0 20.0

For the saber y hacer curriculum to provide college preparatory training statewide for Hispanic students.

~~[(145) NEW MEXICO STATE UNIVERSITY: 150.0 150.0]~~

~~For equestrian programs.][LINE-ITEM VETO]~~

(146) NEW MEXICO STATE UNIVERSITY: 50.0 50.0

For a distance education outreach program to train health-care and social-care practitioners in Alzheimer's disease and related dementias.

(147) NEW MEXICO HIGHLANDS UNIVERSITY: 50.0 50.0

To hire Spanish language faculty.

(148) NEW MEXICO HIGHLANDS UNIVERSITY: 15.0 15.0

For the center for diverse populations.

(149) NEW MEXICO HIGHLANDS UNIVERSITY: 15.0 15.0

For the upward bound program.

(150) NEW MEXICO HIGHLANDS UNIVERSITY: 20.0 20.0

For the engaging latino communities for education program.

(151) WESTERN NEW MEXICO UNIVERSITY: 100.0 100.0

For the purpose of funding newly created national collegiate athletic association II requirements.

(152) WESTERN NEW MEXICO UNIVERSITY: 50.0 50.0

For a web-based teacher licensure program.

~~[(153) EASTERN NEW MEXICO UNIVERSITY: 10.0 10.0]~~

~~For interactive television classrooms and support for a regional distance education consortium.][LINE-ITEM VETO]~~

(154) EASTERN NEW MEXICO UNIVERSITY: 100.0 100.0

To establish a national collegiate athletic association division II men's soccer team.

(155) EASTERN NEW MEXICO UNIVERSITY: 50.0 50.0

For interactive television classrooms and support for a regional distance education consortium.

~~[(156) EASTERN NEW MEXICO UNIVERSITY: 145.0 145.0]~~

~~To establish the Hobbs education center.][LINE-ITEM VETO]~~

(157) NEW MEXICO INSTITUTE OF MINING AND

TECHNOLOGY: 80.0 80.0

For a statewide program that trains middle and high school teachers on the use of super computers.

(158) NEW MEXICO INSTITUTE OF MINING AND

TECHNOLOGY: 17.0 17.0

For cave and karst research.

(159) NEW MEXICO INSTITUTE OF MINING AND

TECHNOLOGY: 23.0 23.0

For the institute of complex additive systems analysis.

~~[(160) NEW MEXICO INSTITUTE OF MINING AND
TECHNOLOGY: 570.0 570.0]~~

~~For statewide aquifer mapping.][LINE-ITEM VETO]~~

(161) NORTHERN NEW MEXICO COMMUNITY
COLLEGE: 200.0 200.0

For math and science programs.

(162) NORTHERN NEW MEXICO COMMUNITY
COLLEGE: 175.0 175.0

For a baccalaureate program in teacher education at the Espanola campus.

(163) MESALANDS COMMUNITY COLLEGE: 100.0 100.0
For dinosaur museum programs.

(164) MESALANDS COMMUNITY COLLEGE: 140.0 140.0
For athletic programs.

(165) NEW MEXICO JUNIOR COLLEGE: 90.0 90.0
For interactive television classrooms and support for a regional distance education consortium.

(166) NEW MEXICO JUNIOR COLLEGE: 50.0 50.0
For the southeastern New Mexico regional law enforcement training academy at New Mexico Junior College.

(167) CLOVIS COMMUNITY COLLEGE: 75.0 75.0
For the associate of applied science in nursing program.

~~[(168) NEW MEXICO MILITARY INSTITUTE: 100.0 100.0]
For improvements to the athletic facilities.][LINE-ITEM VETO]~~

TOTAL ADDITIONAL APPROPRIATIONS 11,200.0 11,200.0

Chapter 114 Section 8 Laws 2004

Section 8. **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 appropriations may be expended in fiscal years 2004 and 2005. Unless otherwise indicated, any unexpended or unencumbered balances remaining at the end of fiscal year 2005 shall revert to the computer systems enhancement fund or other funds as indicated. 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 information technology commission project certification process. ~~[The department of finance and administration shall provide a copy of the certification and all supporting documentation to the legislative finance committee. All executive agencies shall provide monthly project status reports to the state chief information officer. The state chief information officer shall provide quarterly project status reports to the legislative finance committee and the information technology oversight committee.]~~ [LINE-ITEM VETO] For executive branch agencies, all hardware and software purchases funded through appropriations made in Sections 4 and 8 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. For executive branch agencies, unless otherwise indicated, the following appropriations are contingent upon the chief information officer preparing and submitting a state information architecture and information technology consolidation plan to the information technology commission, with input from major stakeholders. The information technology commission shall publish and submit such state information architecture and information technology consolidation plan to the information technology oversight committee, the legislative finance committee and the department of finance and administration no later than May 1, 2004.

(1) ADMINISTRATIVE OFFICE OF THE COURTS: 750.0 750.0

For phase three of the magistrate court video arraignment project and for securing and equipping magistrate court facilities. The appropriation is from the magistrate and metropolitan court capital fund.

(2) ADMINISTRATIVE OFFICE OF THE COURTS: 700.0 700.0

For replacing computer equipment for the New Mexico judiciary information systems. This project is a one-time supplement to the court automation fund for computer equipment replacement at individual court sites for equipment that has not been replaced within the last four years. One hundred fifty thousand dollars (\$150,000) of this appropriation shall be allocated to the Bernalillo county metropolitan court for computer equipment. This appropriation shall be contingent upon an evaluation of various desktop alternatives by the administrative office of the courts.

(3) ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS: 300.0 300.0

For computer hardware and software to complete the implementation of a statewide case management system for the offices of the district attorneys. This appropriation shall be

contingent upon an evaluation of various desktop alternatives by the administrative office of the district attorneys.

~~[(4) TAXATION AND REVENUE DEPARTMENT: 1,000.0
1,000.0~~

~~For completing phase five of the integrated tax system to include a module to manage fuel taxes. The taxation and revenue department shall provide the legislative finance committee with quarterly reports on increased revenue collections achieved through enhanced audit exception reporting resulting from this investment.][LINE-ITEM VETO]~~

(5) DEPARTMENT OF FINANCE AND ADMINISTRATION:

The period of time for expending the five hundred seventy thousand dollars (\$570,000) appropriated from the computer systems enhancement fund contained in Subsection (2) of Section 7 of Chapter 4 of Laws 2002 (1st E.S.) as extended by Subsection (1) of Section 7 of Chapter 76 of Laws 2003 is extended through fiscal year 2005 to perform project planning, data modeling for a centralized data warehouse and infrastructure consolidation to replace the oil and natural gas administrative revenue database and selection of technologies for use by the petroleum industry and end-users of the taxation and revenue department; energy, minerals and natural resources department; and commissioner of public lands.

(6) DEPARTMENT OF FINANCE AND ADMINISTRATION: 1,200.0 800.0
2,000.0

For implementing a multi-agency system for imaging and archiving documents electronically to improve access, integration and accuracy of information. The taxation and revenue department shall serve as lead agency utilizing a multi-agency steering committee consisting of, at a minimum, the state commission of public records and the human services department. The portion of this appropriation related to the human services department is contingent upon receiving written approval from the federal funding agency.

(7) DEPARTMENT OF FINANCE AND ADMINISTRATION: 1,000.0
1,000.0

For developing and publishing a state information technology consolidation plan and initial activities. A state information technology consolidation plan shall include a road map for implementing the future vision and estimated costs for specific initiatives to manage enterprise technical services such as servers, databases, networks and mainframe migration. The general services department is the lead agency and shall coordinate the consolidation plan and implementation activities with the state chief information officer. The information technology commission shall publish and submit a state information technology consolidation plan to the information technology oversight committee, legislative finance committee and the department of finance and administration by May 1, 2004.

(8) DEPARTMENT OF FINANCE AND ADMINISTRATION: 700.0
700.0

For implementing an enterprise-wide information security program. The information security program is to include a single security architecture with common goals, methods, standards and

policies. ~~[The chief information security officer shall be designated by the information technology commission.]~~~~[LINE-ITEM VETO]~~ The information security program shall be led by a single chief information security officer utilizing a multi-agency steering committee coordinated through the office of homeland security. The information security program shall develop a computer incident response team, a threat and vulnerability reduction function, an audit and assessment function and an information security awareness and training function. The general services department shall serve as the operations arm for this multi-agency project. The general services department and the chief information security officer shall make use of the expertise and capabilities of the New Mexico institute of mining and technology.

(9) DEPARTMENT OF FINANCE AND ADMINISTRATION: 300.0
300.0

For developing and publishing a state information architecture plan. The state information architecture plan shall include a current inventory of all targeted layers of technology by agency, a vision for the future state of technology and a set of guiding principles for building the future state of technology and information system applications. The state chief information officer shall lead and coordinate development of the state information architecture plan with the general services department. The information technology commission shall publish and submit a state information architecture plan to the information technology oversight committee, legislative finance committee and the department of finance and administration by May 1, 2004.

(10) DEPARTMENT OF FINANCE AND ADMINISTRATION: 150.0
150.0

For continuing implementation of a statewide New Mexico portal that will deliver e-government services to constituents, businesses and other government entities. The portal shall strengthen control and security over access to citizen information, simplify constituent access to government information, improve operational efficiency of government services and demonstrate a return on investment. An e-government governance and management structure shall be established to provide oversight, fiscal monitoring, strategic planning and policy development for the state's e-government initiatives. The project team shall publish a vision and strategic plan for e-government based on a self-funded model to the information technology commission, information technology oversight committee, the legislative finance committee and the department of finance and administration by September 1, 2004. The general services department shall serve as the lead agency for this multi-agency project with the taxation and revenue department serving as a co-sponsor. The period of time for expending the one hundred thousand dollars (\$100,000) appropriated from the computer systems enhancement fund contained in Subsection (3) of Section 7 of Chapter 76 of Laws 2003 is extended through fiscal year 2005 to continue implementing a statewide New Mexico portal.

(11) DEPARTMENT OF FINANCE AND ADMINISTRATION: 2,000.0
2,000.0

For continuing implementation of a single statewide, integrated telecommunications backbone for state government. The general services department shall serve as lead agency for this project. Funding is contingent upon submission of a telecommunications architecture plan by the general services department to the information technology commission, information technology oversight committee, the legislative finance committee and the department of finance and administration. The telecommunications architecture plan shall be in accordance

with the state information architecture, information technology consolidation plan, enterprise-wide information security program and approved by the state chief information officer. The telecommunications architecture plan shall include a cost and savings analysis by agency. The state-owned digital microwave telecommunications system shall be used at all locations possible to enhance statewide telecommunications and leverage state-owned resources without incurring additional costs. The general services department shall provide monthly written reports to the chief information officer. Funds for this appropriation shall not be used to pay for independent consultant services. Funds for this appropriation shall be limited to the purchase of telecommunications circuits and related hardware and software that are in accordance with the telecommunications architecture plan.

(12) DEPARTMENT OF FINANCE AND ADMINISTRATION: 1,100.0
1,100.0

For initiating a consolidation of agency e-mail servers into a single enterprise-wide e-mail system. The state chief information officer shall serve as the executive sponsor and the general services department shall serve as the lead agency utilizing a multi-agency steering committee. Funds shall first be utilized to prepare an e-mail consolidation plan for submission to the information technology commission, information technology oversight committee, the legislative finance committee and the department of finance and administration. The e-mail consolidation plan shall include a five-year cost analysis of enterprise e-mail options available, potential cost savings realizable by agencies and a strategic plan for enterprise directory services and identity management. The e-mail consolidation plan shall be a component of, and prepared concurrently with, the state information architecture and the information technology consolidation plan. The e-mail consolidation plan shall be in accordance with goals, methods, standards and policies of the enterprise-wide information security program.

~~[(13) DEPARTMENT OF FINANCE AND ADMINISTRATION: 200.0 100.0 300.0]~~

~~For completing a justice information system web portal for sharing criminal justice data across public safety and local justice agencies. The judicial information division of the administrative office of the courts shall serve as the lead agency for this multi-agency project utilizing a steering committee consisting of the criminal justice information management team. This appropriation is contingent upon submission of a plan by the project team to the information technology commission, information technology oversight committee, the legislative finance committee and the department of finance and administration for ongoing maintenance, enhancement and support of this portal environment on a go-forward basis. This project shall follow architecture guidelines and standards published by the statewide portal project team to ensure consistent access and electronic payments via the internet, technical architecture, design and presentation to the user. This appropriation is contingent upon receiving written approval from the federal funding agency.][LINE-ITEM VETO]~~

(14) DEPARTMENT OF FINANCE AND ADMINISTRATION:

The period of time for expending the five hundred thousand dollars (\$500,000) appropriated from the computer systems enhancement fund contained in Subsection (8) of Section 8 of Chapter 64 of Laws 2001 as extended by Subsection (10) of Section 7 of Chapter 4 of Laws 2002 (1st E.S.) and as extended by Subsection (5) of Section 7 of Chapter 76 of Laws 2003 is extended through fiscal year 2005 to develop a nonvendor-specific statewide, integrated, interoperable and interactive immunization information system capable of sharing data with all

entities that gather and maintain health-related data. This appropriation is contingent upon receiving written approval from the federal funding agency.

(15) DEPARTMENT OF FINANCE AND ADMINISTRATION:

The period of time for expending the seven million eight hundred thousand dollars (\$7,800,000) appropriated from the computer systems enhancement fund and four million five hundred thousand dollars (\$4,500,000) of federal funds contained in Subsection (4) of Section 7 of Chapter 76 of Laws 2003 is extended through fiscal year 2005 to enable healthcare and human services agencies to comply with the federal Health Insurance Portability and Accountability Act.

(16) EDUCATIONAL RETIREMENT BOARD: 750.0 750.0

For completing the implementation of an off-the-shelf solution for managing educational retirement membership information. The period of time for expending the three million dollars (\$3,000,000) appropriated from the educational retirement fund in Subsection (11) of Section 8 of Chapter 64 of Laws 2001 as extended by Subsection (11) of Section 7 of Chapter 4 of Laws 2002 (1st E.S.) and as extended by Subsection (7) of Section 7 of Chapter 76 of Laws 2003 is extended through fiscal year 2005. The period of time for expending the two million dollars (\$2,000,000) appropriated from the educational retirement fund contained in Subsection (8) of Section 7 of Chapter 4 of Laws 2002 (1st E.S.) as extended by Subsection (7) of Section 7 of Chapter 76 of Laws 2003 is extended through fiscal year 2005 to complete implementation of an off-the-shelf solution for managing educational retirement membership information. The educational retirement board shall provide periodic reports to the legislative finance committee and the state chief information officer. Release of funding is not contingent upon publication of the state information architecture.

~~(17) REGULATION AND LICENSING DEPARTMENT: 500.0 500.0~~

~~For extending the use of licensing and credentialing software already installed at the regulation and licensing department to four health organizations including the board of medical examiners, the radiation control bureau in the department of environment, the board of nursing and the injury prevention and emergency medical services bureau in the department of health. This project shall also upgrade the functionality of this commercial off-the-shelf solution to allow licensees to access and apply for licenses over the internet. Because the state already owns an enterprise license for this software system, funding shall only be used for consulting services and related hardware to assist the agency in extending the use of this system to additional agencies. Funds for this appropriation shall be utilized to ensure knowledge transfer from the software vendor to the regulation and licensing department to enable internal state support of this application system in the future. Release of funding is not contingent upon publication of the state information architecture.~~

~~(18) PUBLIC REGULATION COMMISSION: 500.0 500.0~~

~~For implementing a software module developed by the state of North Carolina for managing corporate registrations to enable enhanced reporting, electronic processing of certified document requests, cash management and electronic payment services for corporations. This project shall follow architecture guidelines and standards published by the statewide portal project team to ensure consistent access and electronic payments via the internet, technical~~

For automating the process of reviewing medicaid claims for fraud and abuse. This project shall provide the legislative finance committee and department of finance and administration with quarterly reports on medicaid claims recovered as a result of the new software. This appropriation is contingent upon a solution that is of a design that can be used with future medicaid systems the state may choose to adopt.

~~[(24) HUMAN SERVICES DEPARTMENT: 500.0 1,000.0 1,500.0~~

~~For preparing a design to replace the mainframe-based income support determination system based on a new social services architecture and to design a solution for a virtual one-stop system for social services eligibility determination. This multi-agency project shall be led by the human services department and shall utilize a multi-agency steering committee to include such agencies as the children, youth and families department; the state agency on aging; and the labor department. This project shall follow architecture guidelines and standards published by the statewide portal project team to ensure consistent access and electronic payments via the internet, technical architecture, design and presentation to the user. This appropriation is contingent upon receiving written approval from the federal funding agency.][LINE-ITEM VETO]~~

(25) HUMAN SERVICES DEPARTMENT:

The period of time for expending the seven hundred thousand dollars (\$700,000) appropriated from the general fund and two million one hundred thousand dollars (\$2,100,000) of federal funds contained in Subsection (13) of Section 6 of Chapter 76 of Laws 2003 for the medical assistance program for computer systems enhancements is extended through fiscal year 2005 to enable healthcare and human services agencies to comply with the federal Health Insurance Portability and Accountability Act.

~~[(26) LABOR DEPARTMENT: 300.0 300.0~~

~~For providing training for technology employees within the labor department tasked with supporting the unemployment insurance claims application system to enable support for web-based technical architectures. Training shall utilize a combination of state-sponsored courses, courses provided by the technical-vocational institute and the university of New Mexico continuing education and computer-based training. This appropriation is from the Reed Act funds, contingent upon certification by the labor department to the department of finance administration that the availability of other funds does not exist and federal Reed Act funds are required for this training. This appropriation is contingent upon receiving written approval from the federal funding agency. Release of funding is not contingent upon publication of the state information architecture.][LINE-ITEM VETO]~~

(27) DEPARTMENT OF HEALTH: 1,000.0 1,000.0

For implementing an electronic web-enabled vital records birth and death system to enhance turnaround time for producing birth and death certificates and enhance quality of data submitted to federal contract agencies. This appropriation is contingent upon publication of an analysis of commercial off-the-shelf solutions available to support this request. This project shall follow architecture guidelines and standards published by the statewide portal project team to ensure consistent access and electronic payments via the internet, technical architecture, design and presentation to the user.

(28) DEPARTMENT OF HEALTH:

The period for expending the five hundred thousand dollars (\$500,000) appropriated from the computer systems enhancement fund contained in Subsection (16) of Section 7 of Chapter 76 of Laws 2003 to complete implementation of the pharmacy inventory management component of the integrated client data system is extended through fiscal year 2005. The system shall comply with the federal Health Insurance Portability and Accountability Act. The department of health shall provide monthly written reports to the state chief information officer and to the legislative finance committee. The department of health is authorized to transfer funds from this project to other projects to comply with the federal Health Insurance Portability and Accountability Act. The department of finance and administration and the state chief information officer shall ensure that, prior to release of funds, appropriate procurement rules are followed, including the use of a request for proposal for information technology professional services and products.

(29) CORRECTIONS DEPARTMENT:	400.0	400.0
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For a transition of the criminal management information system to a web-based application developed through a consortium of western states. The system shall be designed to improve data collection, viewing and use by department constituents and other public safety, judicial and law enforcement entities. Funds for this appropriation shall be utilized to ensure knowledge transfer from the software vendor to the corrections department to enable internal state support of this application system in the future. The period of time for expending the four hundred thousand dollars (\$400,000) appropriated from the general fund contained in Subsection (19) of Section 7 of Chapter 76 of Laws 2003 is extended through fiscal year 2005 to implement modifications to the current criminal management information system. Modifications performed with this appropriation extension shall be developed in such a manner to ensure these changes are converted to the newly planned system at minimal additional development cost.

(30) DEPARTMENT OF PUBLIC SAFETY:

The period of time for expending the eight hundred thousand dollars (\$800,000) appropriated from the general fund contained in Subsection (20) of Section 7 of Chapter 76 of Laws 2003 is extended through fiscal year 2005 to stabilize the agency computer network and to address operating and security vulnerabilities identified through an independent assessment performed by the New Mexico institute of mining and technology in December 2002. Release of funding is not contingent upon publication of the state information architecture.

TOTAL DATA PROCESSING APPROPRIATIONS	15,700.0	4,600.0
20,300.0		

Chapter 114 Section 9 Laws 2004

Section 9. COMPENSATION APPROPRIATIONS.--

A. Thirteen million one hundred eighty-five thousand dollars (\$13,185,000) is appropriated from the general fund to the department of finance and administration for expenditure in fiscal year 2005 to provide salary increases subject to satisfactory job

performance. The salary increases shall be effective the first full pay period after July 1, 2004, and distributed as follows:

(1) nine hundred ninety-seven thousand four hundred dollars (\$997,400) to provide the justices of the supreme court with a six percent salary increase to one hundred five thousand one hundred twenty dollars (\$105,120) and to provide salary increases pursuant to the provisions of Section 34-1-9 NMSA 1978 to the chief justice of the supreme court; the chief judge of the court of appeals; judges of the court of appeals, district courts, metropolitan courts and magistrate courts; and child support hearing officers and special commissioners;

(2) one million one hundred seventy-five thousand two hundred dollars (\$1,175,200) to provide judicial permanent employees whose salaries are not set by statute with a two percent salary increase;

(3) thirty thousand six hundred dollars (\$30,600) to provide salary increases for district attorneys as follows: district attorneys who serve in a district that does not include a class A county shall receive an annual salary of eighty-seven thousand five hundred dollars (\$87,500) and district attorneys who serve in a district that includes a class A county shall receive an annual salary of ninety-two thousand one hundred six dollars (\$92,106);

(4) seven hundred fifteen thousand two hundred dollars (\$715,200) to provide all district attorney permanent employees, other than elected district attorneys, with a two percent salary increase;

(5) nine million one hundred thousand six hundred dollars (\$9,100,600) to provide incumbents in agencies governed by the Personnel Act with a two percent salary increase;

(6) seven hundred eighty thousand four hundred dollars (\$780,400) to provide executive exempt employees, including attorney general employees and workers' compensation judges, with a two percent salary increase;

(7) one hundred seventy-nine thousand six hundred dollars (\$179,600) to provide teachers in the department of health, corrections department, children, youth and families department and commission for the blind with a two percent salary increase; and

(8) two hundred six thousand dollars (\$206,000) to provide permanent legislative employees, including permanent employees of the legislative council service, legislative finance committee, legislative education study committee, legislative maintenance department, the office of house and senate chief clerks, and house and senate leadership staff with a two percent salary increase.

B. Thirteen million two hundred sixty-two thousand six hundred dollars (\$13,262,600) is appropriated from the general fund to the commission on higher education for expenditure in fiscal year 2005 to provide faculty and staff of four- and two-year post-secondary educational institutions with a two percent salary increase. The salary increase shall be effective the first full pay period after July 1, 2004.

C. The department of finance and administration shall distribute a sufficient amount to each agency to provide the appropriate increase for those employees whose salaries are

received as a result of the general fund appropriations in the General Appropriation Act of 2004. Any unexpended or unencumbered balance remaining at the end of fiscal year 2005 shall revert to the general fund.

D. For those state employees whose salaries and benefits are referenced in or received as a result of non-general fund appropriations in the General Appropriation Act of 2004, the department of finance and administration shall transfer from the appropriate fund to the appropriate agency the amount required for the salary and benefits increases equivalent to those provided for in this section, and such amounts are appropriated for expenditure in fiscal year 2005. Any unexpended or unencumbered balance remaining at the end of fiscal year 2005 shall revert to the appropriate fund.

E. Two million dollars (\$2,000,000) is appropriated from the general fund to the department of finance and administration for expenditure in fiscal year 2005 to distribute to executive, judicial, or legislative departments, including agencies, boards or commissions, for the purpose of funding increases to the group insurance contribution of the state. The appropriation is contingent upon enactment of Senate Bill 373 or similar legislation of the second session of the forty-sixth legislature. Any unexpended or unencumbered balance remaining at the end of fiscal year 2005 shall revert to the general fund.

Chapter 114 Section 10 Laws 2004

Section 10. ADDITIONAL FISCAL YEAR 2004 BUDGET ADJUSTMENT

AUTHORITY.--During fiscal year 2004, 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 Appropriations Act of 2003:

A. the third judicial district court may request budget increases from other state funds up to ten thousand dollars (\$10,000) for domestic mediators;

B. the fourth judicial district court may request budget increases from internal service funds/interagency transfers and other state funds for funds received from copies and tapes;

C. the ninth judicial district court may request budget increases from internal service funds/interagency transfers and other state funds for reimbursed expenses not to exceed twenty-five thousand dollars (\$25,000);

D. the eleventh judicial district court may request budget increases from internal service funds/interagency transfers and other state funds for drug courts not to exceed thirty-three thousand five hundred dollars (\$33,500);

E. The thirteenth judicial district court may request budget increases from other state funds for funds received from copies and tapes;

F. the first judicial district attorney may request budget increases from internal service funds/interagency transfers up to seventy-five thousand dollars (\$75,000) to prosecute tax crimes statewide;

G. the second judicial district attorney may request budget increases from internal service funds/interagency transfers and other state funds up to two hundred thousand dollars (\$200,000);

H. the sixth judicial district attorney may request budget increases from internal service funds/interagency transfers and other state funds not to exceed forty thousand dollars (\$40,000);

I. the eighth judicial district attorney may request budget increases from internal service funds/interagency transfers and other state funds not to exceed fifty thousand dollars (\$50,000);

J. the eleventh judicial district attorney-division II may request budget increases from internal service funds/interagency transfers and other state funds for funds received from any political subdivision of the state or from Indian tribes up to four hundred thousand dollars (\$400,000) to assist in the prosecution of crimes within McKinley county;

K. the taxation and revenue department may request program transfers the motor vehicle program may request budget increases from other state funds up to one million seven hundred thousand dollars (\$1,700,000) and the property tax program may request budget increases from other state funds up to four hundred thousand dollars (\$400,000);

L. the state investment council may request an additional three hundred fifty thousand dollars (\$350,000) from money appropriated for investment managers fees in the contractual services category be transferred to other categories;

M. the educational retirement board may request budget increases from other state funds up to one hundred thousand dollars (\$100,000) for the purpose of contracting for a study outlining options for achieving actuarial soundness for the educational retirement fund contingent on review by the secretary of the department of finance and administration, legislative finance committee, and approval by the state board of finance. The study shall be completed with recommendations to the department of finance and administration and legislative finance committee by September 1, 2004;

N. the public defender department may request budget increases from internal service funds/interagency transfers and other state funds for drug court and mental health court;

O. the governor may request budget increases from internal service funds/interagency transfers and other state funds to carry out the mandates of the office;

P. the public regulation commission may request program transfers up to five hundred fifty thousand dollars (\$550,000) to cover budget shortfalls;

Q. the New Mexico medical board may request budget increases from other state funds not to exceed one hundred seventeen thousand dollars (\$117,000) for costs of leased office space;

R. the department of game and fish may request program transfers up to two hundred thousand dollars (\$200,000);

S. the state parks program of the energy, minerals and natural resources department may request budget increases from internal service funds/interagency transfers and other state funds up to three hundred thousand dollars (\$300,000) for additional debt service payments on state parks bonds issued in fiscal year 2004;

T. the state engineer/interstate stream commission may request budget increases from internal service funds/interagency transfers and other state funds up to three million dollars (\$3,000,000) for the Eagle Nest lake dam rehabilitation and up to seven hundred fifty thousand dollars (\$750,000) from general fund appropriations made to the office of the attorney general to prepare for anticipated water litigation for fiscal years 2004 and 2005;

U. the state agency on aging may request budget increases up to sixty thousand dollars (\$60,000) from other state funds to sponsor the annual conference on aging. Any unexpended or unencumbered balances remaining from registration fees from the aging conference at the end of fiscal year 2004 shall not revert to the general fund;

V. the income support division of the human services department may request budget increases from other state funds up to three million six hundred thousand dollars (\$3,600,000) for the state system applicant link to services for assistance related expenses; may request budget increases up to seven hundred fifty thousand dollars (\$750,000) from the temporary assistance for needy families bonus funds, one million seven hundred fifty-one thousand one hundred dollars (\$1,751,100) from federal funds and one million two hundred twenty-one thousand nine hundred dollars (\$1,221,900) from other state funds to pay for computer utilization costs; may request budget increases up to two hundred seventy-eight thousand three hundred dollars (\$278,300) from other state funds and three hundred ninety-eight thousand eight hundred dollars (\$398,800) from federal funds for personal services and employee benefits; may request budget increases up to one million three hundred fifty thousand dollars (\$1,350,000) from other state funds for payment of a federal food stamp penalty; and may request a program transfer from the child support enforcement program up to two million seven hundred thousand dollars (\$2,700,000) for the payment of state system applicant link to services for assistance related expenditures; the program support division of the human services department may request budget increases up to one hundred sixty-two thousand five hundred dollars (\$162,500) from other state funds, one hundred sixty-two thousand five hundred dollars (\$162,500) from federal funds, and fifty-five thousand dollars (\$55,000) from the temporary assistance for needy families bonus funds for information services bureau related expenditures; and may request budget increases up to one hundred thirty-five thousand dollars (\$135,000) from other state funds and two hundred thirty-three thousand eight hundred dollars (\$233,800) from federal funds in the personal services and employee benefits category; and the child support enforcement division of the human services department may request budget increases up to eight hundred thousand dollars (\$800,000) from other state funds and one million six hundred thousand dollars (\$1,600,000) from federal funds for contractual services for maintenance and upgrade of the child support enforcement system;

W. the office of workforce training and development may request budget increases from federal Workforce Investment Act funds;

X. the miners' hospital of New Mexico may request budget increases from other state funds;

Y. the department of health may request program transfers not to exceed five percent of the operating budget;

Z. the department of environment may request program transfers up to five hundred thousand dollars (\$500,000) to cover budget shortfalls;

AA. the office of the natural resources trustee may request budget increases from internal service funds/interagency transfers and other state funds up to two million four hundred thousand dollars (\$2,400,000) for restoration projects and may request budget increases from a contingent general fund appropriation for restoration at the South Valley superfund site equal to any fines for damages resulting from this settlement;

BB. the corrections department may request budget increases from internal service funds/interagency transfers appropriations or other state funds in excess of the five percent limitation contained herein from money collected in excess of those appropriated; and may request program transfers;

CC. the department of public safety may request budget increases from state chemist fee revenue and state chemist fee balances; and

DD. the department of transportation may request program transfers not to exceed five percent of its other state funds appropriation contained in Section 4 of the General Appropriation Act of 2004 to reorganize its programs, provided that the department has presented its reorganization plan to the legislative finance committee.

Chapter 114 Section 11 Laws 2004

Section 11. CERTAIN FISCAL YEAR 2005 BUDGET ADJUSTMENTS AUTHORIZED.--

A. As used in this section and Section 10 of the General Appropriation Act of 2004:

(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;

(4) "program transfer" means an approved transfer of funds from one program of an agency to another program of that agency; and

B. Pursuant to Sections 6-3-23 through 6-3-25 NMSA 1978, those budgets adjustments specified in this section are authorized for fiscal year 2005.

C. In addition to the specific category transfers authorized in Subsection E of this section and unless 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, other and other financing uses.

D. Unless a conflicting budget increase is authorized in Subsection E of this section, an agency 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 2004. In order to track the five percent transfer limitation, agencies shall report cumulative budget adjustment request totals on each budget adjustment request submitted. The department of finance and administration shall certify agency reporting of these cumulative totals.

E. In addition to the budget adjustment authority otherwise provided in the General Appropriation Act of 2004, the following agencies may request specified budget adjustments:

(1) the New Mexico compilation commission may request budget increases from other state funds for publishing costs associated with subscriptions, supreme court opinions and other publications;

(2) the second judicial district court may request budget increases from internal service funds/interagency transfers and other state funds for pretrial services and the metropolitan criminal justice coordinating council;

(3) the eleventh judicial district court may request budget increases from internal service funds/interagency transfers and other state funds for drug courts not exceed thirty-three thousand five hundred dollars (\$33,500);

(4) the first judicial district attorney may request budget increases from internal service funds/interagency transfers and other state funds for funds received from any political subdivision of the state or from Indian tribes;

(5) the second judicial district attorney may request budget increases from other state funds up to seventy-five thousand dollars (\$75,000) for attorney bar dues and training and may request budget increases from internal service funds/interagency transfers and other state funds up to two hundred thousand dollars (\$200,000) for personal services and employee benefits and contractual services;

(6) the sixth judicial district attorney may request budget increases from internal service funds/interagency transfers and other state funds not to exceed forty thousand dollars (\$40,000);

(7) the eighth judicial district attorney may request budget increases from internal service funds/interagency transfers and other state funds for funds received from any political subdivision of the state or from Indian tribes;

(8) the eleventh judicial district attorney-division II may request budget increases from internal service funds/interagency transfers and other state funds for funds received from any political subdivision of the state or from Indian tribes up to four hundred thousand dollars (\$400,000) to assist in the prosecution of crimes within McKinley county;

(9) the twelfth 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;

(10) the thirteenth judicial district attorney may request budget increases from internal service funds/interagency transfers and other state funds for funds received from any political subdivision of the state or from Indian tribes;

(11) the administrative office of the district attorneys may request budget increases from other state funds up to thirty thousand dollars (\$30,000) for costs associated with the district attorney's training conference and other operating expenses in furtherance of the business office;

(12) the attorney general may request budget increases from settlement funds up to five hundred fifty thousand dollars (\$550,000) in the legal services program;

(13) the state investment council may request budget increases from other state funds up to two million dollars (\$2,000,000) for investment manager fees and custody fees, provided that this amount may be exceeded if the department of finance and administration approves a certified request from the state investment council that additional increases from other state funds are required for increased management fees and custody fees derived from asset growth and performance; and may request transfers to any other category except that only five hundred thousand dollars (\$500,000) of the money appropriated for investment manager fees in the contractual services category may be transferred;

(14) the public school insurance authority may request budget increases from internal service funds/interagency transfers and other state funds;

(15) the retiree health care authority may request budget increases from internal service funds/interagency transfers and other state funds;

(16) the educational retirement board may request budget increases from other state funds up to two million eight hundred thousand dollars (\$2,800,000) for manager fees and custody fees, provided that this amount may be exceeded if the department of finance and administration approves a certified request from the educational retirement board that additional increases from other state funds are required for increased management fees and custody fees derived from asset growth and performance; and may request category transfers, except that funds authorized for investment manager fees and custody services within the contractual services category of the administrative services division of the educational retirement board shall not be transferred;

(17) the New Mexico sentencing commission may request budget increases from internal

service funds/interagency transfers and other state funds up to twenty-five thousand dollars (\$25,000) from fees for the national conference of state sentencing commissions;

(18) the public defender department may request budget increases from internal service funds/interagency transfers and other state funds for drug court and mental health court;

(19) the public employees retirement association may request budget increases from other state funds for manager fees and custody fees, provided that the department of finance and administration approves a certified request from the public employees retirement association that additional increases from other state funds are required for increased management fees and custody fees derived from asset growth and performance; may request category transfers, except that funds authorized for investment manager fees within the contractual services category of the administrative division of the public employees retirement association and for custody services within the contractual services category of the administrative division of the public employees retirement association shall not be transferred; and may request budget increases from internal service funds/interagency transfers and other state funds; and the maintenance division of the public employees retirement association may request budget increases from other state funds to meet emergencies or unexpected physical plant failures that might impact the health and safety of workers;

(20) the department of tourism may request budget increases from other state funds from earnings of sales for the tourism enterprise fund and may request budget increases from other state funds up to twenty-three thousand dollars (\$23,000) for the continued operation of the Santa Fe visitors' center, the New Mexico magazine program may request budget increases from other state funds from earnings on sales, and the New Mexico clean and beautiful program may request budget increases from the special revenue fund for grants to communities for litter reduction programs;

(21) the economic development department may request program transfers up to five hundred thousand dollars (\$500,000) to assist New Mexico's communities with their economic development strategic planning and marketing needs;

(22) the public regulation commission may not request category transfers into or out of personal services and employee benefits;

(23) the pipeline safety bureau of the public regulation commission may request budget increases not to exceed three hundred thousand dollars (\$300,000) from other state funds for personal services and employee benefits if House Bill 23 or similar legislation is not enacted;

(24) the office of cultural affairs may request budget increases from internal service funds/interagency transfers and other state funds for archaeological services; and may request transfers between programs;

(25) the oil and gas conservation program of the energy, minerals and natural resources department may request budget increases from funds received in the oil and gas reclamation fund to close abandoned wells; and the healthy forests, state parks and energy efficiency and renewable energy programs of the energy, minerals and natural resources

department may request budget increases from the New Mexico youth conservation corps fund for projects approved by the New Mexico youth conservation corps commission;

(26) the New Mexico organic commodity commission may request budget increases from fund balances up to fifteen thousand dollars (\$15,000) for the operation of the New Mexico organic program, contingent upon Senate Bill 165 or House Bill 203 or similar legislation of the second session of the forty-sixth legislature becoming law;

(27) the New Mexico commission on the status of women may request budget increases from other state funds for the statutorily mandated recognition program for women;

(28) the state agency on aging may request budget increases up to sixty thousand dollars (\$60,000) from other state funds to sponsor the annual conference on aging. Any unexpended or unencumbered balances remaining from registration fees from the aging conference at the end of fiscal year 2005 shall not revert to the general fund;

(29) the labor department or administering entity may request budget increases and program transfers of Workforce Investment Act funding from local boards provided that the cumulative effect of the adjustments does not exceed the formula distribution of funds determined by the federal government and that the transfer is in compliance with federal Workforce Investment Act program requirements;

(30) the office of workforce training and development may request budget increases from federal Workforce Investment Act funds;

(31) the division of vocational rehabilitation may request budget increases from other state funds to maintain services to clients;

(32) the miners' hospital of New Mexico may request budget increases from other state funds;

(33) the department of health may request budget increases from internal service funds/interagency transfers and other state funds for facilities, institutions, and community programs, including laboratories, to maintain adequate services for clients, to maintain the buildings and grounds of the former Los Lunas medical center and to fund investigations pursuant to the Caregivers Screening Act;

(34) the department of environment may request budget increases from other state funds to budget responsible party payments, from the corrective action fund to pay claims and from the hazardous waste emergency fund; and may request budget increases to administer the environmental programs contingent upon Senate Bill 55 or House Bill 19 of the forty-sixth legislature, second session, becoming law;

(35) the office of the natural resources trustee may request budget increases from internal service funds/interagency transfers and other state funds up to two million four hundred thousand dollars (\$2,400,000) for restoration projects and may request budget increases from a contingent general fund appropriation for restoration at the South Valley superfund site, equal to any fines for damages resulting from this settlement;

(36) the department of corrections may request budget increases from internal service funds/interagency transfers in excess of the five percent limitation to implement the transition center programs in conjunction with the department of health and for costs associated with the inmate forestry work camp and 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 from any funding source by more than five percent;

(37) the department of public safety may request budget increases from the concealed handgun carry revenues and balances to address the enforcement of the Concealed Handgun Carry Act and may request budget increases from the state forfeiture fund to address the enforcement of the Controlled Substances Act;

(38) the department of transportation may request transfers from the program support and maintenance programs to the construction program not to exceed three million dollars (\$3,000,000) from the state road fund to meet additional federal fund opportunities [~~for any amount over three percent of its federal funds appropriation contained in Section 4 of the General Appropriation Act of 2004~~]; [*LINE-ITEM VETO*] and

(39) the public school facilities authority may request budget increases for project management expenses pursuant to the Public School Capital Outlay Act.

F. The department of military affairs, 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 114 Section 12 Laws 2004

Section 12. **FUND TRANSFER.**--One hundred twenty million dollars (\$120,000,000) is transferred from the general fund to the appropriation contingency fund [~~during fiscal year 2005~~]. [*LINE-ITEM VETO*] A portion of the amount transferred represents a distribution from the permanent fund pursuant to Paragraph (1) of Subsection G of Section 7 of Article 12 of the constitution of New Mexico. The transferred amount shall be held in a separate account of the appropriation contingency fund and expended only upon appropriation by the legislature and only for the purpose of implementing and maintaining educational reforms.

Chapter 114 Section 13 Laws 2004

Section 13. **TRANSFER AUTHORITY.**--If revenues and transfers to the general fund as of the end of fiscal year 2004 are not sufficient to meet appropriations, the governor, with state board of finance approval, may transfer at the end of that year the amount necessary to meet the year's obligation from the unencumbered balance remaining in the general fund operating reserve in a total not to exceed forty million dollars (\$40,000,000).

Chapter 114 Section 14 Laws 2004

Section 14. **SEVERABILITY.**--If any part or application of this act is held invalid, the remainder or its application to other situations or persons shall not be affected.

H AFC/House Bills 2, 3, 4, 5, 6, 8 and 177, aa, w/cc
Approved March 9, 2004

LAWS 2004, CHAPTER 115

AN ACT

RELATING TO HUMAN RIGHTS; CLARIFYING PROVISIONS REGARDING UNLAWFUL DISCRIMINATION BASED UPON SEXUAL ORIENTATION OR GENDER IDENTITY; AMENDING SECTIONS OF THE HUMAN RIGHTS ACT.

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

Chapter 115 Section 1 Laws 2004

Section 1. Section 28-1-7 NMSA 1978 (being Laws 1969, Chapter 196, Section 7, as amended) is amended to read:

"28-1-7. UNLAWFUL DISCRIMINATORY PRACTICE.--It is an unlawful discriminatory practice for:

A. an employer, unless based on a bona fide occupational qualification or other statutory prohibition, to refuse to hire, to discharge, to promote or demote or to discriminate in matters of compensation, terms, conditions or privileges of employment against any person otherwise qualified because of race, age, religion, color, national origin, ancestry, sex, physical or mental handicap or serious medical condition, or, if the employer has fifty or more employees, spousal affiliation; provided, however, that 29 U.S.C. Section 631(c)(1) and (2) shall apply to discrimination based on age; or, if the employer has fifteen or more employees, to discriminate against an employee based upon the employee's sexual orientation or gender identity;

B. a labor organization to exclude a person or to expel or otherwise discriminate against any of its members or against any employer or employee because of race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, spousal affiliation, physical or mental handicap or serious medical condition;

C. any employer, labor organization or joint apprenticeship committee to refuse to admit or employ any person in any program established to provide an apprenticeship or other training or retraining because of race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, physical or mental handicap or serious medical condition, or, if the employer has fifty or more employees, spousal affiliation;

D. any person, employer, employment agency or labor organization to print or circulate or cause to be printed or circulated any statement, advertisement or publication, to use any form of application for employment or membership or to make any inquiry regarding

prospective membership or employment that expresses, directly or indirectly, any limitation, specification or discrimination as to race, color, religion, national origin, ancestry, sex, sexual orientation, gender identity, physical or mental handicap or serious medical condition, or, if the employer has fifty or more employees, spousal affiliation, unless based on a bona fide occupational qualification;

E. an employment agency to refuse to list and properly classify for employment or refer a person for employment in a known available job, for which the person is otherwise qualified, because of race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, spousal affiliation, physical or mental handicap or serious medical condition, unless based on a bona fide occupational qualification, or to comply with a request from an employer for referral of applicants for employment if the request indicates either directly or indirectly that the employer discriminates in employment on the basis of race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, spousal affiliation, physical or mental handicap or serious medical condition, unless based on a bona fide occupational qualification;

F. any person in any public accommodation to make a distinction, directly or indirectly, in offering or refusing to offer its services, facilities, accommodations or goods to any person because of race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, spousal affiliation or physical or mental handicap, provided that the physical or mental handicap is unrelated to a person's ability to acquire or rent and maintain particular real property or housing accommodation;

G. any person to:

(1) refuse to sell, rent, assign, lease or sublease or offer for sale, rental, lease, assignment or sublease any housing accommodation or real property to any person or to refuse to negotiate for the sale, rental, lease, assignment or sublease of any housing accommodation or real property to any person because of race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, spousal affiliation or physical or mental handicap, provided that the physical or mental handicap is unrelated to a person's ability to acquire or rent and maintain particular real property or housing accommodation;

(2) discriminate against any person in the terms, conditions or privileges of the sale, rental, assignment, lease or sublease of any housing accommodation or real property or in the provision of facilities or services in connection therewith because of race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, spousal affiliation or physical or mental handicap, provided that the physical or mental handicap is unrelated to a person's ability to acquire or rent and maintain particular real property or housing accommodation; or

(3) print, circulate, display or mail or cause to be printed, circulated, displayed or mailed any statement, advertisement, publication or sign or use any form of application for the purchase, rental, lease, assignment or sublease of any housing accommodation or real property or to make any record or inquiry regarding the prospective purchase, rental, lease, assignment or sublease of any housing accommodation or real property that expresses any preference, limitation or discrimination as to race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, spousal affiliation or physical or mental

handicap, provided that the physical or mental handicap is unrelated to a person's ability to acquire or rent and maintain particular real property or housing accommodation;

H. any person to whom application is made either for financial assistance for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation or real property or for any type of consumer credit, including financial assistance for the acquisition of any consumer good as defined by Section 55-9-102 NMSA 1978, to:

(1) consider the race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, spousal affiliation or physical or mental handicap of any individual in the granting, withholding, extending, modifying or renewing or in the fixing of the rates, terms, conditions or provisions of any financial assistance or in the extension of services in connection with the request for financial assistance; or

(2) use any form of application for financial assistance or to make any record or inquiry in connection with applications for financial assistance that expresses, directly or indirectly, any limitation, specification or discrimination as to race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, spousal affiliation or physical or mental handicap;

I. any person or employer to:

(1) aid, abet, incite, compel or coerce the doing of any unlawful discriminatory practice or to attempt to do so;

(2) engage in any form of threats, reprisal or discrimination against any person who has opposed any unlawful discriminatory practice or has filed a complaint, testified or participated in any proceeding under the Human Rights Act; or

(3) willfully obstruct or prevent any person from complying with the provisions of the Human Rights Act or to resist, prevent, impede or interfere with the commission or any of its members, staff or representatives in the performance of their duties under the Human Rights Act; or

J. any employer to refuse or fail to accommodate a person's physical or mental handicap or serious medical condition, unless such accommodation is unreasonable or an undue hardship."

Chapter 115 Section 2 Laws 2004

Section 2. Section 28-1-9 NMSA 1978 (being Laws 1969, Chapter 196, Section 8, as amended) is amended to read:

"28-1-9. EXEMPTIONS.--Nothing contained in the Human Rights Act shall:

A. apply to any single-family dwelling sold, leased, subleased or rented by an owner without the making of any notice, statement or advertisement with respect to the sale, lease, sublease or rental of a dwelling unit that indicates any preference, limitation or

discrimination based on race, color, religion, national origin, ancestry, sex, sexual orientation or gender identity. This exemption is subject to these further reservations:

(1) to qualify for the exemption, the seller must not be an owner of or own or have reserved any interest in more than three single-family dwellings; and

(2) if the seller does not currently live in the dwelling or he was not the most recent occupant, the exemption granted in this section shall only apply to one sale in twenty-four months;

B. bar any religious or denominational institution or organization that is operated, supervised or controlled by or that is operated in connection with a religious or denominational organization from limiting admission to or giving preference to persons of the same religion or denomination or from making selections of buyers, lessees or tenants as are calculated by the organization or denomination to promote the religious or denominational principles for which it is established or maintained, unless membership in the religious or denominational organization is restricted on account of race, color, national origin or ancestry;

C. bar any religious or denominational institution or organization that is operated, supervised or controlled by or that is operated in connection with a religious or denominational organization from imposing discriminatory employment or renting practices that are based upon sexual orientation or gender identity; provided, that the provisions of the Human Rights Act with respect to sexual orientation and gender identity shall apply to any other:

(1) for-profit activities of a religious or denominational institution or religious organization subject to the provisions of Section 511(a) of the Internal Revenue Code of 1986, as amended; or

(2) nonprofit activities of a religious or denominational institution or religious organization subject to the provisions of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended;

D. apply to rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of the living quarters as his residence;

E. apply to public restrooms, public showers, public dressing facilities or sleeping quarters in public institutions, where the preference or limitation is based on sex; and

F. prevent the mandatory retirement of an employee upon reaching the age of sixty-five years or older, if the employer is operating under a retirement plan that meets the requirements of Public Law 93-406, the Employee Retirement Income Security Act of 1974."

Chapter 115 Section 3 Laws 2004

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2004.

HJC/House Bill 277, aa
Approved March 10, 2004

LAWS 2004, CHAPTER 116

AN ACT

RELATING TO TAXATION; REMOVING GROSS RECEIPTS TAX FROM FOOD AND CERTAIN HEALTH CARE SERVICES; CREATING NEW DISTRIBUTIONS TO CITIES AND COUNTIES; MODIFYING THE COUNTY EQUALIZATION DISTRIBUTION; REPEALING THE MUNICIPAL CREDIT; PROVIDING A PENALTY.

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

Chapter 116 Section 1 Laws 2004

Section 1. A new section of the Tax Administration Act is enacted to read:

"DISTRIBUTION TO MUNICIPALITIES--OFFSET FOR FOOD DEDUCTION AND HEALTH CARE PRACTITIONER SERVICES DEDUCTION.--

A. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to a municipality in an amount, subject to any increase or decrease made pursuant to Section 7-1-6.15 NMSA 1978, equal to the sum of:

(1) the total deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the month by taxpayers from business locations attributable to the municipality multiplied by the sum of the combined rate of all municipal local option gross receipts taxes in effect in the municipality for the month plus one and two hundred twenty-five thousandths percent; and

(2) the total deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the month by taxpayers from business locations attributable to the municipality multiplied by the sum of the combined rate of all municipal local option gross receipts taxes in effect in the municipality for the month plus one and two hundred twenty-five thousandths percent.

B. The distribution pursuant to Subsection A of this section is in lieu of revenue that would have been received by the municipality but for the deductions provided by Sections 7-9-92 and 7-9-93 NMSA 1978. The distribution shall be considered gross receipts tax revenue and shall be used by the municipality in the same manner as gross receipts tax revenue, including payment of gross receipts tax revenue bonds.

C. For the purposes of this section, "business locations attributable to the municipality" means business locations:

(1) within the municipality;

(2) on land owned by the state, commonly known as the "state fairgrounds", within the exterior boundaries of the municipality;

(3) outside the boundaries of the municipality on land owned by the municipality; and

(4) on an Indian reservation or pueblo grant in an area that is contiguous to the municipality and in which the municipality performs services pursuant to a contract between the municipality and the Indian tribe or Indian pueblo if:

(a) the contract describes an area in which the municipality is required to perform services and requires the municipality to perform services that are substantially the same as the services the municipality performs for itself; and

(b) the governing body of the municipality has submitted a copy of the contract to the secretary."

Chapter 116 Section 2 Laws 2004

Section 2. A new section of the Tax Administration Act is enacted to read:

"DISTRIBUTION TO COUNTIES--OFFSET FOR FOOD DEDUCTION AND HEALTH CARE PRACTITIONER SERVICES DEDUCTION.--

A. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to a county in an amount, subject to any increase or decrease made pursuant to Section 7-1-6.15 NMSA 1978, equal to the sum of:

(1) the total deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the month by taxpayers from business locations within a municipality in the county multiplied by the combined rate of all county local option gross receipts taxes in effect for the month that are imposed throughout the county;

(2) the total deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the month by taxpayers from business locations in the county but not within a municipality multiplied by the combined rate of all county local option gross receipts taxes in effect for the month that are imposed in the county area not within a municipality;

(3) the total deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the month by taxpayers from business locations within a municipality in the county multiplied by the combined rate of all county local option gross receipts taxes in effect for the month that are imposed throughout the county; and

(4) the total deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the month by taxpayers from business locations in the county but not within a municipality multiplied by the combined rate of all county local option gross receipts taxes in effect for the month that are imposed in the county area not within a municipality.

B. The distribution pursuant to Subsection A of this section is in lieu of revenue that would have been received by the county but for the deductions provided by Sections 7-9-92 and 7-9-93 NMSA 1978. The distribution shall be considered gross receipts tax revenue and

shall be used by the county in the same manner as gross receipts tax revenue, including payment of gross receipts tax revenue bonds."

Chapter 116 Section 3 Laws 2004

Section 3. A new section of the Tax Administration Act is enacted to read:

"PENALTY FOR INCORRECT REPORTING OF FOOD DEDUCTION OR HEALTH CARE PRACTITIONER SERVICES DEDUCTION.--A taxpayer who claims a deduction pursuant to Section 7-9-92 or 7-9-93 NMSA 1978 and fails to correctly report the amount of the deduction to which the taxpayer is entitled shall pay a penalty in the amount of the difference between the incorrect deduction amount and the correct deduction amount multiplied by twice the total local option tax rates in effect at the taxpayer's business location for which the deduction was claimed. This penalty shall be in addition to other applicable penalties."

Chapter 116 Section 4 Laws 2004

Section 4. Section 7-1-6.16 NMSA 1978 (being Laws 1983, Chapter 213, Section 27, as amended) is amended to read:

"7-1-6.16. COUNTY EQUALIZATION DISTRIBUTION.--

A. Beginning on September 15, 1989 and on September 15 of each year thereafter, the department shall distribute to any county that has imposed or continued in effect during the state's preceding fiscal year a county gross receipts tax pursuant to Section 7-20E-9 NMSA 1978 an amount equal to:

(1) the product of a fraction, the numerator of which is the county's population and the denominator of which is the state's population, multiplied by the annual sum for the county; less

(2) the net receipts received by the department during the report year, including any increase or decrease made pursuant to Section 7-1-6.15 NMSA 1978, attributable to the county gross receipts tax at a rate of one-eighth percent; provided that for any month in the report year, if no county gross receipts tax was in effect in the county in the previous month, the net receipts, for the purposes of this section, for that county for that month shall be zero.

B. If the amount determined by the calculation in Subsection A of this section is zero or a negative number for a county, no distribution shall be made to that county.

C. As used in this section:

(1) "annual sum" means for each county the sum of the monthly amounts for those months in the report year that follow a month in which the county had in effect a county gross receipts tax;

(2) "monthly amount" means an amount equal to the product of:

(a) the net receipts received by the department in the month attributable to the state gross receipts tax plus five percent of the total amount of deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the month plus five percent of the total amount of deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the month; and

(b) a fraction, the numerator of which is one-eighth percent and the denominator of which is the tax rate imposed by Section 7-9-4 NMSA 1978 in effect on the last day of the previous month;

(3) "population" means the most recent official census or estimate determined by the United States census bureau for the unit or, if neither is available, the most current estimated population for the unit provided in writing by the bureau of business and economic research at the university of New Mexico; and

(4) "report year" means the twelve-month period ending on the July 31 immediately preceding the date upon which a distribution pursuant to this section is required to be made."

Chapter 116 Section 5 Laws 2004

Section 5. A new section of the Gross Receipts and Compensating Tax Act, Section 7-9-92 NMSA 1978, is enacted to read:

"7-9-92. DEDUCTION--GROSS RECEIPTS--SALE OF FOOD AT RETAIL FOOD STORE.--

A. Receipts from the sale of food at a retail food store that are not exempt from gross receipts taxation and are not deductible pursuant to another provision of the Gross Receipts and Compensating Tax Act may be deducted from gross receipts. The deduction provided by this section shall be separately stated by the taxpayer.

B. For the purposes of this section:

(1) "food" means any food or food product for home consumption that meets the definition of food in 7 USCA 2012(g)(1) for purposes of the federal food stamp program; and

(2) "retail food store" means an establishment that sells food for home preparation and consumption and that meets the definition of retail food store in 7 USCA 2012(k)(1) for purposes of the federal food stamp program, whether or not the establishment participates in the food stamp program."

Chapter 116 Section 6 Laws 2004

Section 6. A new section of the Gross Receipts and Compensating Tax Act, Section 7-9-93 NMSA 1978, is enacted to read:

"7-9-93. DEDUCTION--GROSS RECEIPTS--CERTAIN RECEIPTS FOR SERVICES PROVIDED BY HEALTH CARE PRACTITIONER.--

A. Receipts from payments by a managed health care provider or health care insurer for commercial contract services or medicare part C services provided by a health care practitioner that are not otherwise deductible pursuant to another provision of the Gross Receipts and Compensating Tax Act may be deducted from gross receipts, provided that the services are within the scope of practice of the person providing the service. Receipts from fee-for-service payments by a health care insurer may not be deducted from gross receipts. The deduction provided by this section shall be separately stated by the taxpayer.

B. For the purposes of this section:

(1) "commercial contract services" means health care services performed by a health care practitioner pursuant to a contract with a managed health care provider or health care insurer other than those health care services provided for medicare patients pursuant to Title 18 of the federal Social Security Act or for medicaid patients pursuant to Title 19 or Title 21 of the federal Social Security Act;

(2) "health care insurer" means a person that:

(a) has a valid certificate of authority in good standing pursuant to the New Mexico Insurance Code to act as an insurer, health maintenance organization or nonprofit health care plan or prepaid dental plan; and

(b) contracts to reimburse licensed health care practitioners for providing basic health services to enrollees at negotiated fee rates;

(3) "health care practitioner" means:

(a) a chiropractic physician licensed pursuant to the provisions of the Chiropractic Physician Practice Act;

(b) a dentist or dental hygienist licensed pursuant to the Dental Health Care Act;

(c) a doctor of oriental medicine licensed pursuant to the provisions of the Acupuncture and Oriental Medicine Practice Act;

(d) an optometrist licensed pursuant to the provisions of the Optometry Act;

(e) an osteopathic physician licensed pursuant to the provisions of Chapter 61, Article 10 NMSA 1978 or an osteopathic physician's assistant licensed pursuant to the provisions of the Osteopathic Physicians' Assistants Act;

(f) a physical therapist licensed pursuant to the provisions of the Physical Therapy Act;

(g) a physician or physician assistant licensed pursuant to the provisions of Chapter 61, Article 6 NMSA 1978;

(h) a podiatrist licensed pursuant to the provisions of the Podiatry Act;

(i) a psychologist licensed pursuant to the provisions of the Professional Psychologist Act;

(j) a registered lay midwife registered by the department of health;

(k) a registered nurse or licensed practical nurse licensed pursuant to the provisions of the Nursing Practice Act;

(l) a registered occupational therapist licensed pursuant to the provisions of the Occupational Therapy Act;

(m) a respiratory care practitioner licensed pursuant to the provisions of the Respiratory Care Act; and

(n) a speech-language pathologist or audiologist licensed pursuant to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act;

(4) "managed health care provider" means a person that provides for the delivery of comprehensive basic health care services and medically necessary services to individuals enrolled in a plan through its own employed health care providers or by contracting with selected or participating health care providers. "Managed health care provider" includes only those persons that provide comprehensive basic health care services to enrollees on a contract basis, including the following:

(a) health maintenance organizations;

(b) preferred provider organizations;

(c) individual practice associations;

(d) competitive medical plans;

(e) exclusive provider organizations;

(f) integrated delivery systems;

(g) independent physician-provider organizations;

(h) physician hospital-provider organizations; and

(i) managed care services organizations; and

(5) "medicare part C services" means services performed pursuant to a contract with a managed health care provider for medicare patients pursuant to Title 18 of the federal Social Security Act."

Chapter 116 Section 7 Laws 2004

Section 7. REPEAL.--Section 7-9-82 NMSA 1978 (being Laws 1986, Chapter 20, Section 68, as amended) is repealed.

Chapter 116 Section 8 Laws 2004

Section 8. EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2005.

HFL/SFL/House Bill 625
Approved March 10, 2004

LAWS 2004, CHAPTER 117

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 HIGHER EDUCATIONAL CAPITAL IMPROVEMENTS AND ACQUISITIONS, FOR PUBLIC AND ACADEMIC LIBRARY ACQUISITIONS, FOR KINDERGARTEN CLASSROOM CONSTRUCTION AND RENOVATIONS AND FOR OTHER STATE CAPITAL EXPENDITURES; 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 2004 GENERAL ELECTION OF THE STATE; AMENDING A SECTION OF THE PROJECTS GENERAL BOND ACT PERTAINING TO THE REVERSION OF BOND PROCEEDS; DECLARING AN EMERGENCY.

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

Chapter 117 Section 1 Laws 2004

Section 1. SHORT TITLE.--Sections 1 through 14 of this act may be cited as the "2004 Capital Projects General Obligation Bond Act".

Chapter 117 Section 2 Laws 2004

Section 2. PURPOSE.--For the purpose of providing funds for capital expenditures as authorized in the 2004 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 117 Section 3 Laws 2004

Section 3. BOND TERMS.--

A. The state board of finance, except as limited by the 2004 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 2004 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 2004 Capital Projects General Obligation Bond Act.

Chapter 117 Section 4 Laws 2004

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 2004 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 117 Section 5 Laws 2004

Section 5. SALE.--The bonds authorized under the 2004 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 117 Section 6 Laws 2004

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 117 Section 7 Laws 2004

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 2004 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 117 Section 8 Laws 2004

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 2004 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 117 Section 9 Laws 2004

Section 9. IRREPEALABLE CONTRACT--AUTHORITY FOR ISSUANCE.--An owner of bonds issued pursuant to the provisions of the 2004 Capital Projects General Obligation Bond Act may, either at law or in equity, by suit, action or mandamus, enforce and compel the performance of the duties required by that act of any officer or entity mentioned in that act. The provisions of that act constitute an irrevocable contract with the owners of any of the bonds issued pursuant to that act for the faithful performance of which the full faith and credit of the state is pledged. Without reference to any other act of the legislature, the 2004 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 117 Section 10 Laws 2004

Section 10. PROJECTS.--The proceeds from the sale of bonds issued under the provisions of the 2004 Capital Projects General Obligation Bond Act shall be distributed as follows for the purposes and in the amounts specified:

A. for senior citizen facility improvements and construction, to the state agency on aging:

(1) forty-three thousand dollars (\$43,000) to make improvements to Los Volcanes senior center in Bernalillo county;

(2) sixty thousand dollars (\$60,000) to make improvements to the Barelas senior center in Bernalillo county;

(3) one hundred fifty thousand dollars (\$150,000) to make improvements to the county building for the New Mexico senior citizens olympic program in Chaves county;

(4) one hundred thousand dollars (\$100,000) to make improvements to the Pueblo of Acoma senior center in Cibola county;

(5) fifty-two thousand dollars (\$52,000) to make improvements to the Melrose senior center in Curry county;

(6) seventy-five thousand dollars (\$75,000) to make improvements to the Baxter-Curran senior centers in the Alice Converse complex in Clovis in Curry county;

(7) two hundred twenty thousand dollars (\$220,000) to make improvements to the Old Mesilla community senior center in Dona Ana county;

(8) one hundred thousand dollars (\$100,000) for improvements to the old Santa Clara senior center in Grant county;

(9) one hundred forty thousand dollars (\$140,000) to make improvements to La Loma senior center in Guadalupe county;

(10) ninety thousand dollars (\$90,000) to renovate the Lovington senior center in Lea county;

(11) one hundred forty thousand dollars (\$140,000) to make improvements to the Hobbs senior center in Lea county;

(12) seventy thousand dollars (\$70,000) to make improvements to the Ojo Encino chapter senior center of the Navajo Nation in McKinley county;

(13) ninety-five thousand dollars (\$95,000) to make improvements to the Crownpoint senior center of the Navajo Nation in McKinley county;

(14) one hundred fifty thousand dollars (\$150,000) to make improvements to the senior center in Chama in Rio Arriba county;

(15) three hundred eighty thousand dollars (\$380,000) to complete construction of the Pueblo of Santa Clara senior center in Rio Arriba county;

(16) two hundred thousand dollars (\$200,000) to complete the adult daycare center in Rio Arriba county;

(17) eighty-three thousand six hundred ninety-three dollars (\$83,693) to make improvements to the Rio Arriba county senior centers in Rio Arriba county;

(18) five hundred sixty-two thousand dollars (\$562,000) to make improvements to or construct a senior center in Pecos in San Miguel county;

(19) seventy-five thousand dollars (\$75,000) to make improvements to the Pueblo of Santa Ana senior center in Sandoval county;

(20) fifty-one thousand six hundred dollars (\$51,600) to make improvements to the Bernalillo senior center in Sandoval county;

(21) one hundred twenty-five thousand dollars (\$125,000) to make improvements to the Pasatiempo senior center in Santa Fe county;

(22) two hundred twenty-five thousand dollars (\$225,000) to make improvements to El Rancho senior center in Santa Fe county;

(23) ninety thousand dollars (\$90,000) to make improvements to the Santa Fe MEG senior center for the meals on wheels program in Santa Fe county;

(24) five hundred thousand dollars (\$500,000) to complete construction of the Magdalena senior center in Socorro county;

(25) one hundred seventy-five thousand three hundred seventy-seven dollars (\$175,377) to make improvements to comply with the Americans with Disabilities Act of 1990 to the Pueblo of Picuris senior center in Taos county;

(26) six thousand seven hundred dollars (\$6,700) to make improvements to the Pueblo of Isleta senior center in Bernalillo county;

(27) forty thousand dollars (\$40,000) to make improvements at the North Valley senior center in Bernalillo county;

(28) eleven thousand six hundred three dollars (\$11,603) to purchase meals equipment for the Joy senior centers in Chaves county;

(29) ten thousand three hundred ninety dollars (\$10,390) to purchase equipment for the Pueblo of Acoma senior center in Cibola county;

(30) eight thousand six hundred dollars (\$8,600) to purchase equipment for the Pueblo of Acoma senior center in Cibola county;

(31) thirteen thousand two hundred sixty dollars (\$13,260) to purchase meals equipment for the Grants senior center in Cibola county;

(32) ten thousand dollars (\$10,000) to make improvements to the Maxwell senior center in Colfax county;

(33) twenty-five thousand dollars (\$25,000) to purchase meals equipment for the Clovis senior center in Curry county;

(34) three thousand five hundred dollars (\$3,500) to purchase meals equipment for the Grady senior center in Curry county;

(35) twenty-five thousand dollars (\$25,000) to make improvements to the Anthony senior center in Dona Ana county;

(36) five thousand five hundred dollars (\$5,500) to purchase equipment for the Artesia senior center in Eddy county;

(37) four thousand seven hundred fifty dollars (\$4,750) to purchase meals equipment for the Puerto de Luna senior center in Guadalupe county;

(38) twenty-seven thousand dollars (\$27,000) to make improvements to the Santa Rosa senior center in Guadalupe county;

(39) fifteen thousand two hundred fifty dollars (\$15,250) to make improvements to the Puerto de Luna senior center in Guadalupe county;

(40) five thousand seven hundred fifty-three dollars (\$5,753) to purchase equipment for the Lordsburg and Hidalgo-Ena Mitchell senior center in Hidalgo county;

(41) six thousand two hundred fifty dollars (\$6,250) to make improvements to the Tatum senior center in Lea county;

(42) four thousand dollars (\$4,000) to make improvements to the Eunice senior center in Lea county;

(43) three thousand four hundred five dollars (\$3,405) to purchase meals equipment for the Woolworth senior center in Lea county;

(44) three thousand one hundred dollars (\$3,100) to purchase meals equipment for the Lovington senior center in Lea county;

(45) thirty thousand dollars (\$30,000) to make improvements to the Ruidoso Downs senior center in Lincoln county;

(46) fifteen thousand nine hundred ten dollars (\$15,910) to purchase meals equipment for the Ruidoso Downs senior center in Lincoln county;

(47) two thousand three hundred three dollars (\$2,303) to purchase meals equipment for the Deming and Luna senior center in Luna county;

(48) nine thousand five hundred dollars (\$9,500) to make improvements to the Baca chapter senior center of the Navajo Nation in McKinley county;

(49) forty-five thousand dollars (\$45,000) to make improvements to the Casamero Lake chapter senior center of the Navajo Nation in McKinley county;

(50) two thousand five hundred dollars (\$2,500) to purchase equipment for the Gallup senior center in McKinley county;

(51) four thousand six hundred dollars (\$4,600) to purchase equipment for the Ramah and Thoreau senior centers in McKinley county;

(52) eighteen thousand dollars (\$18,000) to purchase meals equipment for the Gallup senior center in McKinley county;

(53) eleven thousand five hundred seventy-four dollars (\$11,574) to purchase meals equipment for the Ramah and Thoreau senior centers in McKinley county;

(54) one thousand dollars (\$1,000) to purchase meals equipment for the Prewitt senior center of the Navajo Nation in McKinley county;

(55) two thousand five hundred twenty-four dollars (\$2,524) to make improvements to the Mescalero senior center in Otero county;

(56) ten thousand dollars (\$10,000) to make improvements to the Pueblo of San Juan senior center in Rio Arriba county;

(57) five thousand dollars (\$5,000) to make improvements to the Pueblo of Santa Clara senior center in Rio Arriba county;

(58) nineteen thousand dollars (\$19,000) to purchase equipment for the Rio Arriba county senior centers in Rio Arriba county;

(59) twenty-nine thousand dollars (\$29,000) to purchase meals equipment for the senior centers in Rio Arriba county;

(60) one thousand dollars (\$1,000) to purchase meals equipment for the Pueblo of San Juan senior center in Rio Arriba county;

(61) fourteen thousand five hundred seventy-nine dollars (\$14,579) to make improvements to the Portales senior center in Roosevelt county;

(62) two thousand eight hundred eighty dollars (\$2,880) to purchase equipment for the meal site in Roosevelt county;

(63) two thousand five hundred dollars (\$2,500) to purchase meals equipment for the Congregate meal site in Roosevelt county;

(64) two thousand sixty dollars (\$2,060) to purchase meals equipment for the Pueblo of San Felipe senior center in Sandoval county;

(65) two thousand five hundred dollars (\$2,500) to purchase meals equipment for the Pueblo of Cochiti senior center in Sandoval county;

(66) five thousand dollars (\$5,000) to make improvements to the Pueblo of Jemez senior center in Sandoval county;

(67) twenty thousand dollars (\$20,000) to make improvements to the Jemez senior center in Sandoval county;

(68) one hundred two thousand dollars (\$102,000) to make improvements to the Pueblo of Cochiti senior center in Sandoval county;

(69) four thousand dollars (\$4,000) to make improvements to the Cuba senior center in Sandoval county;

(70) ten thousand four hundred ninety-nine dollars (\$10,499) to purchase equipment for the Pueblo of San Felipe senior center in Sandoval county;

(71) five thousand five hundred dollars (\$5,500) to purchase meals equipment for the Bloomfield senior center in San Juan county;

(72) six thousand seven hundred forty-five dollars (\$6,745) to purchase meals equipment for the Blanco senior center in San Juan county;

(73) twenty-one thousand three hundred eighteen dollars (\$21,318) to make improvements to the Bonnie Dallas senior center in San Juan county;

(74) two thousand one hundred dollars (\$2,100) to make improvements to the countywide senior centers in San Juan county;

(75) sixteen thousand three hundred seven dollars (\$16,307) to make improvements to the Bloomfield senior center in San Juan county;

(76) twelve thousand four hundred dollars (\$12,400) to make improvements to the Aztec senior center in San Juan county;

(77) twenty thousand dollars (\$20,000) to make improvements to senior centers in Mora and San Miguel counties;

(78) nine thousand one hundred ten dollars (\$9,110) to purchase meals equipment for senior centers in Mora and San Miguel counties;

(79) thirty thousand dollars (\$30,000) to make improvements to the Pueblo of Nambe senior center in Santa Fe county;

(80) thirty-two thousand nine hundred fifty dollars (\$32,950) to purchase equipment for the Pueblo of San Ildefonso senior center in Santa Fe county;

(81) nineteen thousand forty dollars (\$19,040) to purchase equipment for the senior centers in Santa Fe in Santa Fe county;

(82) fifty-nine thousand four hundred dollars (\$59,400) to purchase meals equipment for the senior centers in Santa Fe in Santa Fe county;

(83) two thousand dollars (\$2,000) to purchase meals equipment for the Pueblo of Nambe senior center in Santa Fe county;

(84) eighteen thousand dollars (\$18,000) to purchase meals equipment for the Pueblo of San Ildefonso senior center in Santa Fe county;

(85) twenty-five thousand five hundred four dollars (\$25,504) to make improvements to the Socorro senior center in Socorro county;

(86) nineteen thousand four hundred thirty-seven dollars (\$19,437) to make improvements to senior centers in Taos county;

(87) seventeen thousand six hundred dollars (\$17,600) to purchase meals equipment for senior centers in Valencia county;

(88) thirty-five thousand dollars (\$35,000) to purchase equipment for the area agency on aging planning service areas 2 and 4 in multiple counties;

(89) one million dollars (\$1,000,000) to purchase information technology and infrastructure for senior centers statewide;

(90) seven thousand dollars (\$7,000) to purchase meals equipment for senior centers in Union county;

(91) fifty thousand dollars (\$50,000) to make improvements to the Pueblo of Picuris senior center in Taos county; and

(92) one thousand seven hundred thirty dollars (\$1,730) for meals equipment at the Eunice senior center in Lea county;

B. for higher education capital improvements and acquisitions, to the commission on higher education:

(1) four million four hundred ten thousand dollars (\$4,410,000) for information technology and infrastructure at institutions of higher learning and constitutional special schools statewide;

(2) two million three hundred thousand dollars (\$2,300,000) for phase 2 upgrades of public television digital equipment to meet federal communications commission mandates for KNME's digital channel;

(3) one million seven hundred eighty-nine thousand five hundred forty-eight dollars (\$1,789,548) for health and safety improvements to comply with the Americans with Disabilities Act of 1990 at institutions of higher learning and constitutional special schools statewide;

(4) seven million dollars (\$7,000,000) to plan, design, construct and equip the westside classroom addition at Albuquerque technical-vocational institute in Bernalillo county;

(5) four hundred forty thousand dollars (\$440,000) for electrical distribution and deferred maintenance upgrades at Albuquerque technical-vocational institute in Bernalillo county;

(6) five hundred thousand dollars (\$500,000) to plan, design, construct and equip a classroom addition at Clovis community college in Curry county;

(7) one hundred fifty thousand dollars (\$150,000) for infrastructure renovation and expansion at Clovis community college in Curry county;

(8) one hundred seventy-five thousand dollars (\$175,000) for infrastructure renovation and expansion at eastern New Mexico university's Roswell campus in Chaves county;

(9) three million dollars (\$3,000,000) to plan, design, construct and equip the health sciences center at eastern New Mexico university's Roswell campus in Chaves county;

(10) one hundred thousand dollars (\$100,000) for infrastructure improvements at eastern New Mexico university's Ruidoso campus in Lincoln county;

(11) seven hundred fifty thousand dollars (\$750,000) to plan, design and construct phase 1 of the instruction center expansion at eastern New Mexico university's Ruidoso campus in Lincoln county;

(12) seven hundred thousand dollars (\$700,000) to plan, design, construct and equip a science building at eastern New Mexico university in Portales in Roosevelt county;

(13) five hundred thousand dollars (\$500,000) for upgrading campus infrastructure and addressing deferred maintenance needs at eastern New Mexico university in Portales in Roosevelt county;

(14) six million three hundred thousand dollars (\$6,300,000) to plan, design, construct and equip a science education facility at the eastern New Mexico university campus in Roosevelt county;

(15) two hundred thirty thousand dollars (\$230,000) for infrastructure improvements for the electrical distribution and energy management systems at Luna vocational-technical institute in Las Vegas in San Miguel county;

(16) one million dollars (\$1,000,000) to plan, design, construct and equip the renovation of the business occupations building at Luna vocational-technical institute in Las Vegas in San Miguel county;

(17) eighty-eight thousand dollars (\$88,000) for infrastructure renovation and improvements at Mesalands community college in Tucumcari in Quay county;

(18) six hundred thousand dollars (\$600,000) to plan, design and construct phase 2 of a building addition at Mesalands community college in Tucumcari in Quay county;

(19) three million dollars (\$3,000,000) to plan, design, construct, equip and furnish the renovation of the old science building and annex at New Mexico highlands university in Las Vegas in San Miguel county;

(20) four hundred thousand dollars (\$400,000) for infrastructure renovation and expansion at New Mexico highlands university in Las Vegas in San Miguel county;

(21) two million five hundred thousand dollars (\$2,500,000) to plan, design and construct improvements to the dormitories at New Mexico highlands university in Las Vegas in San Miguel county;

(22) three million five hundred thousand dollars (\$3,500,000) to renovate Kelly and Jones halls at New Mexico institute of mining and technology in Socorro in Socorro county;

(23) seven hundred fifty thousand dollars (\$750,000) for infrastructure renovation and expansion at New Mexico institute of mining and technology in Socorro in Socorro county;

(24) one hundred forty thousand dollars (\$140,000) for infrastructure improvements at New Mexico junior college in Hobbs in Lea county;

(25) three million one hundred thousand dollars (\$3,100,000) to plan, design, construct and equip the workforce instructional training center at New Mexico junior college in Hobbs in Lea county;

(26) one million dollars (\$1,000,000) for the cowboy hall of fame at New Mexico junior college in Hobbs in Lea county;

(27) four hundred fifty thousand dollars (\$450,000) for infrastructure renovation and expansion at New Mexico military institute in Roswell in Chaves county;

(28) one million three hundred thousand dollars (\$1,300,000) to plan, design, construct and equip the renovation of McClure hall at New Mexico military institute in Roswell in Chaves county;

(29) one hundred ninety thousand dollars (\$190,000) for health, safety and accessibility improvements at New Mexico school for the deaf in Santa Fe in Santa Fe county;

(30) six million dollars (\$6,000,000) to renovate Hester hall at New Mexico school for the deaf in Santa Fe in Santa Fe county;

(31) one hundred seventy-five thousand dollars (\$175,000) for infrastructure renovation and expansion at New Mexico state university's Grants campus in Cibola county;

(32) two million dollars (\$2,000,000) for infrastructure renovation and expansion at New Mexico state university in Las Cruces in Dona Ana county;

(33) three million five hundred thousand dollars (\$3,500,000) to plan, design, construct and equip phase 3 of the East Mesa center at New Mexico state university's Dona Ana campus in Las Cruces in Dona Ana county;

(34) nine million five hundred thousand dollars (\$9,500,000) to renovate and expand O'Donnell hall at New Mexico state university in Las Cruces in Dona Ana county;

(35) two hundred twenty-five thousand dollars (\$225,000) for infrastructure renovation and expansion at New Mexico state university's Dona Ana community college's central campus in Dona Ana county;

(36) eighty thousand dollars (\$80,000) for infrastructure renovation and expansion at New Mexico state university's Carlsbad campus in Eddy county;

(37) two hundred eighty thousand dollars (\$280,000) for infrastructure renovation and expansion at New Mexico state university's Alamogordo campus in Otero county;

(38) two hundred forty thousand dollars (\$240,000) for health, safety and accessibility improvements at the New Mexico school for the visually handicapped in Alamogordo in Otero county;

(39) six hundred thousand dollars (\$600,000) to plan, design, construct and equip the automotive technology building at northern New Mexico state school in Espanola in Rio Arriba county;

(40) two hundred sixty thousand dollars (\$260,000) for infrastructure renovation and site improvements at northern New Mexico state school in Espanola in Rio Arriba county;

(41) three hundred twenty thousand dollars (\$320,000) for infrastructure and health and safety improvements at Santa Fe community college in Santa Fe county;

(42) two million dollars (\$2,000,000) to plan, design, construct and equip the renovation of the trades and technology facilities at San Juan college in Farmington in San Juan county;

(43) three hundred fifty thousand dollars (\$350,000) for infrastructure upgrades and site improvements at San Juan college in Farmington in San Juan county;

(44) two million dollars (\$2,000,000) for patient care equipment at the health sciences center at the university of New Mexico in Albuquerque in Bernalillo county;

(45) three million dollars (\$3,000,000) for core building renovation of existing facilities at the university of New Mexico in Albuquerque in Bernalillo county;

(46) eight million dollars (\$8,000,000) to plan, design, construct and equip the health sciences center anatomy laboratories at the university of New Mexico in Albuquerque in Bernalillo county;

(47) four million dollars (\$4,000,000) to plan, design, construct and equip the centennial engineering center at the university of New Mexico in Albuquerque in Bernalillo county;

(48) two hundred thousand dollars (\$200,000) to install equipment for a clean room at the university of New Mexico in Albuquerque in Bernalillo county;

(49) eighty-five thousand dollars (\$85,000) for infrastructure renovation and expansion at the university of New Mexico's Los Alamos branch in Los Alamos county;

(50) three hundred fifty thousand dollars (\$350,000) to plan, design, construct and equip a maintenance plant operations building at the university of New Mexico's Los Alamos campus in Los Alamos county;

(51) one million dollars (\$1,000,000) to plan, design, construct and equip the expansion of the health career center at the university of New Mexico's Gallup campus in McKinley county;

(52) two hundred sixty thousand dollars (\$260,000) for infrastructure improvements at the university of New Mexico's Gallup branch in McKinley county;

(53) one million five hundred thousand dollars (\$1,500,000) to plan, design, construct and equip phase 4 of the education center, library, student center and trades facility at the university of New Mexico's Taos campus in Taos county;

(54) fifty thousand dollars (\$50,000) for infrastructure improvements at the university of New Mexico's Valencia campus in Los Lunas in Valencia county;

(55) five hundred thousand dollars (\$500,000) to plan, design, construct and equip the expansion of the vocational facility at the university of New Mexico's Valencia campus in Los Lunas in Valencia county;

(56) four hundred ninety thousand dollars (\$490,000) for infrastructure renovation and expansion at western New Mexico university in Silver City in Grant county; and

(57) one million two hundred fifty thousand dollars (\$1,250,000) to plan, design, construct and equip a classroom addition to Harlan hall at western New Mexico university in Silver City in Grant county;

C. for library acquisitions:

(1) to the commission on higher education, three million eight hundred eighty-eight thousand dollars (\$3,888,000) for supplemental library resource acquisitions for state academic libraries statewide;

(2) to the office of cultural affairs:

(a) five million eight hundred thirty-two thousand dollars (\$5,832,000) for supplemental library resource acquisitions, including books, equipment and resources, for public libraries statewide; and

(b) three hundred twenty-four thousand dollars (\$324,000) to acquire library books, equipment and library materials for the state library and the Angelico Chavez history library; and

(3) to the public education department, six million one hundred fifty-six thousand dollars (\$6,156,000) to acquire supplemental library books, equipment and library resources for public school and juvenile detention libraries statewide; and

D. for full-day kindergarten projects, to the public education department:

(1) two million two hundred seventy-seven thousand four hundred dollars (\$2,277,400) for ~~[the construction of portable]~~ classrooms ~~[and classroom renovations]~~ for full-day kindergarten in the Albuquerque public school district in Bernalillo county;[*LINE-ITEM VETO*]

(2) fifty-seven thousand eight hundred twenty dollars (\$57,820) to construct a ~~[portable]~~ classroom for full-day kindergarten in the Reserve independent school district in Catron county;[*LINE-ITEM VETO*]

(3) fifty-seven thousand eight hundred twenty dollars (\$57,820) to construct a ~~[portable]~~ classroom for full-day kindergarten in the Maxwell municipal school district in Colfax county;[*LINE-ITEM VETO*]

(4) fifty-seven thousand eight hundred twenty dollars (\$57,820) to construct a ~~[portable]~~ classroom for full-day kindergarten in the Texico municipal school district in Curry county;[*LINE-ITEM VETO*]

(5) ninety-three thousand nine hundred eighty dollars (\$93,980) to construct ~~[portable]~~ classrooms for full-day kindergarten in the Clovis municipal school district in Curry county;[*LINE-ITEM VETO*]

(6) fifty-seven thousand eight hundred twenty dollars (\$57,820) to construct a ~~[portable]~~ classroom for full-day kindergarten in the Fort Sumner municipal school district in De Baca county;[*LINE-ITEM VETO*]

(7) one hundred seventy-four thousand six hundred forty dollars (\$174,640) to construct [~~portable~~] classrooms for full-day kindergarten in the Gadsden independent school district in Dona Ana county;[*LINE-ITEM VETO*]

(8) one hundred forty-five thousand one hundred forty dollars (\$145,140) to construct [~~portable~~] classrooms for full-day kindergarten in the Las Cruces public school district in Dona Ana county;[*LINE-ITEM VETO*]

(9) one hundred forty-five thousand one hundred forty dollars (\$145,140) to construct [~~portable~~] classrooms for full-day kindergarten in the Hobbs municipal school district in Lea county;[*LINE-ITEM VETO*]

(10) fifty-seven thousand eight hundred twenty dollars (\$57,820) to construct [~~portable~~] classrooms for full-day kindergarten in the Ruidoso municipal school district in Lincoln county;[*LINE-ITEM VETO*]

(11) three hundred twenty-four thousand five hundred dollars (\$324,500) to construct [~~portable~~] classrooms for full-day kindergarten in the Los Alamos public school district in Los Alamos county;[*LINE-ITEM VETO*]

(12) one hundred forty-five thousand one hundred forty dollars (\$145,140) to construct [~~portable~~] classrooms for full-day kindergarten in the Espanola public school district in Rio Arriba county;[*LINE-ITEM VETO*]

(13) fifty-seven thousand eight hundred twenty dollars (\$57,820) to construct a [~~portable~~] classroom for full-day kindergarten in the Portales municipal school district in Roosevelt county;[*LINE-ITEM VETO*]

(14) one hundred forty-five thousand one hundred forty dollars (\$145,140) to construct [~~portable~~] classrooms for full-day kindergarten in the Farmington municipal school district in San Juan county;[*LINE-ITEM VETO*]

(15) one hundred forty-five thousand one hundred forty dollars (\$145,140) to construct [~~portable~~] classrooms for full-day kindergarten in the west Las Vegas public school district in San Miguel county;[*LINE-ITEM VETO*]

(16) six hundred forty-nine thousand dollars (\$649,000) to construct [~~portable~~] classrooms for full-day kindergarten in the Rio Rancho public school district in Sandoval county;[*LINE-ITEM VETO*]

(17) sixty-four thousand four hundred eighty dollars (\$64,480) to construct a [~~portable~~] classroom for full-day kindergarten in the Cuba independent school district in Sandoval county;[*LINE-ITEM VETO*]

(18) two hundred eighty-five thousand five hundred sixty dollars (\$285,560) to construct [~~portable~~] classrooms for full-day kindergarten in the Santa Fe public school district in Santa Fe county; and [*LINE-ITEM VETO*]

(19) fifty-seven thousand eight hundred twenty dollars (\$57,820) to construct a [portable] classroom for full-day kindergarten in the Socorro consolidated school district in Socorro county. [LINE-ITEM VETO]

Chapter 117 Section 11 Laws 2004

Section 11. ELECTION.--

A. Bonds issued pursuant to the 2004 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 2004, 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 such election. No bonds shall be issued or sold under the 2004 Capital Projects General Obligation Bond 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 2004 general election shall contain substantially the following language:

(1) "The 2004 Capital Projects General Obligation Bond Act authorizes the issuance and sale of senior citizen facility improvement and construction bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed six million sixty-three thousand dollars (\$6,063,000) to make capital expenditures for certain senior citizen facility improvements and construction 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 2004 Capital Projects General Obligation Bond Act authorizes the issuance and sale of higher educational capital improvement and acquisition bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed ninety-four million eight hundred ninety-two thousand dollars (\$94,892,000) to make capital expenditures for certain higher educational 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 _____";

(3) "The 2004 Capital Projects General Obligation Bond Act authorizes the issuance and sale of library acquisition bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed sixteen million three hundred fifteen thousand dollars (\$16,315,000) to make capital expenditures for public library acquisitions and provide for a general property tax imposition and levy for the payment of principal of, interest on and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law?

For _____ Against _____"; and

(4) "The 2004 Capital Projects General Obligation Bond Act authorizes the issuance and sale of kindergarten classroom construction and renovation bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed five million one hundred thousand dollars (\$5,100,000) to make capital expenditures for certain construction and renovation 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 _____".

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 2004 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 2004 Capital Projects General Obligation Bond Act. The failure of a question to be approved by the electorate at the 2004 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 2004 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 2004 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 117 Section 12 Laws 2004

Section 12. ART IN PUBLIC PLACES.--Pursuant to Section 13-4A-4 NMSA 1978 and where applicable, the appropriations authorized in the 2004 Capital Projects General Obligation Bond Act include money for the art in public places fund.

Chapter 117 Section 13 Laws 2004

Section 13. CERTIFICATION AND REVERSION.--

A. The agencies named in the 2004 Capital Projects General Bond Obligation Act shall certify to the state board of finance when the money from the proceeds of the general obligation bonds authorized in that act is needed for the purposes specified in Section 10 of that act. If an agency has not certified the need for the issuance of the bonds for a particular project by the end of fiscal year 2005, the authorization for that project is void.

B. Before an agency may certify for the issuance of general obligation bonds, the project must be developed sufficiently so that the agency reasonably expects to:

(1) incur within six months after the applicable bonds have been issued 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 bonds have been issued.

C. Except as provided in the 2004 Capital Projects General Bond Obligation Act, any money remaining in the project account established for that project by the state board of finance from the proceeds of general obligation bonds issued for that project shall revert to the debt service fund established by the state treasurer for the purpose of paying the principal and interest on the state's general obligation bonds as follows:

(1) for projects for which general obligation bonds were issued to match federal grants, six months after completion of the project;

(2) for projects for which general obligation bonds were issued to purchase vehicles, heavy equipment, educational technology or other equipment or furniture that is not related to a more inclusive construction or renovation project, as of the first day after the end of the fiscal year following the fiscal year in which the general obligation bonds were issued for the purchase after reserving for unpaid costs and expenses covered by binding written obligations to third parties, but in any event, regardless of whether there are unpaid costs and expenses covered by binding written obligations to third parties, as of the first day after the end of the second fiscal year following the fiscal year in which the general obligation bonds were issued;

(3) for projects for which general obligation bonds were issued to purchase emergency vehicles or other vehicles that require special equipment, as of the first day after the end of the second fiscal year following the fiscal year in which the general obligation bonds were issued for the purchase, after reserving for unpaid costs and expenses covered by binding written obligations to third parties;

(4) for all other projects for which general obligation bonds were issued, as of the first day after the end of the third fiscal year following the fiscal year in which the general obligation bonds were issued for the project, after reserving for unpaid costs and expenses covered by binding written obligations to the third parties, but in any event, regardless of whether there are unpaid costs and expenses covered by binding written obligations to third parties, as of the first day after the end of the fourth fiscal year following the fiscal year in which the general obligation bonds were issued; and

(5) if completion of the project occurs earlier than the reversion dates specified in Paragraphs (2), (3) and (4) of this subsection, within six months after completion of the project.

D. Except for appropriations to the capital program fund, money from general obligation bond proceeds provided pursuant to the 2004 Capital Projects General Obligation Bond Act shall not be used to pay indirect project costs.

E. The state board of finance may in its discretion delay the reversion dates provided pursuant to this section for a period of not more than one additional year for any project upon a proper showing by the agency that:

(1) the agency has acted diligently to spend the bond proceeds before the reversion date; and

(2) all money remaining in the project account for that project is covered by binding written obligations to third parties.

F. Each agency shall cause to be included in any contract with third parties relating to the expenditure of proceeds of the general obligation bonds authorized by the 2004 Capital Projects General Obligation Bond Act the reversion provisions contained in this section.

Chapter 117 Section 14 Laws 2004

Section 14. PROJECT SCOPE--EXPENDITURES--REVERSION.--

A. If an appropriation for a project authorized in the 2004 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 2004 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 money remaining in project accounts in accordance with Section 13 of the 2004 Capital Projects General Obligation Bond Act.

Chapter 117 Section 15 Laws 2004

Section 15. Laws 2002, Chapter 93, Section 14 is amended to read:

"Section 14. PROJECT SCOPE--EXPENDITURES--REVERSION.--

A. If an appropriation for a project authorized in the 2002 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 2002 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 balance from the proceeds of general obligation bonds issued for projects in accordance with Section 12 of the 2002 Capital Projects General Obligation Bond Act."

Chapter 117 Section 16 Laws 2004

Section 16. SEVERABILITY.--If any part or application of the 2004 Capital Projects General Obligation Bond Act is held invalid, the remainder or its application to other situations or persons shall not be affected.

Chapter 117 Section 17 Laws 2004

Section 17. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

HTRC/House Bill 294, aa, w/ec
Approved March 10, 2004

LAWS 2004, CHAPTER 118

AN ACT

RELATING TO WORKERS' COMPENSATION; PROVIDING FOR EMPLOYMENT ELIGIBILITY FOR FORMER OMBUDSMEN; PROVIDING FOR AN INCREASE IN THE WORKERS' COMPENSATION ADMINISTRATION DIRECTOR'S SALARY; MAKING AN APPROPRIATION.

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

Chapter 118 Section 1 Laws 2004

Section 1. Section 52-5-1.4 NMSA 1978 (being Laws 1990 (2nd S.S.), Chapter 2, Section 64) is amended to read:

"52-5-1.4. OMBUDSMAN PROGRAM.--

A. The director shall establish an ombudsman program to assist injured or disabled workers, persons claiming death benefits, employers and other persons in protecting their rights and obtaining information available under workers' compensation and occupational disease disablement laws.

B. An ombudsman shall meet with or otherwise provide information to injured or disabled workers, investigate complaints and communicate with employers, insurance carriers and health care providers on behalf of injured or disabled workers. An ombudsman shall otherwise assist unrepresented claimants, employers and other parties to enable them to protect their rights in the workers' compensation and occupational disease disablement system. At least one specially qualified employee in each location that the administration has an office shall be designated by the director as an ombudsman, and duties described in this section shall be that person's primary responsibility. The director may designate additional ombudsmen and assign them as he deems appropriate.

C. An ombudsman need not be an attorney but shall demonstrate familiarity with workers' compensation and occupational disease disablement laws. Any person employed as an ombudsman shall be ineligible to hold any other position in the administration for at least one year from the date of leaving the position of ombudsman.

D. An ombudsman shall not be an advocate for any person and shall restrict his activities to providing information and facilitating communication. An ombudsman shall not assist a claimant, employer or any other person in any proceeding beyond the informal conference held pursuant to Section 52-5-5 NMSA 1978.

E. Each employer shall notify his employees of the ombudsman service in a manner prescribed by the director. The notice shall include the posting of a notice in one or more conspicuous places. The director shall also describe clearly the availability of the ombudsmen on the first report of accident form required under Section 52-1-58 NMSA 1978, or the first report of disablement form required under Section 52-3-51 NMSA 1978."

Chapter 118 Section 2 Laws 2004

Section 2. Section 52-5-2 NMSA 1978 (being Laws 1986, Chapter 22, Section 28, as amended) is amended to read:

"52-5-2. DIRECTOR--APPOINTMENT--EMPLOYEES--WORKERS' COMPENSATION JUDGES.--

A. The workers' compensation administration shall be in the charge of a director, who shall be appointed by the governor for a term of five years with the consent of the senate. The appointed director shall serve and have the authority of that office during the period of time prior to final action by the senate confirming or rejecting the appointment. The appointment shall be made on the basis of administrative ability, education, training and experience relevant to the duties of the director. Upon the expiration of the term, the director shall continue to serve until the successor is appointed and qualified. Before entering upon the duties, the director shall subscribe to an oath to faithfully discharge the duties of the office. The director shall devote full time to the duties of the office. ~~[The director's salary shall be equal to ninety five percent of that of court of appeals judges.]~~[[LINE-ITEM VETO]

B. The director shall appoint necessary workers' compensation judges. Workers' compensation judges shall not be subject to the provisions of the Personnel Act except as provided by Subsection C of this section. Workers' compensation judges shall be appointed for an initial term of one year and shall be compensated at a rate equal to ninety percent of that of district court judges. Ninety days prior to the expiration of a workers' compensation judge's term, the director shall review his performance. If approved by the director, the workers' compensation judge may be reappointed to a subsequent five-year term.

C. Workers' compensation judges shall be lawyers licensed to practice law in this state and shall have a minimum five years' experience as a practicing lawyer. They shall devote their entire time to their duties and shall not engage in the private practice of law and shall not hold any other position of trust or profit or engage in any occupation or business interfering with or inconsistent with the discharge of their duties as workers' compensation judges. A workers' compensation judge shall be required to conform to all canons of the code of judicial conduct as adopted by the supreme court, except canon 21-900 of that code. Violation of those canons shall be exclusive grounds for dismissal prior to the expiration of his term. Any complaints against a workers' compensation judge shall be filed with the state personnel board, which shall report its findings to the director.

D. Workers' compensation judges shall have the same immunity from liability for their adjudicatory actions as district court judges."

Chapter 118 Section 3 Laws 2004

~~[Section 3. APPROPRIATION.--Four thousand four hundred forty-six dollars (\$4,446) is appropriated from the workers' compensation administration fund to the workers' compensation administration for expenditure in fiscal year 2005 to provide a salary increase for the director of the workers' compensation administration effective the first pay period after July 1, 2004. Any unexpended or unencumbered balance remaining at the end of fiscal year 2005 shall revert to the workers' compensation administration fund.][LINE-ITEM VETO]~~

Chapter 118 Section 4 Laws 2004

Section 4. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2004.

Senate Bill 30
Approved March 10, 2004

LAWS 2004, CHAPTER 119

AN ACT

RELATING TO RACETRACKS; DISTRIBUTING A PORTION OF THE PARI-MUTUEL TAX TO THE STATE FAIR COMMISSION; REDUCING THE CAPITAL IMPROVEMENTS OFFSET; AUTHORIZING THE STATE FAIR TO ENTER INTO A LONG-TERM LEASE WITH A RACETRACK LICENSEE.

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

Chapter 119 Section 1 Laws 2004

Section 1. Section 16-6-15 NMSA 1978 (being Laws 1935, Chapter 69, Section 3, as amended) is amended to read:

"16-6-15. ADDITIONAL POWERS.--In addition to the powers which it may now have, the New Mexico state fair shall have power to:

A. acquire, by purchase, gift or the exercise of the right of eminent domain, and hold and dispose of real or personal property or rights or interests therein except as limited by Section 13-6-2.1 NMSA 1978, which provisions requiring state board of finance approval of certain actions are applicable to the state fair. The right of eminent domain shall be exercised in the same manner as is provided for the exercise of such power by the state or any county, municipality or school district;

B. build, construct, improve, repair or maintain buildings, structures, improvements, grounds and equipment which may be required by or convenient for the purpose of operating a state fair;

~~[C. enter into a new long term lease, not to exceed twenty five years, for the purpose of providing a lessee that is a racetrack licensee with the use of buildings and other facilities on the grounds of the state fair; provided, however, that a lease entered into pursuant to this subsection shall contain a provision for termination of the lease at the end of any calendar year in which there is no class III tribal gaming being conducted in New Mexico;][LINE-ITEM VETO]~~

D. acquire any project and to own, operate and maintain such project;

E. accept grants of money, materials or property

of any kind from a federal agency upon such terms and conditions as the federal agency may impose;

F. borrow money and issue bonds and provide for the payment of the same and for the rights of the holders thereof, provided that the commission shall not issue bonds, negotiate loans or renegotiate loans without the prior approval of the state board of finance; and

G. perform all acts and do all things necessary or convenient to carry out the powers granted in this article, or heretofore granted, to obtain loans or grants or both from any federal agency and to accomplish the purposes of this article and secure the benefits of the Recovery Act."

Chapter 119 Section 2 Laws 2004

Section 2. Section 60-1-15 NMSA 1978 (being Laws 1933, Chapter 55, Section 9, as amended) is amended to read:

"60-1-15. TAX LEVIED--CERTAIN LICENSE FEES AND TAXES PROHIBITED.--

A. In addition to the daily tax provided in Section 60-1-8 NMSA 1978, a tax of two and three-sixteenths percent is levied on the gross amount wagered each day at each place where horse racing is conducted by any state fair association designated by law that in good faith conducts a public fair and exhibition of stock and farming products or where horse racing for profit is held. The tax shall be paid from the commissions of the licensee.

B. To encourage the improvement of horse racing facilities for the benefit of the public, breeders and horse owners and to increase the revenue to the state from the increase in pari-mutuel wagering and tourism resulting from these improvements, not more than one-half of the tax levied under Subsection A of this section for the first two hundred fifty thousand dollars (\$250,000) of daily handle only, shall be offset for class A licensees by the amount that the class A licensee expends for capital improvements or in financing term investment in capital improvements at existing racetrack facilities and for class B licensees by the amount that the class B licensee expends for capital improvements, not to exceed fifty percent of the offset amount allowed pursuant to this subsection, and by the amount the class B licensee expends for advertising, marketing and promoting horse racing in the state, not to exceed fifty percent of the offset amount allowed pursuant to this subsection. The offset provided in this paragraph shall also apply to the daily handle generated at its facility by a licensee engaged solely in simulcasting pursuant to Section 60-1-25 NMSA 1978. The term "capital improvement" means

any capital investment in items that are subject to depreciation under the United States Internal Revenue Code of 1986 and are approved by the state racing commission.

C. To compensate for the additional municipal services required by the location of a racetrack within a municipality, an amount of revenue derived from the tax levied on such a racetrack under Subsection A of this section, above the amount offset by capital expenditures and advertising as provided in Subsection B of this section, shall be transferred to the municipal treasurer of the municipality in which the track generating the revenue is located for expenditure by the municipality in providing those additional municipal services. The amount to be transferred shall be determined in accordance with the provisions of Section 60-1-15.2 NMSA 1978.

D. An amount equal to one-half of the tax levied pursuant to Subsection A of this section is appropriated and shall be transferred to the state fair commission for expenditure on capital improvements at the state fairgrounds, [~~other than improvements of the casino,~~] and for expenditure for debt service on negotiable bonds issued for the capital improvements.[*LINE-ITEM VETO*]

E. Accurate records shall be kept by the licensee to show all commissions, total gross amounts wagered and breakage, as well as other information the state racing commission may require. Records shall be open to inspection and shall be audited by the commission or any of its authorized representatives. Should any licensee fail to keep records accurately and intelligibly, the commission may prescribe the method in which the licensee shall keep records.

F. All remaining revenues collected as a result of the tax on the gross amount wagered shall be deposited in the state general fund.

G. Notwithstanding any other provision of law, no political subdivision of this state may impose any occupational tax against a racetrack operating under authority of a license granted by the state racing commission. No political subdivision may levy an excise tax against any racetrack operating under authority of a license granted by the state racing commission, except that local option gross receipts taxes may be imposed to the extent permitted by law."

Chapter 119 Section 3 Laws 2004

Section 3. EFFECTIVE DATE.--The effective date of the provisions of Section 2 of this act is July 1, 2004.

Senate Bill 363, aa
Approved March 10, 2004

LAWS 2004, CHAPTER 120

AN ACT

RELATING TO THE NATURAL RESOURCES TRUSTEE; APPROPRIATING THE NATURAL RESOURCES TRUSTEE FUND FOR THE PURPOSE OF RESTORING AREAS IN WHICH NATURAL RESOURCES HAVE BEEN ADVERSELY AFFECTED; PROVIDING THAT

INTEREST AND EARNINGS OF THE FUND BE CREDITED TO THE FUND; PROVIDING FOR AN APPEAL FROM DECISIONS OF THE NATURAL RESOURCES TRUSTEE; MAKING AN APPROPRIATION.

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

Chapter 120 Section 1 Laws 2004

Section 1. Section 75-7-3 NMSA 1978 (being Laws 1993, Chapter 292, Section 3) is amended to read:

"75-7-3. NATURAL RESOURCES TRUSTEE POWERS AND DUTIES.--

A. The natural resources trustee shall take all actions necessary to carry out the responsibilities of the natural resources trustee as provided in the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, the federal Water Pollution Control Act and any other applicable federal law, including the responsibility to:

(1) act on behalf of the public to protect New Mexico's natural resources by recovering damages for injury to, destruction of or loss of those resources;

(2) investigate injury to, destruction of or loss of natural resources;

(3) determine the amount and cause of injury to, destruction of or loss of natural resources;

(4) determine the liability of any person for injury to, destruction of or loss of natural resources;

(5) assess and collect damages for injury to, destruction of or loss of natural resources, including bringing legal actions and collecting the costs of assessing and collecting the damages; and

(6) expend money for the purposes set forth in the Natural Resources Trustee Act.

B. The natural resources trustee may:

(1) hire staff, in accordance with the Personnel Act, to carry out the provisions of the Natural Resources Trustee Act;

(2) contract with economists, consultants and other experts; and

(3) accept gifts and grants to carry out the provisions of the Natural Resources Trustee Act. Gifts and grants accepted by the natural resources trustee shall be deposited in the natural resources trustee fund.

C. The attorney general shall provide legal counsel and representation to the natural resources trustee and the office of the natural resources trustee.

D. A person may appeal a decision of the natural resources trustee to the district court in the judicial district in which the damages or violations occurred.

Chapter 120 Section 2 Laws 2004

Section 2. Section 75-7-5 NMSA 1978 (being Laws 1993, Chapter 292, Section 5) is amended to read:

"75-7-5. NATURAL RESOURCES TRUSTEE FUND.--

A. The "natural resources trustee fund" is created in the state treasury. Money appropriated to the fund or accruing to it through gifts, grants, fees, penalties, bequests or any other source shall be delivered to the state treasurer and deposited in the fund. Money recovered for the state by or on behalf of the natural resources trustee shall be deposited in the natural resources trustee fund. The fund shall be administered by the natural resources trustee. Disbursements from the fund shall be made upon warrants drawn by the secretary of finance and administration pursuant to vouchers signed by the natural resources trustee or his designated representative. Money in the fund shall not revert to the general fund at the end of a fiscal year.

B. Pursuant to the following criteria, money in the natural resources trustee fund shall be used to carry out the provisions of the Natural Resources Trustee Act by restoring, replacing or acquiring natural resources in an area where natural resources have been injured, destroyed or lost, provided that money deposited in the fund because of injury to, destruction of or loss of natural resources in an area shall be disbursed to restore, replace or acquire natural resources in that same area:

(1) if an expenditure from the fund is necessary to comply with a court order or court-approved settlement or to match federal funds, then, pursuant to Sections 6-3-23 through 6-3-25 NMSA 1978, the natural resources trustee may request a budget increase and, if approved, the amount of the expenditure is appropriated; and

(2) any other expenditures from the fund shall be made only pursuant to appropriation by the legislature.

C. In addition to expenditures made pursuant to Subsection B of this section, money in the natural resources trustee fund shall be appropriated annually by the legislature for the purpose of providing for necessary personnel and other costs of the natural resources trustee, the attorney general and the office of natural resources trustee in carrying out the provisions of the Natural Resources Trustee Act, including the cost of investigation, assessment, collection or enforcement.

D. Money in the natural resources trustee fund shall be invested as other state funds are invested, and interest and earnings from the fund shall not revert to the general fund but shall be credited to the natural resources trustee fund."

Senate Bill 125, aa
Approved March 10, 2004

LAWS 2004, CHAPTER 121

AN ACT

RELATING TO THE ENVIRONMENT; AMENDING THE SANITARY PROJECTS ACT TO PROVIDE FOR LIVESTOCK WATER.

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

Chapter 121 Section 1 Laws 2004

Section 1. Section 3-29-3 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-28-3) is amended to read:

"3-29-3. PURPOSE OF ACT--STATEMENT OF POLICY.--The purpose of the Sanitary Projects Act is to improve the public health of the people of New Mexico through a program that will provide for the installation of sanitary domestic water facilities, sewage works or both and thus eliminate present hazardous practices and conditions. It is, therefore, declared to be the policy of the legislature to assist in providing facilities for the development of adequate, sanitary domestic water supplies, sewage works or both, together with all parts and appurtenances as may be needed to provide water supplies, sewage works or both in rural unincorporated communities."

Chapter 121 Section 2 Laws 2004

Section 2. Section 3-29-7 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-28-7, as amended) is amended to read:

"3-29-7. CONDITIONS DEPARTMENT MAY REQUIRE BEFORE EXTENDING BENEFITS.--

A. Insofar as the department deems it necessary for the purpose of the Sanitary Projects Act, the department may, as a condition to extending benefits under its provisions to any community or group of individuals, recommend:

(1) agreements or covenants in regard to maintenance and permanent use of such lands, water or facilities benefited by a domestic water supply, sewers or treatment plant or any of them; provided that the water supplies developed shall not in any case be used for irrigation of commercial crops. The liquid effluent from sewage plants shall not be used for the irrigation of truck crops or fruits, and livestock shall not have access to sewage plant effluents;

(2) contributions in cash by the association in addition to the contract for labor, materials or services as specified in Section 3-29-5 NMSA 1978; provided that the association's contribution shall always equal or exceed one-third of the total state cost; and

(3) that the state cooperate and contribute financial aid according to the following schedules:

(a) a maximum of seven thousand dollars (\$7,000) for each water project or for each sewer project where twenty-eight or fewer dwelling units are to be served; provided that no association shall be formed that shall not provide service for at least ten domestic dwelling units; and

(b) two hundred fifty dollars (\$250) per dwelling unit where more than twenty-eight dwelling units are to be served; provided that the total allowable maximum state expenditure for each water project or for each sewer project shall not exceed twelve thousand dollars (\$12,000).

B. A requisite to securing such allocation of funds upon a department recommendation shall be that the individuals either collectively or individually in an association shall agree to provide proper sewage disposal facilities for the sanitary removal of potentially harmful material classified as sewage, which shall be occasioned by the installation of running water facilities. Associations shall be eligible for construction grants as provided for in the Federal Water Pollution Control Act.

C. No privy, cesspool, septic tank or other means of sewage disposal or treatment shall be located within one hundred fifty feet of any well, spring or other source of domestic water supply created under the provisions of the Sanitary Projects Act.

D. The department may in its discretion and shall upon the petition of twenty-five percent of the users of a project hold a hearing and make a determination as to whether a sanitary project is being operated and managed in the best interest of all local citizens. If the department, after a hearing, determines that a project is not being operated or managed in the best interests of the local citizens, the department may intervene in the operation and management with full powers, including the power to set and collect assessments from members of the association and use the same for the proper operation and management of the project."

Senate Bill 356
Approved March 10, 2004

LAWS 2004, CHAPTER 122

AN ACT

RELATING TO HEALTH INSURANCE; IMPOSING A HEALTH INSURANCE PREMIUM SURTAX ON CERTAIN INSURANCE PREMIUMS; REQUIRING HEALTH INSURANCE COVERAGE OF AN ALPHA-FETOPROTEIN IV SCREENING TEST DURING A WOMAN'S PREGNANCY; REQUIRING HEALTH INSURANCE COVERAGE OF CIRCUMCISIONS OF NEWBORN MALES; RECONCILING CONFLICTING AMENDMENTS TO A CERTAIN SECTION OF THE NMSA 1978; CHANGING THE APPLICABILITY DATE OF CERTAIN PROVISIONS OF THE PREMIUM TAX.

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

Chapter 122 Section 1 Laws 2004

Section 1. Section 29-13-3 NMSA 1978 (being Laws 1983, Chapter 289, Section 3, as amended) is amended to read:

"29-13-3. DISTRIBUTION OF CERTAIN INSURANCE DIVISION COLLECTIONS--LAW ENFORCEMENT PROTECTION FUND CREATED.--There is created in the state treasury the "law enforcement protection fund". Ten percent of all money received for fees, licenses, penalties and taxes from life, general casualty and title insurance business pursuant to the New Mexico Insurance Code, except for money received from the health insurance premium surtax imposed by Subsection C of Section 59A-6-2 NMSA 1978, shall be paid monthly to the state treasurer and credited to the fund. On or before June 30 of each year, the state treasurer shall transfer to the general fund any balance in the law enforcement protection fund in excess of one hundred thousand dollars (\$100,000) that is not obligated and that is in excess of the amount certified by the division to be distributed from that fund."

Chapter 122 Section 2 Laws 2004

Section 2. Section 59A-6-2 NMSA 1978 (being Laws 1984, Chapter 127, Section 102, as amended by Laws 2003, Chapter 14, Section 18 and by Laws 2003, Chapter 58, Section 1) is amended to read:

"59A-6-2. PREMIUM TAX--HEALTH INSURANCE PREMIUM SURTAX.--

A. The premium tax provided for in this section shall apply as to the following taxpayers:

- (1) each insurer authorized to transact insurance in New Mexico;
- (2) each insurer formerly authorized to transact insurance in New Mexico and receiving premiums on policies remaining in force in New Mexico, except that this provision shall not apply as to an insurer that withdrew from New Mexico prior to March 26, 1955;
- (3) each plan operating under provisions of Chapter 59A, Articles 46 through 49 NMSA 1978;
- (4) each property bondsman, as that person is defined in Section 59A-51-2 NMSA 1978, as to any consideration received as security or surety for a bail bond in connection with a judicial proceeding, which consideration shall be considered "gross premiums" for the purposes of this section; and
- (5) each unauthorized insurer that has assumed a contract or policy of insurance directly or indirectly from an authorized or formerly authorized insurer and is receiving premiums on such policies remaining in force in New Mexico, except that this provision shall not apply if a ceding insurer continues to pay the tax provided in this section as to such policy or contract.

B. Each such taxpayer shall pay in accordance with this subsection a premium tax of three and three-thousandths percent of the gross premiums and membership and policy fees received by it on insurance or contracts covering risks within this state during the preceding calendar year, less all return premiums, including dividends paid or credited to policyholders or contract holders and premiums received for reinsurance on New Mexico risks.

C. In addition to the premium tax imposed pursuant to Subsection B of this section, each taxpayer described in Subsection A of this section that transacts health insurance in New Mexico or is a plan described in Chapter 59A, Article 46 or 47 NMSA 1978 shall pay a health insurance premium surtax of one percent of the gross health insurance premiums and membership and policy fees received by it on health insurance or contracts, excluding disability income insurance or contracts, covering health risks within this state during the preceding calendar year, less all return health insurance premiums, including dividends paid or credited to policyholders or contract holders and health insurance premiums received for reinsurance on New Mexico risks. Except as provided in this section, all references in the Insurance Code to the premium tax shall include both the premium tax and the health insurance premium surtax.

D. For each calendar quarter, an estimated payment of the premium tax and the health insurance premium surtax shall be made on April 15, July 15, October 15 and the following January 15. The estimated payments shall be equal to at least one-fourth of either the payment made during the previous calendar year or eighty percent of the actual payment due for the current calendar year, whichever is greater. The final adjustment for payments due for the prior year shall be made with the return, which shall be filed on April 15 of each year, at which time all taxes for that year are due. Dividends paid or credited to policyholders or contract holders and refunds, savings, savings coupons and similar returns or credits applied or credited to payment of premiums for existing, new or additional insurance shall, in the amount so used, constitute premiums subject to tax under this section for the year in which so applied or credited.

E. Exempted from the taxes imposed by this section are:

(1) premiums attributable to insurance or contracts purchased by the state or a political subdivision for the state's or political subdivision's active or retired employees; and

(2) payments received by a health maintenance organization from the federal secretary of health and human services pursuant to a contract issued under the provisions of 42 U.S.C. Section 1395 mm(g)."

Chapter 122 Section 3 Laws 2004

Section 3. A new section of Chapter 59A, Article 22 NMSA 1978 is enacted to read:

"COVERAGE OF ALPHA-FETOPROTEIN IV SCREENING TEST.--An individual or group health insurance policy, health care plan or certificate of health insurance that is delivered, issued for delivery or renewed in the state shall provide coverage for an alpha-fetoprotein IV screening test for pregnant women, generally between sixteen and twenty weeks of pregnancy, to screen for certain genetic abnormalities in the fetus."

Chapter 122 Section 4 Laws 2004

Section 4. A new section of Chapter 59A, Article 22 NMSA 1978 is enacted to read:

"COVERAGE OF CIRCUMCISION FOR NEWBORN MALES.--An individual or group health insurance policy, health care plan or certificate of health insurance that is delivered, issued for delivery or renewed in the state shall provide coverage for circumcision for newborn males."

Chapter 122 Section 5 Laws 2004

Section 5. A new section of Chapter 59A, Article 23 NMSA 1978 is enacted to read:

"COVERAGE OF ALPHA-FETOPROTEIN IV SCREENING TEST.--A blanket or group health policy, health care plan or certificate of health insurance that is delivered, issued for delivery or renewed in the state shall provide coverage for an alpha-fetoprotein IV screening test for pregnant women, generally between sixteen and twenty weeks of pregnancy, to screen for certain genetic abnormalities in the fetus."

Chapter 122 Section 6 Laws 2004

Section 6. A new section of Chapter 59A, Article 23 NMSA 1978 is enacted to read:

"COVERAGE OF CIRCUMCISION FOR NEWBORN MALES.--A blanket or group health insurance policy, health care plan or certificate of health insurance that is delivered, issued for delivery or renewed in the state shall provide coverage for circumcision for newborn males."

Chapter 122 Section 7 Laws 2004

Section 7. A new section of the Health Maintenance Organization Law is enacted to read:

"COVERAGE OF ALPHA-FETOPROTEIN IV SCREENING TEST.--An individual or group health maintenance organization policy, health care plan or certificate of health insurance that is delivered, issued for delivery or renewed in the state shall provide coverage for an alpha-fetoprotein IV screening test for pregnant women, generally between sixteen and twenty weeks of pregnancy, to screen for certain genetic abnormalities in the fetus."

Chapter 122 Section 8 Laws 2004

Section 8. A new section of the Health Maintenance Organization Law is enacted to read:

"COVERAGE OF CIRCUMCISION FOR NEWBORN MALES.--An individual or group health maintenance organization policy, health care plan or certificate of health insurance that is delivered, issued for delivery or renewed in the state shall provide coverage for circumcision for newborn males."

Chapter 122 Section 9 Laws 2004

Section 9. A new section of the Nonprofit Health Care Plan Law is enacted to read:

"COVERAGE OF ALPHA-FETOPROTEIN IV SCREENING TEST.--An individual or group health insurance policy, health care plan or certificate of health insurance that is delivered, issued for delivery or renewed in the state shall provide coverage for an alpha-fetoprotein IV screening test for pregnant women, generally between sixteen and twenty weeks of pregnancy, to screen for certain genetic abnormalities in the fetus."

Chapter 122 Section 10 Laws 2004

Section 10. A new section of the Nonprofit Health Care Plan Law is enacted to read:

"COVERAGE OF CIRCUMCISION FOR NEWBORN MALES.--An individual or group health insurance policy, health care plan or certificate of health insurance that is delivered, issued for delivery or renewed in the state shall provide coverage for circumcision for newborn males."

Chapter 122 Section 11 Laws 2004

Section 11. Laws 2003, Chapter 58, Section 3 is amended to read:

"Section 3. APPLICABILITY.--The provisions of Laws 2003, Chapter 58, Section 1 apply to premiums received in the 2003 and subsequent calendar years; provided, however, that:

A. with respect to premiums received prior to March 20, 2003, the provisions of Subsection E of Section 59A-6-2 NMSA 1978 in effect prior to the effective date of Laws 2003, Chapter 58, Section 1 shall be applicable; and

B. on or after July 1, 2004, any premium tax overpaid between January 1, 2003 and March 20, 2003 because of the application of Subsection E of Section 59A-6-2 NMSA 1978, as amended by Laws 2003, Chapter 58, Section 1, may be credited against future premium tax payments."

Chapter 122 Section 12 Laws 2004

Section 12. APPLICABILITY.--

A. Unless an earlier surtax payment is required by the operation of Subsection B of this section, the health insurance premium surtax imposed by Section 2 of this act is applicable to all health insurance premiums and membership and policy fees received on or after October 1, 2004.

B. The health insurance premium surtax imposed by Section 2 of this act is also applicable to all health insurance premiums and membership and policy fees received for contracts issued or renewed on or after July 1, 2004.

Chapter 122 Section 13 Laws 2004

Section 13. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2004.

Senate Bill 502, aa
Approved March 10, 2004

LAWS 2004, CHAPTER 123

AN ACT

RELATING TO PUBLIC PROPERTY; AMENDING THE STATE BUILDING BONDING ACT TO PROVIDE THAT THE ACT APPLIES ONLY TO THE ACQUISITION OF STATE OFFICE BUILDINGS; AMENDING LAWS 2001, CHAPTER 166 TO AUTHORIZE THE ACQUISITION OF CERTAIN PROPERTY BY THE PROPERTY CONTROL DIVISION OF THE GENERAL SERVICES DEPARTMENT AND TO APPROPRIATE BOND PROCEEDS FOR CERTAIN ACTIVITIES OF THE CAPITOL BUILDINGS PLANNING COMMISSION; MAKING AN APPROPRIATION.

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

Chapter 123 Section 1 Laws 2004

Section 1. A new section of the State Building Bonding Act, Section 6-21C-2 NMSA 1978, is enacted to read:

"6-21C-2. FINDINGS AND PURPOSE.--

A. The legislature finds that the expense of leasing office space for state occupancy has grown to the point that the state would be better served if more state-owned facilities were acquired. The legislature further finds that the state's overall occupancy costs could be reduced even after taking into account the payments necessary on bonds issued to acquire additional facilities and that, therefore, it is economically advantageous for the state to own additional office space. Further, in anticipation of the state's future office space needs, the legislature finds it prudent to establish an office acquisition program.

B. The purpose of the State Building Bonding Act is to acquire additional state office buildings by issuing bonds paid for with distributions of gross receipts tax revenue that

reflect a portion of the savings that will result from the conversion to more state-owned facilities."

Chapter 123 Section 2 Laws 2004

Section 2. Section 6-21C-3 NMSA 1978 (being Laws 2001, Chapter 199, Section 3, as amended) is amended to read:

"6-21C-3. DEFINITIONS.--As used in the State Building Bonding Act:

A. "acquiring" or "acquisition" includes acquiring or acquisition by purchase, construction or renovation; and

B. "building bonds" means state office building tax revenue bonds."

Chapter 123 Section 3 Laws 2004

Section 3. Section 6-21C-4 NMSA 1978 (being Laws 2001, Chapter 199, Section 4, as amended) is amended to read:

"6-21C-4. NEW MEXICO FINANCE AUTHORITY SHALL ISSUE BUILDING BONDS-- APPROPRIATION OF PROCEEDS.--

A. The New Mexico finance authority is authorized to issue and sell revenue bonds, known as "state office building tax revenue bonds", payable solely from the state building bonding fund, in compliance with the State Building Bonding Act for the purpose of acquiring state office buildings when the acquisition has been reviewed by the capitol buildings planning commission and has been authorized by legislative act and the director of the property control division of the general services department has certified the need for the issuance of the bonds.

B. The net proceeds from the building bonds are appropriated to the property control division of the general services department for the purpose of acquiring state office buildings, the acquisition of which shall be consistent with the State Building Bonding Act and the authorizing legislation."

Chapter 123 Section 4 Laws 2004

Section 4. Section 6-21C-5 NMSA 1978 (being Laws 2001, Chapter 199, Section 5, as amended) is amended to read:

"6-21C-5. STATE BUILDING BONDING FUND CREATED--MONEY IN THE FUND PLEDGED.--

A. The "state building bonding fund" is created as a special fund within the New Mexico finance authority. The fund shall be administered by the New Mexico finance authority as a special account. The fund shall consist of money appropriated and transferred to the fund and gross receipts tax revenues distributed to the fund by law. Earnings of the fund shall be

credited to the fund. Balances in the fund at the end of any fiscal year shall remain in the fund, except as provided in this section.

B. Money in the state building bonding fund is pledged for the payment of principal and interest on all building bonds issued pursuant to the State Building Bonding Act. Money in the fund is appropriated to the New Mexico finance authority for the purpose of paying debt service, including redemption premiums, on the building bonds and the expenses incurred in the issuance, payment and administration of the bonds.

C. On the last day of January and July of each year, the New Mexico finance authority shall estimate the amount needed to make debt service and other payments during the next twelve months from the state building bonding fund on the building bonds issued pursuant to the State Building Bonding Act plus the amount that may be needed for any required reserves. The New Mexico finance authority shall transfer to the general fund any balance in the state building bonding fund above the estimated amounts.

D. Any balance remaining in the state building bonding fund shall be transferred to the general fund upon certification by the New Mexico finance authority that:

(1) the director of the property control division of the general services department and the New Mexico finance authority have agreed that the building bonds issued pursuant to the State Building Bonding Act have been retired, that no additional obligations of the state building bonding fund exist and that no additional expenditures from the fund are necessary; or

(2) a court of jurisdiction has ruled that the building bonds have been retired, that no additional obligations of the state building bonding fund exist and that no additional expenditures from the fund are necessary.

E. The building bonds issued pursuant to the State Building Bonding Act shall be payable solely from the state building bonding fund or, with the approval of the bondholders, such other special funds as may be provided by law and do not create an obligation or indebtedness of the state within the meaning of any constitutional provision. No breach of any contractual obligation incurred pursuant to that act shall impose a pecuniary liability or a charge upon the general credit or taxing power of the state, and the bonds are not general obligations for which the state's full faith and credit is pledged.

F. The state does hereby pledge that the state building bonding fund shall be used only for the purposes specified in this section and pledged first to pay the debt service on the building bonds issued pursuant to the State Building Bonding Act. The state further pledges that any law authorizing the distribution of taxes or other revenues to the state building bonding fund or authorizing expenditures from the fund shall not be amended or repealed or otherwise modified so as to impair the bonds to which the state building bonding fund is dedicated as provided in this section."

Chapter 123 Section 5 Laws 2004

Section 5. Section 6-21C-8 NMSA 1978 (being Laws 2001, Chapter 199, Section 8, as amended) is amended to read:

"6-21C-8. PROCEDURE FOR SALE OF BUILDING BONDS.--

A. Building bonds shall be sold by the New Mexico finance authority at such times and in such manner as the authority may elect, consistent with the need of the property control division of the general services department, either at private sale for a negotiated price or to the highest bidder at public sale for cash at not less than par and accrued interest.

B. In connection with any public sale of building bonds, the New Mexico finance authority shall publish a notice of the time and place of sale in a newspaper of general circulation in the state and also in a recognized financial journal outside the state. Such publication shall be made once each week for two consecutive weeks prior to the date fixed for such sale, the last publication to be two business days prior to the date of sale. Such notice shall specify the amount, denomination, maturity and description of the bonds to be offered for sale and the place, day and hour at which sealed bids therefor shall be received. All bids, except that of the state, shall be accompanied by a deposit of two percent of the principal amount of the bonds. Deposits of unsuccessful bidders shall be returned upon rejection of the bid. At the time and place specified in such notice, the New Mexico finance authority shall open the bids in public and shall award the bonds, or any part thereof, to the bidder or bidders offering the best price. The New Mexico finance authority may reject any or all bids and readvertise.

C. The New Mexico finance authority may sell a building bond issue, or any part thereof, to the state or to one or more investment bankers or institutional investors at private sale."

Chapter 123 Section 6 Laws 2004

Section 6. Laws 2001, Chapter 166, Section 1 is amended to read:

"Section 1. AUTHORIZATION TO ACQUIRE PROPERTY--APPROPRIATION.--

A. In order to acquire the following properties for use as state agency offices in Santa Fe county, the property control division of the general services department may:

(1) purchase and renovate, equip and furnish the national education association building on South Capitol street;

(2) plan, design, construct, equip and furnish a new office building with integrated parking at the west capitol complex on Cerrillos road, pursuant to the design funded by Subsection I of Section 14 of Chapter 118 of Laws 1998, at a price not to exceed twenty-five million dollars (\$25,000,000);

(3) purchase and renovate, equip and furnish the public employees retirement association building on Paseo de Peralta; and

(4) purchase land within or in close proximity to the public safety campus as set out in the capitol buildings master plan developed by the capitol buildings planning commission; provided that no land shall be purchased pursuant to this paragraph that does not have, in place, water, sewer, electricity and other necessary infrastructure.

B. The acquisitions of property pursuant to Subsection A of this section shall be made in the priority order listed in that subsection. Purchases authorized in Paragraphs (1), (2) and (4) of Subsection A of this section shall be made at a price not to exceed the value of the property established by the taxation and revenue department using generally accepted appraisal techniques for the type of property purchased. The purchase authorized in Paragraph (3) of Subsection A of this section shall be made at a price negotiated with the retirement board of the public employees retirement association that is not less than the fair market value of the property and building.

C. If state office building tax revenue bonds issued pursuant to Laws 2001, Chapter 166, Section 2 are outstanding, then, as amounts become available in the property control reserve fund, as much of the property control reserve fund as is necessary to pay the debt service and other payments on the bonds plus any amount needed for any required reserves shall be transferred from the property control reserve fund to the state office building bonding fund.

D. If state office building tax revenue bonds have not been issued pursuant to Laws 2001, Chapter 166, Section 2 or if the bonds have been issued but are no longer outstanding, then, as amounts become available in the property control reserve fund, as much of the property control reserve fund as is necessary to comply with the provisions of Subsection A of this section is appropriated to the property control division of the general services department for expenditure in fiscal year 2001 and subsequent fiscal years."

Chapter 123 Section 7 Laws 2004

Section 7. Laws 2001, Chapter 166, Section 2 is amended to read:

"Section 2. STATE OFFICE BUILDING TAX REVENUE BONDS-- AUTHORIZATION-- CONTINGENCY.--

A. The New Mexico finance authority may issue and sell state office building tax revenue bonds in compliance with the State Office Building Acquisition Bonding Act in a total amount not to exceed seventy-five million dollars (\$75,000,000) when the director of the property control division of the general services department certifies to the authority that the proceeds from the state office building tax revenue bonds are needed to acquire one or more of the properties specified in Laws 2001, Chapter 166, Section 1. The authority shall schedule the issuance and sale of the bonds in the most expeditious and economical manner possible upon a finding by the authority that the acquisition can proceed within a reasonable time. The authority shall further take the appropriate steps necessary to comply with the Internal Revenue Code of 1986, as amended. Except as provided in Subsection B of this section, proceeds from the sale of the bonds are appropriated to the property control division of the general services department for expenditure in fiscal year 2001 and subsequent fiscal years for the purpose of making the acquisitions pursuant to Laws 2001, Chapter 166, Section 1.

B. Two hundred fifty thousand dollars (\$250,000) of the bond proceeds are appropriated to the legislative council service for expenditure in fiscal years 2004 through 2007 for the purpose of providing funding for the capitol buildings planning commission, master planning process for state facilities and for annual updates to master plans, but excluding any payments for salaries, benefits and costs of state employees. Any unexpended or

unencumbered balance remaining at the end of fiscal year 2007 shall revert to the state building bonding fund.

C. The authorization made in Subsection A of this section is contingent upon the enactment into law of the State Office Building Acquisition Bonding Act by the first session of the forty-fifth legislature."

Chapter 123 Section 8 Laws 2004

Section 8. TEMPORARY PROVISION--OUTSTANDING STATE MUSEUM TAX REVENUE BONDS.--Nothing in this act shall be deemed to impair state museum tax revenue bonds outstanding on the effective date of this act. For the purposes of the obligations incurred with respect to those bonds:

A. the bonds shall be deemed to be "building bonds" pursuant to the provisions of the State Building Bonding Act;

B. money in the state building bonding fund is pledged for the payment of principal and interest on those bonds to the same extent as the fund was pledged prior to the effective date of this 2004 act; and

C. the state further pledges that any law authorizing the distribution of taxes or other revenues to the state building bonding fund or authorizing expenditures from the fund shall not be amended or repealed or otherwise modified so as to impair those bonds.

Senate Bill 332, aa
Approved March 10, 2004

LAWS 2004, CHAPTER 124

AN ACT

RELATING TO LAND GRANTS; DEFINING TERMS; REVISING GOVERNANCE, ELECTIONS AND MEETINGS OF THE BOARD OF TRUSTEES AND MANAGEMENT OF LAND GRANTS-MERCEDES; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Chapter 124 Section 1 Laws 2004

Section 1. A new section of Chapter 49, Article 1 NMSA 1978 is enacted to read:

"DEFINITIONS.--As used in Chapter 49 NMSA 1978:

A. "heir" means a person who is a descendent of the original grantees and has an interest in the common land of a land grant-merced through inheritance, gift or purchase;

B. "land grant-merced" means a grant of land made by the government of Spain or by the government of Mexico to a community, town, colony or pueblo or to a person for the purpose of founding or establishing a community, town, colony or pueblo; and

C. "qualified voting member" means an heir who is registered to vote in a land grant-merced as prescribed in the land grant-merced bylaws."

Chapter 124 Section 2 Laws 2004

Section 2. A new section of Chapter 49, Article 1 NMSA 1978 is enacted to read:

"RIGHTS OF LESSEES AND PURCHASERS.--A person who is not an heir and who has purchased or leased property within the limits of a land grant-merced shall only have a right to the lands acquired through the purchase or lease but not to any common lands within the land grant-merced."

Chapter 124 Section 3 Laws 2004

Section 3. Section 49-1-1 NMSA 1978 (being Laws 1907, Chapter 42, Section 1, as amended) is amended to read:

"49-1-1. MANAGEMENT OF SPANISH AND MEXICAN GRANTS.--All land grants-mercedes in the state or land grants-mercedes described in Section 49-1-2 NMSA 1978 shall be managed, controlled and governed by their bylaws, by the Treaty of Guadalupe Hidalgo and as provided in Sections 49-1-1 through 49-1-18 NMSA 1978 as political subdivisions of the state."

Chapter 124 Section 4 Laws 2004

Section 4. Section 49-1-2 NMSA 1978 (being Laws 1907, Chapter 42, Section 2, as amended) is amended to read:

"49-1-2. APPLICATION.--

A. Sections 49-1-1 through 49-1-18 NMSA 1978 shall apply to all land grants-mercedes confirmed by the congress of the United States or by the court of private land claims or designated as land grants-mercedes in any report or list of land grants prepared by the surveyor general and confirmed by congress, but shall not apply to any land grant that is now managed or controlled in any manner, other than as provided in Sections 49-1-1 through 49-1-18 NMSA 1978, by virtue of any general or special act.

B. If a majority of the members of the board of trustees of a land grant-merced covered by specific legislation determines that the specific legislation is no longer beneficial to the land grant-merced, the board has the authority to petition the legislature to repeal the legislation and to be governed by its bylaws and as provided in Sections 49-1-1 through 49-1-18 NMSA 1978."

Chapter 124 Section 5 Laws 2004

Section 5. Section 49-1-3 NMSA 1978 (being Laws 1907, Chapter 42, Section 3, as amended) is amended to read:

"49-1-3. BOARD OF TRUSTEES--MANAGEMENT OF GRANT--POWERS.--The management and control of all land grants-mercedes and tracts of land to which Sections 49-1-1 through 49-1-18 NMSA 1978 are applicable is vested in a board of trustees, to be known as the "board of trustees of the land grant-merced del pueblo de _____" (designating the name of the town, colony, pueblo or community), and the board shall have the power to:

A. control, care for and manage the land grant-merced and real estate, prescribe the terms and conditions under which the common lands may be used and enjoyed and make all necessary and proper bylaws, rules and regulations that shall be in substantial compliance with applicable statutes for the government thereof;

B. sue and be sued under the title as set forth in this section;

C. convey, lease or mortgage the common lands of the land grant-merced in accordance with the land grant-merced bylaws;

D. determine the number of animals that may be permitted to graze upon the common lands and determine other uses of the common lands that may be authorized;

E. prescribe the price to be paid for the use of the common lands and resources of the land grant-merced and prohibit a person failing or refusing to pay that amount from using a portion of the common lands while the person continues in default in those payments; provided that the amount fixed shall be in proportion to the number and kinds of livestock pasturing upon the common lands or to other authorized use of the common lands;

F. adopt and use an official seal;

G. appoint judges and clerks of election at all elections provided for in Sections 49-1-1 through 49-1-18 NMSA 1978, subsequent to the first, and canvass the votes cast in those elections;

H. make bylaws, rules and regulations, not in conflict with the constitution and laws of the United States or the state of New Mexico as may be necessary for the protection, improvement and management of the common lands and real estate and for the use and enjoyment of the common lands and of the common waters of the land grant-merced;

I. determine land use, local infrastructure and economic development of the common lands of the land grant-merced; and

J. determine zoning of the common lands of the land grant-merced pursuant to a comprehensive plan approved by the local government division of the department of finance and administration that considers the health, safety and general welfare of the residents. The department of finance and administration shall act as arbitrator for zoning conflicts between land grants-mercedes and neighboring municipalities and counties."

Chapter 124 Section 6 Laws 2004

Section 6. Section 49-1-4 NMSA 1978 (being Laws 1907, Chapter 42, Section 4, as amended) is amended to read:

"49-1-4. BOARD OF TRUSTEES--QUALIFICATIONS.--The board of trustees shall consist of five members. In land grants-mercedes where there is more than one precinct, no more than three members shall be residents of the same precinct. A person shall be qualified to be a member of the board if the person is a qualified voting member and is not in default of any dues, rent or other payment for the use of any of the common lands of the land grant-merced."

Chapter 124 Section 7 Laws 2004

Section 7. Section 49-1-5 NMSA 1978 (being Laws 1907, Chapter 42, Section 5, as amended) is amended to read:

"49-1-5. ELECTION OF MEMBERS OF BOARD OF TRUSTEES--VOTERS' QUALIFICATIONS--REGISTRATION.--

A. Elections for the board of trustees shall be held on the first Monday in April or on a day designated in the bylaws, either every two or every four years as specified in the bylaws of the land grant-merced.

B. All qualified voting members of the land grant-merced are qualified to vote and may vote for trustees as specified in the land grant-merced bylaws.

C. The registration of qualified voting members shall be conducted in the manner prescribed in the Election Code, substituting the words "board of trustees" and "secretary" wherever the words "county commission" and "county clerk" are used in that code.

D. The registration books compiled before each election shall be used at that election. No person shall vote at the election unless duly registered in the books, and no ballot of any unregistered person shall be counted or canvassed.

E. The board of trustees of each land grant-merced shall give public notice in Spanish and English of the time of the election and fix and give notice of the polling places in each precinct by handbills posted in at least five public places in each precinct at least fifteen days prior to the election. Notice shall also be given by publication fifteen days prior to the election in a newspaper in general circulation within the land grant-merced if there is one.

F. Elections shall be conducted, as nearly as is practicable, in the same manner as provided by law for the holding of general elections in this state. The judges and clerks of elections shall be appointed and the votes canvassed by the board of trustees."

Chapter 124 Section 8 Laws 2004

Section 8. Section 49-1-7 NMSA 1978 (being Laws 1907, Chapter 42, Section 7, as amended) is amended to read:

"49-1-7. ELECTION--CANVASSING VOTES.--The election judges and board of trustees shall meet not later than seven days following the election and canvass the votes cast and issue to the five persons having a majority of votes a certificate showing they have been duly elected."

Chapter 124 Section 9 Laws 2004

Section 9. Section 49-1-8 NMSA 1978 (being Laws 1907, Chapter 42, Section 8, as amended) is amended to read:

"49-1-8. ORGANIZATION OF BOARD--BONDS--VACANCIES.--

A. All members of the newly elected board of trustees shall meet no later than seven days after the votes are canvassed and organize themselves by the election of a president, secretary and treasurer. The treasurer shall perform such duties as may be required by the board and shall furnish to the board a good and sufficient surety bond in a sum as set forth in this section, to be conditioned as are the bonds of other public officials handling public money. It is the duty of the treasurer to deposit all the money coming into his hands as treasurer in a bank organized and doing business in New Mexico.

B. In the event of the death or resignation of the treasurer, the board shall fill the vacancy by appointing one of the members of the board as treasurer, who shall, before entering into the performance of his duties as treasurer, execute and furnish to the board a good and sufficient surety bond, similar to the bond entered into by his predecessor.

C. The amount of the bond required of the treasurer and his successor shall at all times be for a sum of at least double the amount received by and deposited in the bank by the treasurer.

D. In the event the board of trustees delegates any other of its members to collect money due the land grant-merced, that person shall be bonded in the same manner as is provided in this section for the bonding of the treasurer.

E. Those authorized to collect money shall give receipts for the money collected, which receipts shall be in the form prescribed by the board of trustees in the bylaws as an official receipt."

Chapter 124 Section 10 Laws 2004

Section 10. Section 49-1-9 NMSA 1978 (being Laws 1907, Chapter 42, Section 9, as amended) is amended to read:

"49-1-9. MEETINGS.--Regular meetings of the board of trustees shall be held no less than quarterly and in a public place as the board may determine in accordance with the bylaws. The time and place of regular meetings shall be posted in Spanish and English in a public place within the land grant-merced at least ten days prior to the meeting. Special meetings may be held at any time on call of the president, with five days' notice being given to each member."

Chapter 124 Section 11 Laws 2004

Section 11. Section 49-1-10 NMSA 1978 (being Laws 1907, Chapter 42, Section 10, as amended) is amended to read:

"49-1-10. QUORUM.--A majority of the board of trustees shall constitute a quorum for the transaction of business, and the land grant-merced and its inhabitants shall be bound by the acts of the board done pursuant to the provisions of Sections 49-1-1 through 49-1-18 NMSA 1978 and the land grant-merced bylaws."

Chapter 124 Section 12 Laws 2004

Section 12. Section 49-1-11 NMSA 1978 (being Laws 1907, Chapter 42, Section 11, as amended) is amended to read:

"49-1-11. SALE OR MORTGAGE OF COMMON LANDS--RESTRICTIONS.--

A. A conveyance of a portion or of all of the common lands of a land grant-merced shall be effective only if:

(1) the conveyance is made in accordance with the land grant-merced bylaws and this section;

(2) the conveyance is made for the benefit of the land grant-merced;

(3) the board of trustees of the land

grant-merced has approved a resolution to make the conveyance at a regular meeting held in accordance with Sections 49-1-9 and 49-1-12 NMSA 1978;

(4) the board of trustees has petitioned for an order affirming the board's resolution from the district court of the district in which the property is located; and

(5) the district court has issued an order affirming the board of trustees' resolution pursuant to Subsection E of this section.

B. An heir may file a written protest of a conveyance with the board of trustees of the land grant-merced and the district court within thirty days of the date that the resolution approving the conveyance is passed by the board. The board shall address and make a decision on the protest at a special meeting held in accordance with Sections 49-1-9 and 49-1-12 NMSA 1978 within thirty days of receiving the protest.

C. An heir dissatisfied with a decision of the board of trustees may appeal to the district court of the county in which property is located in the following manner:

(1) appeals to the district court shall be taken by serving a notice of appeal upon the board within thirty days of the decision. If an appeal is not timely taken, the action of the board is conclusive;

(2) the notice of appeal may be served in the same manner as a summons in civil actions brought before the district court or by publication in a newspaper printed in the county in which the property is located, once per week for four consecutive weeks. The last publication shall be at least twenty days prior to the date the appeal may be heard. Proof of service of the notice of appeal shall be made in the same manner as in actions brought in the district court and shall be filed in the district court within thirty days after service is complete. At the time of filing the proof of service and upon payment by the appellant of the civil docket fee, the clerk of the district court shall docket the appeal;

(3) costs shall be taxed in the same manner as in cases brought in the district court and bond for costs may be required upon proper application; and

(4) the proceeding upon appeal shall be de novo as cases originally docketed in the district court. Evidence taken in a hearing before the board may be considered as original evidence subject to legal objection, the same as if the evidence was originally offered in the district court. The court shall allow all amendments that may be necessary in furtherance of justice and may submit any question of fact to a jury or to one or more referees at its discretion.

D. If the district court finds that all requirements of this section have been satisfied and that all protests and appeals are concluded, the court shall issue its order affirming the board of trustees' resolution conveying the property.

E. After the district court issues its order, the board of trustees shall execute the necessary documents in the name and under the seal of the land grant-merced, and all heirs shall be bound by the board's conveyance."

Chapter 124 Section 13 Laws 2004

Section 13. Section 49-1-12 NMSA 1978 (being Laws 1907, Chapter 42, Section 12, as amended) is amended to read:

"49-1-12. MEETINGS TO BE PUBLIC--ANNUAL REPORT.--

A. All meetings of the board of trustees shall be held in accordance with the Open Meetings Act. Executive sessions shall not be held except in accordance with the Open Meetings Act. All heirs of the land grant-merced shall have the right to be present at all times when the board is in session and to be heard on all matters in which they may be interested.

B. The board of trustees shall annually make public a report of all its transactions for that year. The report shall include agendas, minutes, actions taken and all financial transactions. The report shall be maintained in a public place and available for public review.

C. The secretary of the board shall reduce to writing, in a book kept for that purpose, minutes of the business transacted at each meeting of the board."

Chapter 124 Section 14 Laws 2004

Section 14. Section 49-1-13 NMSA 1978 (being Laws 1907, Chapter 42, Section 13, as amended) is amended to read:

"49-1-13. VACANCIES.--If a vacancy occurs on the board, the remaining members shall fill the vacancy by appointment made at a regular meeting. The person appointed shall hold office until the next regular election."

Chapter 124 Section 15 Laws 2004

Section 15. Section 49-1-14 NMSA 1978 (being Laws 1907, Chapter 42, Section 14, as amended) is amended to read:

"49-1-14. SALARIES OF TRUSTEES--RECORDS--EXPENDITURES.--

A. The board of trustees may fix in the land grant-merced bylaws and pay to its members a salary not to exceed two hundred dollars (\$200) to any member in one month. The salary as fixed shall be in full as compensation for the duties performed by the board or the individual members within the exterior boundaries of the land grant-merced and for attendance at regularly scheduled meetings. The secretary of the board may be allowed a salary not to exceed two hundred twenty-five dollars (\$225) in one month.

B. Board members may be authorized per diem and mileage pursuant to the Per Diem and Mileage Act.

C. The board of trustees and the treasurer shall keep permanent and legible records capable of audit, and no money or funds shall be paid by the board of trustees or by any person authorized to expend money except by written check drawn upon vouchers."

Chapter 124 Section 16 Laws 2004

Section 16. Section 49-1-15 NMSA 1978 (being Laws 1907, Chapter 42, Section 15, as amended) is amended to read:

"49-1-15. REMOVAL FROM LAND GRANT-MERCED--DELINQUENCY--FORFEITURE.--

A. If a person holds in possession or claims in private ownership, within the exterior boundaries of a land grant-merced, any tract, piece or parcel of land to which, in the opinion of the board of trustees, he has no right or title, the board may institute an action of ejectment against the person. If upon the trial it appears that such possession is without right, judgment shall be rendered in favor of the board for possession of the tract, piece or parcel of land and for such damages as it may have proved for the wrongful detention.

B. Any delinquent heir shall lose all right or interest that the heir may have had in the common lands of the land grant-merced unless the heir pays in full all legal assessments or dues due by the heir."

Chapter 124 Section 17 Laws 2004

Section 17. Section 49-1-16 NMSA 1978 (being Laws 1907, Chapter 42, Section 16, as amended) is amended to read:

"49-1-16. TRESPASS ON COMMON LANDS OR WATERS--INJUNCTIONS.--The courts of this state shall entertain bills of complaint filed by the board of trustees of a land grant-merced to enjoin persons from trespassing upon the common lands or using the common waters within the land grant-merced if it appears that the complainant is without a plain, speedy and adequate remedy at law or that the persons committing trespass are insolvent or unable to respond in damages."

Chapter 124 Section 18 Laws 2004

Section 18. Section 49-1-17 NMSA 1978 (being Laws 1907, Chapter 42, Section 17, as amended) is amended to read:

"49-1-17. PROCESS--HOW SERVED ON BOARD.--Process in all actions or suits against a board of trustees of a land grant-merced shall be served upon the president or, in his absence, upon the secretary."

Chapter 124 Section 19 Laws 2004

Section 19. Section 49-1-18 NMSA 1978 (being Laws 1907, Chapter 42, Section 19, as amended) is amended to read:

"49-1-18. CONSTRUCTION.--Sections 49-1-1 through 49-1-18 NMSA 1978 shall not be construed as applying to any land grant-merced that is managed or controlled in any manner other than that provided in Section 49-1-2 NMSA 1978."

Chapter 124 Section 20 Laws 2004

Section 20. Section 49-1-19 NMSA 1978 (being Laws 1933, Chapter 164, Section 6) is amended to read:

"49-1-19. FAILURE OF TRUSTEE TO PERFORM DUTIES--PENALTY.--Any member of the board of trustees who fails or refuses to perform any of the duties required to be performed by the board of trustees of the land grant-merced or any member of the board pursuant to Sections 49-1-1 through 49-1-18 NMSA 1978 or by any other law of New Mexico is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100) or by imprisonment in the county jail for a period of not less than thirty days nor more than ninety days, or both."

Chapter 124 Section 21 Laws 2004

Section 21. REPEAL.--Section 49-1-6 NMSA 1978 (being Laws 1907, Chapter 42, Section 6, as amended) is repealed.

Chapter 124 Section 22 Laws 2004

Section 22. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2004.

SCONC/Senate Bill 142, aa
Approved March 10, 2004

LAWS 2004, CHAPTER 125

AN ACT

RELATING TO PUBLIC SCHOOL CAPITAL OUTLAY; AUTHORIZING SUPPLEMENTAL SEVERANCE TAX BONDS FOR PUBLIC SCHOOL CAPITAL OUTLAY PROJECTS; AMENDING THE PUBLIC SCHOOL CAPITAL IMPROVEMENTS ACT TO ESTABLISH FUNDING PRIORITIES, EXPAND THE PURPOSE FOR WHICH FUNDS MAY BE USED AND ADJUST STATE DISTRIBUTIONS BY AN INFLATION FACTOR; AMENDING THE PUBLIC SCHOOL CAPITAL OUTLAY ACT TO CHANGE CRITERIA FOR FUNDING CERTAIN PROJECTS, PROVIDE A PROCEDURE FOR APPEALING CERTAIN DECISIONS, PROVIDE A CAUSE OF ACTION AGAINST CERTAIN SCHOOL DISTRICTS FOR CERTAIN CONSTITUTIONAL VIOLATIONS AND PROVIDE FOR A TAX IMPOSITION AS A REMEDY; CREATING THE PUBLIC SCHOOL CAPITAL OUTLAY TASK FORCE; PROVIDING DUTIES FOR THE TASK FORCE; AMENDING THE TECHNOLOGY FOR EDUCATION ACT TO LIMIT CARRYFORWARD PROVISIONS; MAKING APPROPRIATIONS.

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

Chapter 125 Section 1 Laws 2004

Section 1. Section 7-27-12.2 NMSA 1978 (being Laws 2001, Chapter 338, Section 2) is amended to read:

"7-27-12.2. SUPPLEMENTAL SEVERANCE TAX BONDS--PUBLIC SCHOOL CAPITAL OUTLAY PROJECTS.--

A. The public school capital outlay council is authorized to certify by resolution that proceeds of supplemental severance tax bonds are needed for expenditures relating to public school capital outlay projects pursuant to the Public School Capital Outlay Act or for the state distribution for public school capital improvements pursuant to the Public School Capital Improvements Act. The resolution shall specify the total amount needed.

B. The state board of finance may issue and sell supplemental severance tax bonds in compliance with the Severance Tax Bonding Act when the public school capital outlay council certifies by resolution the need for the issuance of the bonds. The amount of the bonds sold at each sale shall not exceed the lesser of the amount certified by the council or the amount that may be issued pursuant to the restrictions of Section 7-27-14 NMSA 1978.

C. The state board of finance shall schedule the issuance and sale of the bonds in the most expeditious and economical manner possible.

D. The proceeds from the sale of the bonds are appropriated as follows:

(1) the amount certified by the secretary of public education as necessary to make the distribution pursuant to Section 22-25-9 NMSA 1978 is appropriated to the public school capital improvements fund for the purpose of carrying out the provisions of the Public School Capital Improvements Act; and

(2) the remainder of the proceeds is appropriated to the public school capital outlay fund for the purpose of carrying out the provisions of the Public School Capital Outlay Act."

Chapter 125 Section 2 Laws 2004

Section 2. Section 7-27-14 NMSA 1978 (being Laws 1961, Chapter 5, Section 11, as amended) is amended to read:

"7-27-14. AMOUNT OF TAX--SECURITY FOR BONDS.--

A. The legislature shall provide for the continued assessment, levy, collection and deposit into the severance tax bonding fund of the tax or taxes upon natural resource products severed and saved from the soil of the state that, together with such other income as may be deposited to the fund, will be sufficient to produce an amount that is at least the amount necessary to meet annual debt service charges on all outstanding severance tax bonds and supplemental severance tax bonds.

B. Except as otherwise specifically provided by law, the state board of finance shall issue no severance tax bonds unless the aggregate amount of severance tax bonds outstanding, and including the issue proposed, can be serviced with not more than fifty percent of the annual deposits into the severance tax bonding fund, as determined by the deposits during the preceding fiscal year.

C. The state board of finance shall issue no supplemental severance tax bonds with a term that extends beyond the fiscal year in which the bonds are issued unless the aggregate amount of severance tax bonds and supplemental severance tax bonds outstanding, and including the issue proposed, can be serviced with not more than sixty-two and one-half percent of the annual deposits into the severance tax bonding fund, as determined by the deposits during the preceding fiscal year.

D. Except as otherwise specifically provided by law, the state board of finance may issue supplemental severance tax bonds with a term that does not extend beyond the fiscal year in which they are issued if the debt service on such supplemental severance tax bonds when added to the debt service previously paid or scheduled to be paid during that fiscal year on severance tax bonds and supplemental severance tax bonds does not exceed ninety-five percent of the deposits into the severance tax bonding fund during the preceding fiscal year.

E. The provisions of this section shall not be modified by the terms of any severance tax bonds or supplemental severance tax bonds hereafter issued."

Chapter 125 Section 3 Laws 2004

Section 3. Section 7-37-7 NMSA 1978 (being Laws 1973, Chapter 258, Section 40, as amended) is amended to read:

"7-37-7. TAX RATES AUTHORIZED--LIMITATIONS.--

A. The tax rates specified in Subsection B of this section are the maximum rates that may be set by the department of finance and administration for the use of the stated governmental units for the purposes stated in that subsection. The tax rates set for residential property for county, school district or municipal general purposes or for the purposes authorized in Paragraph (2) of Subsection C of this section shall be the same as the tax rates set for nonresidential property for those governmental units for those purposes unless different rates are required because of limitations imposed by Section 7-37-7.1 NMSA 1978. The department of finance and administration may set a rate at less than the maximum in any tax year. In addition to the rates authorized in Subsection B of this section, the department of finance and administration shall also determine and set the necessary rates authorized in Subsection C of this section. The tax rates authorized in Paragraphs (1), (3) and (4) of Subsection C of this section shall be set at the same rate for both residential and nonresidential property. Rates shall be set after the governmental units' budget-making and approval process is completed and shall be set in accordance with Section 7-38-33 NMSA 1978. Orders imposing the rates set for all units of government shall be made by the boards of county commissioners after rates are set and certified to the boards by the department of finance and administration. The department of finance and administration shall also certify the rates set for nonresidential property in governmental units to the department for use in collecting taxes imposed under the Oil and Gas Ad Valorem Production Tax Act, the Oil and Gas Production Equipment Ad Valorem Tax Act and the Copper Production Ad Valorem Tax Act.

B. The following tax rates for the indicated purposes are authorized:

(1) for the use of each county for general purposes for the 1987 and subsequent property tax years, a rate of eleven dollars eighty-five cents (\$11.85) for each one thousand dollars (\$1,000) of net taxable value of both residential and nonresidential property allocated to the county;

(2) for the use of each school district for general operating purposes, a rate of fifty cents (\$.50) for each one thousand dollars (\$1,000) of net taxable value of both residential and nonresidential property allocated to the school district; and

(3) for the use of each municipality for general purposes for the 1987 and subsequent property tax years, a rate of seven dollars sixty-five cents (\$7.65) for each one thousand dollars (\$1,000) of net taxable value of both residential and nonresidential property allocated to the municipality.

C. In addition to the rates authorized in Subsection B of this section, there are also authorized:

(1) those rates or impositions authorized under provisions of law outside of the Property Tax Code that are for the use of the governmental units indicated in those provisions and are for the stated purpose of paying principal and interest on a public general obligation debt incurred under those provisions of law;

(2) those rates or impositions authorized under provisions of law outside of the Property Tax Code that are for the use of the governmental units indicated in those provisions, are for the stated purposes authorized by those provisions and have been approved by the voters of the governmental unit in the manner required by law;

(3) those rates or impositions necessary for the use of a governmental unit to pay a tort or workers' compensation judgment for which a county, municipality or school district is liable, subject to the limitations in Subsection B of Section 41-4-25 NMSA 1978, but, except as provided in Paragraph (4) of this subsection, no rate or imposition shall be authorized to pay any judgment other than one arising from a tort or workers' compensation claim; and

(4) those rates or impositions ordered by a court pursuant to Section 22-24-5.5 NMSA 1978 and for the use of a school district to pay a judgment pursuant to that section.

D. The rates and impositions authorized under Subsection C of this section shall be on the net taxable value of both residential and nonresidential property allocated to the unit of government specified in the provisions of the other laws or the judgments."

Chapter 125 Section 4 Laws 2004

Section 4. Section 15-3B-2 NMSA 1978 (being Laws 1972, Chapter 74, Section 2, as amended) is amended to read:

"15-3B-2. DEFINITIONS.--As used in the Property Control Act:

A. "capital outlay project" means the acquisition, improvement, alteration or reconstruction of assets of a long-term character that are intended to continue to be held or used, including land, buildings, machinery, furniture and equipment. A "capital outlay project" includes all proposed expenditures related to the entire undertaking;

B. "department" means the general services department;

C. "director" means the director of the division;

D. "division" means the property control division of the department;

E. "jurisdiction" means all state buildings and land except those under the control and management of the state armory board, the office of cultural affairs, the state fair commission, the department of game and fish, the department of transportation, the commissioner of public lands, the state parks division of the energy, minerals and natural resources department, the state institutions of higher learning, the New Mexico school for the deaf, the New Mexico school for the visually handicapped, the judicial branch, the legislative branch, property acquired by the economic development department pursuant to the Statewide Economic Development Finance Act and property acquired by the public school facilities authority pursuant to the Public School Capital Outlay Act; and

F. "secretary" means the secretary of general services."

Chapter 125 Section 5 Laws 2004

Section 5. Section 22-15A-9 NMSA 1978 (being Laws 1994, Chapter 96, Section 9, as amended) is amended to read:

"22-15A-9. EDUCATIONAL TECHNOLOGY FUND--DISTRIBUTION.--

A. Upon annual review and approval of a school district's educational technology plan, the bureau shall determine a separate distribution from the educational technology fund for each school district.

B. On or before July 31 of each year, the bureau shall distribute money in the educational technology fund directly to each school district in an amount equal to ninety percent of the school district's estimated adjusted entitlement calculated pursuant to Subsection C of this section. A school district's unadjusted entitlement is that portion of the total amount of the annual appropriation that the projected membership bears to the projected membership of the state. Kindergarten membership shall be calculated on a one-half full-time equivalent basis.

C. A school district's estimated adjusted entitlement shall be calculated by the bureau using the following procedure:

(1) a base allocation is calculated by multiplying the total annual appropriation by seventy-five thousandths percent;

(2) the estimated adjusted entitlement amount for a school district whose unadjusted entitlement is at or below the base allocation shall be equal to the base allocation. For a school district whose unadjusted entitlement is higher than the base allocation, the estimated adjusted entitlement shall be calculated pursuant to Paragraphs (3) through (13) of this subsection;

(3) the total projected membership in those school districts that will receive the base allocation pursuant to Paragraph (2) of this subsection is subtracted from the total projected state membership;

(4) the total of the estimated adjusted entitlement amounts that will be distributed to those school districts receiving the base allocation pursuant to Paragraph (2) of this subsection is subtracted from the total appropriation;

(5) the projected membership for the district is divided by the result calculated pursuant to Paragraph (3) of this subsection;

(6) the number calculated pursuant to Paragraph (5) of this subsection is multiplied by the value calculated pursuant to Paragraph (4) of this subsection;

(7) excluding appropriations made prior to January 1, 2003 and reauthorizations of previous educational technology appropriations, the total of educational technology appropriations made in the immediately preceding three fiscal years directly to, and not rejected by, the school district, is calculated. No later than June 30 of each year, the department of finance and administration shall certify to the bureau the amount of direct

appropriations made to each school district during the preceding twelve months. An appropriation made in a fiscal year shall be deemed to be accepted by a school district unless, prior to July 15 of the fiscal year following the appropriation, the district notifies the department of finance and administration and the public education department that the district is rejecting the appropriation;

(8) the applicable amount for the school district calculated from Subparagraph (k), (m), (n) or (o) of Paragraph (5) of Subsection B of Section 22-24-5 NMSA 1978 is subtracted from one;

(9) the value calculated pursuant to Paragraph (7) of this subsection for the school district is multiplied by the amount calculated pursuant to Paragraph (8) of this subsection for that school district;

(10) the total amount of reductions for the school district made in the immediately two preceding fiscal years pursuant to Paragraph (11) of this subsection is subtracted from the amount calculated pursuant to Paragraph (9) of this subsection for that school district;

(11) the amount calculated for the school district pursuant to Paragraph (10) of this subsection is subtracted from the amount calculated pursuant to Paragraph (6) of this subsection for that school district;

(12) if the amount calculated for the school district pursuant to Paragraph (11) of this subsection is equal to or less than the base allocation amount, the estimated adjusted entitlement amount for that school district is equal to the base allocation amount; and

(13) if the amount calculated for the school district pursuant to Paragraph (11) of this subsection is more than the base allocation amount, the estimated adjusted entitlement amount for that school district is equal to the amount calculated pursuant to that paragraph.

D. On or before January 30 of each year, the bureau shall recompute each adjusted entitlement using the final funded membership for that year and, without making any additional reductions, shall allocate the balance of the annual appropriation adjusting for any over- or under-projection of membership.

E. A school district receiving funding pursuant to the Technology for Education Act is responsible for the purchase, distribution, use and maintenance of educational technology.

F. As used in this section, "membership" means the total enrollment of qualified students, as defined in the Public School Finance Act, on the current roll of class or school on a specified day. The current roll is established by the addition of original entries and reentries minus withdrawals. Withdrawal of students, in addition to students formally withdrawn from the public school, includes students absent from the public school for as many as ten consecutive school days."

Chapter 125 Section 6 Laws 2004

Section 6. Section 22-24-2 NMSA 1978 (being Laws 1975, Chapter 235, Section 2, as amended) is amended to read:

"22-24-2. PURPOSE OF ACT.--The purpose of the Public School Capital Outlay Act is to ensure that, through a standards-based process for all school districts, the physical condition and capacity, educational suitability and technology infrastructure of all public school facilities in New Mexico meet an adequate level statewide and the design, construction and maintenance of school sites and facilities encourage, promote and maximize safe, functional and durable learning environments in order for the state to meet its educational responsibilities and for New Mexico's students to have the opportunity to achieve success."

Chapter 125 Section 7 Laws 2004

Section 7. Section 22-24-4 NMSA 1978 (being Laws 1975, Chapter 235, Section 4, as amended) is amended to read:

"22-24-4. FUND CREATED--USE.--

A. There is created the "public school capital outlay fund". Balances remaining in the fund at the end of each fiscal year shall not revert.

B. Except as provided in Subsections G through K of this section, money in the fund may be used only for capital expenditures deemed by the council necessary for an adequate educational program.

C. The council may authorize the purchase by the public school facilities authority of portable classrooms to be loaned to school districts to meet a temporary requirement. Payment for these purchases shall be made from the fund. Title and custody to the portable classrooms shall rest in the public school facilities authority. The council shall authorize the lending of the portable classrooms to school districts upon request and upon finding that sufficient need exists. Application for use or return of state-owned portable classroom buildings shall be submitted by school districts to the council. Expenses of maintenance of the portable classrooms while in the custody of the public school facilities authority shall be paid from the fund; expenses of maintenance and insurance of the portable classrooms while in the custody of a school district shall be the responsibility of the school district. The council may authorize the permanent disposition of the portable classrooms by the public school facilities authority with prior approval of the state board of finance.

D. Applications for assistance from the fund shall be made by school districts to the council in accordance with requirements of the council. The council shall require as a condition of application that a school district have a current five-year facilities plan, which shall include a current preventive maintenance plan to which the school adheres for each public school in the school district.

E. The council shall review all requests for assistance from the fund and shall allocate funds only for those capital outlay projects that meet the criteria of the Public School Capital Outlay Act.

F. Money in the fund shall be disbursed by warrant of the department of finance and administration on vouchers signed by the secretary of finance and administration following certification by the council that an application has been approved or an expenditure has been ordered by a court pursuant to Section 22-24-5.5 NMSA 1978. At the discretion of the council, money for a project shall be distributed as follows:

(1) up to ten percent of the portion of the project cost funded with distributions from the fund or five percent of the total project cost, whichever is greater, may be paid to the school district before work commences with the balance of the grant award made on a cost-reimbursement basis; or

(2) the council may authorize payments directly to the contractor.

G. Balances in the fund may be annually appropriated for the core administrative functions of the public school facilities authority pursuant to the Public School Capital Outlay Act and, in addition, balances in the fund may be expended by the public school facilities authority, upon approval of the council, for project management expenses; provided that:

(1) the total annual expenditures from the fund pursuant to this subsection shall not exceed five percent of the average annual grant assistance authorized from the fund during the three previous fiscal years; and

(2) any unexpended or unencumbered balance remaining at the end of a fiscal year from the expenditures authorized in this subsection shall revert to the fund.

H. Up to one million two hundred fifty thousand dollars (\$1,250,000) of the balances of the fund may be expended in fiscal years 2003 and 2004 by the council for the purpose of updating and refining the statewide assessment study required by Section 22-24-5 NMSA 1978 and for the training of state and local officials on the use of the database and other data-management-related issues identified by the council.

I. Of the appropriation made to the fund by Subsection D of Section 15 of Chapter 338 of Laws 2001 for the purpose of correcting outstanding deficiencies, one million one hundred thousand dollars (\$1,100,000) is appropriated to the council for expenditure in fiscal years 2004 through 2007 for the core administrative functions of the deficiencies corrections program. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the fund.

J. Up to seven hundred thousand dollars (\$700,000) of the balances of the fund may be expended by the council in fiscal year 2004 for the core administrative functions of the public school facilities authority.

K. Up to four million dollars (\$4,000,000) from the fund may be expended annually by the council in fiscal years 2005 through 2009 for grants to school districts for the purpose of making lease payments for classroom facilities, including facilities leased by charter schools. The grants shall be made upon application by the school districts and pursuant to rules adopted by the council and the following criteria:

(1) the amount of a grant to a school district shall not exceed:

(a) the actual annual lease payments owed for leasing classroom space for schools, including charter schools, in the district; or

(b) three hundred dollars (\$300) multiplied by the number of MEM using the leased classroom facilities; provided that, if the total grants awarded pursuant to this paragraph would exceed the total annual amount available, the rate specified in this subparagraph shall be reduced proportionately;

(2) a grant received for the lease payments of a charter school may be used by that charter school as a state match necessary to obtain federal grants pursuant to the federal No Child Left Behind Act of 2001;

(3) at the end of each fiscal year, any unexpended or unencumbered balance of the appropriation shall revert to the fund; and

(4) as used in this subsection, "MEM" means the total full-time-equivalent enrollment using leased classroom facilities in the final funded prior school year."

Chapter 125 Section 8 Laws 2004

Section 8. Section 22-24-4.1 NMSA 1978 (being Laws 2001, Chapter 338, Section 6, as amended) is amended to read:

"22-24-4.1. OUTSTANDING DEFICIENCIES--ASSESSMENT--CORRECTION.--

A. No later than September 1, 2001, the council shall define and develop guidelines, consistent with the codes adopted by the construction industries commission pursuant to the Construction Industries Licensing Act, for school districts to use to identify outstanding serious deficiencies in public school buildings and grounds, including buildings and grounds of charter schools, that may adversely affect the health or safety of students and school personnel.

B. A school district shall use these guidelines to complete a self-assessment of the outstanding health or safety deficiencies within the school district and provide cost projections to correct the outstanding deficiencies.

C. The council shall develop a methodology for prioritizing projects that will correct the deficiencies.

D. After a public hearing and to the extent that money is available in the fund for such purposes, the council shall approve allocations from the fund on the established priority basis and, working with the school district and pursuant to the Procurement Code, enter into construction contracts with contractors to correct the deficiencies.

E. In entering into construction contracts to correct deficiencies pursuant to this section, the council shall include such terms and conditions as necessary to ensure that the state money is expended in the most prudent manner possible and consistent with the original purpose.

F. Any deficiency that may adversely affect the health or safety of students or school personnel may be corrected pursuant to this section, regardless of the local effort or percentage of indebtedness of the school district.

G. It is the intent of the legislature that all outstanding deficiencies in public schools and grounds that may adversely affect the health or safety of students and school personnel be identified and awards made pursuant to this section no later than June 30, 2005, and that funds be expended no later than June 30, 2007."

Chapter 125 Section 9 Laws 2004

Section 9. 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, the approval of applications, the prioritization of projects and grant awards shall be conducted pursuant to the provisions of this section; provided, however, that the order of priority in the three years beginning July 1, 2004 shall first reflect those projects that were partially funded by the council in September 2003 but are not as yet completed, excluding expansion of those projects and contingent upon maintenance of the required local support. In that transition period, such projects shall be funded regardless of any deviation from the statewide adequacy standards; provided, that the amount of the award received shall not exceed the amount necessary to meet the statewide adequacy standards, including projected enrollment growth.

B. Except as provided in Subsection A of this section and in Section 22-24-5.5 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; and

(b) 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; and

(c) 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) or (8) of this subsection, the state share of a project approved and ranked by the council shall be funded within available resources 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 calculated for that school district pursuant to Subparagraph (f) of this paragraph equals the portion of the approved project to be funded from the fund;

(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 portion of the approved project to be funded from the fund;

(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 portion of the approved project to be funded from the fund;

(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 portion of the approved project to be funded from the fund;

(p) except as reduced pursuant to Paragraph (6) of this subsection, the amount to be distributed from the fund for an approved project shall equal the value for the subject school district derived from Subparagraph (k), (m), (n) or (o) of this paragraph multiplied by the total project cost; and

(q) as used in this paragraph: 1) "MEM" means the total full-time equivalent enrollment of students attending public school in a school district in the final funded prior school year; and 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;

(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 directly to, and not rejected by, the subject school district for non-operating purposes, excluding educational technology and reauthorizations of appropriations previously made to the subject school district, is calculated; provided that an appropriation made in a fiscal year shall be deemed to be accepted by a school district unless, prior to July 15 of the fiscal year following the appropriation, the district notifies the department of finance and administration and the public education department that the district is rejecting the appropriation;

(b) the applicable amount for the subject school district calculated from Subparagraph (k), (m), (n) or (o) 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 Paragraphs (5) and (6) of this subsection, "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) in those instances in which a school district has used all of its local resources, the council may fund up to the total amount of a project; and

(9) 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; and 3) 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) or (8) of this subsection, is not funded with grant assistance from the fund;

(f) the application includes the capital needs of any charter schools located in the school district or the school district has shown that the facilities of the charter schools in the district meet the statewide adequacy standards; 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 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. It is the intent of the legislature that grant assistance made pursuant to this section allow 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 local funds to exceed the statewide adequacy standards.

E. Upon request, the council shall work with, and provide assistance and information to, the public school capital outlay task force.

F. 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.

G. 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.

H. 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 125 Section 10 Laws 2004

Section 10. A new section of the Public School Capital Outlay Act, Section 22-24-5.5 NMSA 1978, is enacted to read:

"22-24-5.5. RECALCITRANT SCHOOL DISTRICTS--COURT ACTION TO ENFORCE CONSTITUTIONAL COMPLIANCE--IMPOSITION OF PROPERTY TAX.--

A. The council may bring an action against a school district pursuant to the provisions of this section if, based upon information submitted to the council by the public school facilities authority, the council determines that:

(1) the physical condition of a public school facility in the school district is so inadequate that the facility or the education received by students attending the facility is below the minimum required by the constitution of New Mexico;

(2) the school district is not taking the necessary steps to bring the facility up to the constitutionally required minimum; and

(3) either:

(a) the school district has not applied for the grant assistance necessary to bring the facility up to minimum constitutional standards; or

(b) the school district is unwilling to meet all of the requirements for the approval of an application for grant assistance pursuant to Paragraph (9) of Subsection B of Section 22-24-5 NMSA 1978.

B. An action brought pursuant to this section shall be brought by the council in the name of the state against the school district in the district court for Santa Fe county.

C. After a hearing and consideration of the evidence, if the court finds that the council's determination pursuant to Subsection A of this section was correct, the court shall:

(1) order the council to expend sufficient resources necessary to bring the facility up to the minimum level required by the constitution of New Mexico;

(2) order the school district to comply with Paragraph (9) of Subsection B of Section 22-24-5 NMSA 1978 and to take all other actions necessary to facilitate the completion of the project ordered pursuant to Paragraph (1) of this subsection; and

(3) enter a judgment against the school district for court costs and attorney fees and the necessary amount to satisfy the school district share, as determined by the formula prescribed by Subsection B of Section 22-24-5 NMSA 1978, for the project ordered pursuant to Paragraph (1) of this subsection.

D. The amount of a judgment entered against a school district pursuant to Paragraph (3) of Subsection C of this section is a public debt of the school district. If the court finds that the debt cannot be satisfied with available school district funds, other than funds needed for the operation of the public schools and other existing obligations, the court shall order the imposition of a property tax on all taxable property allocated to the school district at a rate sufficient to pay the judgment, with accrued interest, within a reasonable time as determined by the court. After paying court costs and attorney fees, amounts received pursuant to this subsection shall be deposited by the council into the fund."

Chapter 125 Section 11 Laws 2004

Section 11. Section 22-24-9 NMSA 1978 (being Laws 2003, Chapter 147, Section 1) is amended to read:

"22-24-9. PUBLIC SCHOOL FACILITIES AUTHORITY--CREATION--POWERS AND DUTIES.--

A. The "public school facilities authority" is created under the council. The authority shall be headed by a director, selected by the council, who shall be versed in construction, architecture or project management. The director may hire no more than two deputies with the approval of the council, and, subject to budgetary constraints, shall employ or contract with such technical and administrative personnel as are necessary to carry out the provisions of this section. The director and deputies shall be exempt from the provisions of the Personnel Act; after July 1, 2005, all other employees of the authority shall be subject to the provisions of the Personnel Act.

B. The authority shall:

- (1) serve as staff to the council;
- (2) as directed by the council, provide those assistance and oversight functions required of the council by Section 22-24-5.1 NMSA 1978;
- (3) assist school districts with:
 - (a) the development and implementation of five-year facilities plans and preventive maintenance plans;
 - (b) procurement of architectural and engineering services;
 - (c) management and oversight of construction activities; and
 - (d) training programs;
- (4) conduct ongoing reviews of five-year facilities plans, preventive maintenance plans and performance pursuant to those plans;
- (5) as directed by the council, assist school districts in analyzing and assessing their space utilization options;
- (6) ensure that public school capital outlay projects are in compliance with applicable building codes;
- (7) conduct on-site inspections as necessary to ensure that the construction specifications are being met and periodically inspect all of the documents related to projects;
- (8) require the use of standardized construction documents and the use of a standardized process for change orders;
- (9) have access to the premises of a project and any documentation relating to the project;

(10) after consulting with the department, recommend building standards for public school facilities to the council and ensure compliance with building standards adopted by the council;

(11) maintain a database of the condition of school facilities and maintenance schedules; and

(12) ensure that outstanding deficiencies are corrected pursuant to Section 22-24-4.1 NMSA 1978. In the performance of this duty, the authority:

(a) shall work with school districts to validate the assessment of the outstanding deficiencies and the projected costs to correct the deficiencies;

(b) shall work with school districts to provide direct oversight of the management and construction of the projects that will correct the outstanding deficiencies;

(c) shall oversee all aspects of the contracts entered into by the council to correct the outstanding deficiencies;

(d) may conduct on-site inspections while the deficiencies correction work is being done to ensure that the construction specifications are being met and may periodically inspect all of the documents relating to the projects;

(e) may require the use of standardized construction documents and the use of a standardized process for change orders;

(f) may access the premises of a project and any documentation relating to the project; and

(g) shall maintain, track and account for deficiency correction projects separately from other capital outlay projects funded pursuant to the Public School Capital Outlay Act.

C. All actions taken by the authority shall be consistent with educational programs conducted pursuant to the Public School Code. In the event of any potential or perceived conflict between a proposed action of the authority and an educational program, the authority shall consult with the secretary of public education.

D. A school district, aggrieved by a decision or recommendation of the authority, may appeal the matter to the council by filing a notice of appeal with the council within thirty days of the authority's decision or recommendation. Upon filing of the notice:

(1) the decision or recommendation of the authority shall be suspended until the matter is decided by the council;

(2) the council shall hear the matter at its next regularly scheduled hearing or at a special hearing called by the chair for that purpose;

(3) at the hearing, the school district, the authority and other interested parties may make informal presentations to the council; and

(4) the council shall finally decide the matter within ten days after the hearing."

Chapter 125 Section 12 Laws 2004

Section 12. Section 22-25-2 NMSA 1978 (being Laws 1975 (S.S.), Chapter 5, Section 2, as amended) is amended to read:

"22-25-2. DEFINITIONS.--As used in the Public School Capital Improvements Act:

A. "program unit" means the product of the program element multiplied by the applicable cost differential factor, as defined in Section 22-8-2 NMSA 1978; and

B. "capital improvements" means expenditures, including payments made with respect to lease-purchase arrangements as defined in the Education Technology Equipment Act but excluding any other debt service expenses, for:

(1) erecting, remodeling, making additions to, providing equipment for or furnishing public school buildings;

(2) purchasing or improving public school grounds;

(3) maintenance of public school buildings or public school grounds, including expenditures for technical training and certification for maintenance and facilities management personnel, but excluding salary expenses of school district employees;

(4) purchasing activity vehicles for transporting students to extracurricular school activities; and

(5) purchasing computer software and hardware for student use in public school classrooms."

Chapter 125 Section 13 Laws 2004

Section 13. Section 22-25-7 NMSA 1978 (being Laws 1975 (S.S.), Chapter 5, Section 7, as amended) is amended to read:

"22-25-7. IMPOSITION OF TAX--LIMITATION ON EXPENDITURES.--If as a result of an election held in accordance with the Public School Capital Improvements Act a majority of the qualified electors voting on the question vote in favor of the imposition of the tax, the tax rate shall be certified, unless the local school board requests by resolution that a rate be discontinued, by the department of finance and administration at the rate specified in the resolution authorized under Section 22-25-3 NMSA 1978 or at any lower rate required by operation of the rate limitation provisions of Section 7-37-7.1 NMSA 1978 upon the rate specified in the resolution and be imposed at the rate certified in accordance with the provisions

of the Property Tax Code. The revenue produced by the tax and, except as provided in Subsection F of Section 22-25-9 NMSA 1978, any state distribution resulting to the district under the Public School Capital Improvements Act shall be expended only for the capital improvements specified in the authorizing resolution."

Chapter 125 Section 14 Laws 2004

Section 14. Section 22-25-9 NMSA 1978 (being Laws 1975 (S.S.), Chapter 5, Section 9, as amended) is amended to read:

"22-25-9. STATE DISTRIBUTION TO SCHOOL DISTRICT IMPOSING TAX UNDER CERTAIN CIRCUMSTANCES.--

A. Except as provided in Subsection C of this section, the secretary of public education shall distribute to any school district that has imposed a tax under the Public School Capital Improvements Act an amount from the public school capital improvements fund that is equal to the amount by which the revenue estimated to be received from the imposed tax, at the rate certified by the department of finance and administration in accordance with Section 22-25-7 NMSA 1978, assuming a one hundred percent collection rate, is less than an amount calculated by multiplying the school district's first forty days' total program units by the amount specified in Subsection B of this section and further multiplying the product obtained by the tax rate approved by the qualified electors in the most recent election on the question of imposing a tax under the Public School Capital Improvements Act. The distribution shall be made each year that the tax is imposed in accordance with Section 22-25-7 NMSA 1978; provided that no state distribution from the public school capital improvements fund may be used for capital improvements to any administration building of a school district. In the event that sufficient funds are not available in the public school capital improvements fund to make the state distribution provided for in this section, the dollar per program unit figure shall be reduced as necessary.

B. In calculating the state distribution pursuant to Subsection A of this section, the following amounts shall be used:

(1) the amount calculated pursuant to Subsection D of this subsection per program unit; and

(2) for fiscal year 2006 and thereafter, an additional amount certified to the secretary of public education by the public school capital outlay council. No later than June 1, 2005 and each June 1 thereafter, the council shall determine the amount needed in the next fiscal year for public school capital outlay projects pursuant to the Public School Capital Outlay Act and the amount of revenue, from all sources, available for the projects. If, in the sole discretion of the council, the amount available exceeds the amount needed, the council may certify an additional amount pursuant to this paragraph; provided that the sum of the amount calculated pursuant to this paragraph plus the amount in Paragraph (1) of this subsection shall not result in a total statewide distribution that, in the opinion of the council, exceeds one-half of the total revenue estimated to be received from taxes imposed pursuant to the Public School Capital Improvements Act.

C. For fiscal year 2004 and thereafter, notwithstanding the amount calculated to be distributed pursuant to Subsections A and B of this section, a school district, the voters of

which have approved a tax pursuant to Section 22-25-3 NMSA 1978, shall not receive a distribution less than the amount calculated pursuant to Subsection E of this section, multiplied by the school district's first forty days' total program units and further multiplying the product obtained by the approved tax rate.

D. For purposes of calculating the distribution pursuant to Subsection B of this section, the amount used in Paragraph (1) of that subsection shall equal fifty dollars (\$50.00) through fiscal year 2005 and in each subsequent fiscal year shall equal the amount for the previous fiscal year adjusted by the percentage increase between the next preceding calendar year and the preceding calendar year of the consumer price index for the United States, all items, as published by the United States department of labor.

E. For purposes of calculating the minimum distribution pursuant to Subsection C of this section, the amount used in that subsection shall equal five dollars (\$5.00) through fiscal year 2005 and in each subsequent fiscal year shall equal the amount for the previous fiscal year adjusted by the percentage increase between the next preceding calendar year and the preceding calendar year of the consumer price index for the United States, all items, as published by the United States department of labor.

F. In expending distributions made pursuant to this section, school districts shall give priority to maintenance projects.

G. In making distributions pursuant to this section, the secretary of public education shall include such reporting requirements and conditions as are required by rule of the public school capital outlay council. The council shall adopt such requirements and conditions as are necessary to ensure that the distributions are expended in the most prudent manner possible and are consistent with the original purpose as specified in the authorizing resolution. Copies of reports or other information received by the secretary in response to the requirements and conditions shall be forwarded to the council."

Chapter 125 Section 15 Laws 2004

Section 15. TEMPORARY PROVISION--SHORT-TERM SUPPLEMENTAL SEVERANCE TAX BONDS AUTHORIZED FOR FISCAL YEAR 2004.--

A. In addition to the bonds issued pursuant to Section 7-27-14 NMSA 1978 and notwithstanding the limitations of that section, in compliance with the Severance Tax Bonding Act, in fiscal year 2004 the state board of finance may issue and sell supplemental severance tax bonds with a term that does not extend beyond the fiscal year in which they are issued in an amount not exceeding fifty-seven million dollars (\$57,000,000) when the public school capital outlay council certifies by resolution the need for the issuance of the bonds. The proceeds from the sale of the bonds are appropriated to the public school capital outlay fund for the following purposes:

(1) completing projects that have been partially funded by the public school capital outlay council in September 2003 pursuant to the Public School Capital Outlay Act; and

(2) making awards of grant assistance for correcting deficiencies pursuant to the Public School Capital Outlay Act.

B. No supplemental severance tax bonds shall be issued pursuant to this section unless the balance in the severance tax bonding fund as of the date that the bonds are issued is greater than the sum of:

(1) the debt service on the supplemental severance tax bonds to be issued pursuant to this section;

(2) the debt service scheduled to be paid during the remainder of the fiscal year on all outstanding severance tax bonds and supplemental severance tax bonds; and

(3) the amount necessary to meet all principal and interest payments on outstanding bonds payable from the severance tax bonding fund on the next two ensuing semiannual payment dates.

Chapter 125 Section 16 Laws 2004

Section 16. TEMPORARY PROVISION--PUBLIC SCHOOL CAPITAL OUTLAY TASK FORCE--CREATION--STAFF.--

A. The "public school capital outlay task force" is created. The task force consists of twenty members as follows:

(1) the dean of the university of New Mexico school of law or the dean's designee;

(2) the secretary of finance and administration or the secretary's designee;

(3) the secretary of public education or the secretary's designee;

(4) the state investment officer or the state investment officer's designee;

(5) the chairmen of the house appropriations and finance committee, the senate finance committee, the senate education committee and the house education committee or their designees;

(6) a minority party member of the house of representatives, appointed by the New Mexico legislative council;

(7) a minority party member of the senate, appointed by the New Mexico legislative council;

(8) two public members who have expertise in education and finance appointed by the speaker of the house of representatives;

(9) two public members who have expertise in education and finance appointed by the president pro tempore of the senate;

(10) three public members who have expertise in education and finance appointed by the governor; and

(11) three superintendents of school districts or their designees that receive grants from the federal government as assistance to areas affected by federal activity authorized in accordance with Title 20 of the United States Code, appointed by the New Mexico legislative council in consultation with the governor.

B. The chair of the public school capital outlay task force shall be elected by the task force. The task force shall meet at the call of the chair.

C. Members of the task force shall serve from the time of their appointment through June 30, 2005. On July 1, 2005, the task force is terminated.

D. The public members of the public school capital outlay task force shall receive per diem and mileage pursuant to the Per Diem and Mileage Act.

E. The legislative council service, with assistance from the public school facilities authority, the department of finance and administration, the public education department, the legislative education study committee and the legislative finance committee, shall provide staff for the public school capital outlay task force.

Chapter 125 Section 17 Laws 2004

Section 17. TEMPORARY PROVISION--PUBLIC SCHOOL CAPITAL OUTLAY TASK FORCE--DUTIES.--The public school capital outlay task force shall:

A. study and evaluate the progress and effectiveness of programs administered pursuant to the Public School Capital Outlay Act and the Public School Capital Improvements Act;

B. review the condition index and the methodology used for ranking projects;

C. evaluate the existing permanent revenue streams as an adequate long-term funding source for public school capital outlay projects;

D. monitor and assist the public school capital outlay council and the public school facilities authority as they perform functions pursuant to the Public School Capital Outlay Act, particularly as they implement the statewide-based process for making grant awards; and

E. before the beginning of the first session of the forty-seventh legislature, report the results of its analyses, findings and recommendations to the governor and the legislature.

Chapter 125 Section 18 Laws 2004

Section 18. TEMPORARY PROVISION--NO REDUCTION FOR KINDERGARTEN PROJECTS.--Notwithstanding the provisions of Paragraph (6) of Subsection B of Section 22-24-5 NMSA 1978, no reduction calculated pursuant to that paragraph shall take into account any appropriation in the 2004 Capital Projects General Obligation Bond Act to a school district for full-day kindergarten projects.

Chapter 125 Section 19 Laws 2004

Section 19. TEMPORARY PROVISION--REAUTHORIZATION.--In addition to its original purpose, the balance of the appropriation made from the general fund to the public school capital outlay fund pursuant to Subsection D of Section 15 of Chapter 338 of Laws 2001 may be used to carry out all of the provisions of the Public School Capital Outlay Act, and the period of time in which the appropriation may be expended is extended through fiscal year 2007. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall not revert but shall be used for the purpose of providing grant assistance pursuant to the Public School Capital Outlay Act.

Chapter 125 Section 20 Laws 2004

Section 20. REPEAL.--Section 22-24-5.2 NMSA 1978 (being Laws 2001, Chapter 328, Section 3) is repealed.

Chapter 125 Section 21 Laws 2004

Section 21. EFFECTIVE DATE.--The effective date of the provisions of Section 2 of this act is July 1, 2004.

SFC/Senate Bill 399, aa
Approved March 10, 2004

LAWS 2004, CHAPTER 126

AN ACT

RELATING TO EXPENDITURES OF PUBLIC MONEY; PROVIDING FOR CAPITAL EXPENDITURES; AUTHORIZING THE ISSUANCE OF SEVERANCE TAX BONDS AND SUPPLEMENTAL SEVERANCE TAX BONDS; REAUTHORIZING BALANCES; CHANGING THE PURPOSE OF SEVERANCE TAX BOND APPROPRIATIONS; 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; PROVIDING FOR OTHER EXPENDITURES; MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.

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

Chapter 126 Section 1 Laws 2004

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 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 authorized 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 the issuance of the bonds for a particular project, including projects that have been reauthorized, by the end of fiscal year 2006, the authorization for that project is void.

C. Before an agency may certify for the issuance of severance tax bonds, the project must be developed sufficiently so that the agency reasonably expects to:

(1) incur within six months after the applicable bonds have been issued 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 bonds have been issued.

D. Except as otherwise provided in this section or another section of this act, the unexpended balance from the proceeds of severance tax bonds issued for a project, including projects that have been reauthorized, shall revert to the severance tax bonding fund as follows:

(1) for projects for which severance tax bonds were issued to match federal grants, six months after completion of the project;

(2) for projects for which severance tax bonds were issued to purchase vehicles, heavy equipment, 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 following the fiscal year in which the severance tax bonds were issued for the purchase;

(3) for projects for which severance tax bonds were issued to purchase emergency vehicles or other vehicles that require special equipment, at the end of the fiscal year two years following the fiscal year in which the severance tax bonds were issued for the purchase; and

(4) for all other projects for which severance tax bonds were issued, within six months of completion of the project, but no later than the end of fiscal year 2009.

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. 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 126 Section 2 Laws 2004

Section 2. GENERAL FUND AND OTHER FUND APPROPRIATIONS--LIMITATIONS--REVERSIONS.--

A. Except as otherwise provided in this section or another section of this act, the unexpended balance of an appropriation made in this act from the general fund or other state fund, including changes to prior appropriations, shall revert to the originating fund as follows:

(1) for projects for which appropriations were made to match federal grants, six months after completion of the project;

(2) for projects for which appropriations were made to purchase vehicles, heavy equipment, educational technology or equipment or furniture that is not related to a more inclusive construction or renovation project, at the end of the fiscal year following the fiscal year in which the appropriation was made for the purchase;

(3) for projects for which appropriations were made to purchase emergency vehicles or other vehicles that require special equipment, at the end of the fiscal year two years following the fiscal year in which the severance tax bonds were issued for the purchase; and

(4) for all other projects for which appropriations were made, within six months of completion of the project, but no later than the end of fiscal year 2009.

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. 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 126 Section 3 Laws 2004

Section 3. AGING PROJECTS--STATE AGENCY ON AGING--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the state agency on aging that the need exists for the issuance of the bonds, the following amounts are appropriated to the state agency on aging for the following purposes:

~~[1. twenty five thousand dollars (\$25,000) to acquire equipment, including a copy machine and cash register, for the Bear Canyon senior center in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

2. fifty thousand dollars (\$50,000) to replace the roof, flooring, heating and air conditioning units in the Billy McKibben senior center in Lovington in Lea county;

3. one hundred thousand dollars (\$100,000) for replacing the heating, ventilation and air conditioning system at the senior center in Rio Rancho in Sandoval county;

4. one hundred forty-five thousand dollars (\$145,000) to replace the Meadowlark senior center heating, ventilation and air conditioning system in Rio Rancho in Sandoval county;

5. two hundred eighty-five thousand dollars (\$285,000) for constructing and equipping a senior center in Eldorado in Santa Fe county; and

6. three hundred thousand dollars (\$300,000) for phase 2 construction at the Tome and Adelino senior center in Valencia county.

Chapter 126 Section 4 Laws 2004

Section 4. COURT PROJECT--THIRD JUDICIAL DISTRICT COURT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the third judicial district court that the need exists for the issuance of the bonds, fifty thousand dollars (\$50,000) is appropriated to the third judicial district court for additional wiring, furniture and equipment for court expansion in the third judicial district in Las Cruces in Dona Ana county.

Chapter 126 Section 5 Laws 2004

Section 5. COURT PROJECT--TWELFTH JUDICIAL DISTRICT COURT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the twelfth judicial district court that the need exists for the issuance of the bonds, sixty-seven thousand dollars (\$67,000) is appropriated to the twelfth judicial district court for video arraignment equipment for the twelfth judicial district court in Otero county.

Chapter 126 Section 6 Laws 2004

Section 6. CULTURAL AFFAIRS PROJECTS--OFFICE OF CULTURAL AFFAIRS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the office of cultural affairs that the need exists for the issuance of the bonds, the following amounts are appropriated to the office of cultural affairs for the following purposes:

1. fifty thousand dollars (\$50,000) for constructing an education complex and equipping a television studio at the national Hispanic cultural center in Albuquerque in Bernalillo county;

2. one hundred seventy thousand dollars (\$170,000) to construct an education complex and equip a television studio at the national Hispanic cultural center in Albuquerque in Bernalillo county; and

3. fifty thousand dollars (\$50,000) to plan, design, construct and expand the New Mexico farm and ranch heritage museum in Las Cruces in Dona Ana county.

Chapter 126 Section 7 Laws 2004

Section 7. ECONOMIC DEVELOPMENT PROJECTS--ECONOMIC DEVELOPMENT DEPARTMENT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the economic development department that the need exists for the issuance of the bonds, the following amounts are appropriated to the economic development department for the following purposes:

1. two hundred thousand dollars (\$200,000) to develop a revitalization master plan for the city of Las Cruces in Dona Ana county; and
2. four million dollars (\$4,000,000) to design and construct roads, runways and other infrastructure for a southwest regional spaceport site, contingent upon the receipt of the remaining funds for such design and construction from private or federal sources and contingent on New Mexico being selected as the site for the X-Prize show.

Chapter 126 Section 8 Laws 2004

Section 8. STATE ENGINEER PROJECT--OFFICE OF THE STATE ENGINEER--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, one hundred thousand dollars (\$100,000) is appropriated to the office of the state engineer to plan and acquire environmental clearances and an engineering design for the Tularosa community ditch and village of Tularosa water development project in Otero county.

Chapter 126 Section 9 Laws 2004

Section 9. ENVIRONMENT PROJECTS--DEPARTMENT OF ENVIRONMENT--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 design and construct a water system for the Carnuel mutual domestic water and wastewater consumers association in Tijeras in Bernalillo county;
2. two hundred thousand dollars (\$200,000) for the planning, design and construction of an extension of potable water, sewer and other utilities to the north, east and west areas of the Balloon Fiesta park in Bernalillo county;
3. two hundred fifty thousand dollars (\$250,000) to acquire property for, plan, design and construct an expansion of the sanitary sewer system to serve areas I and J in Los Ranchos de Albuquerque in Bernalillo county;
4. one hundred ninety thousand dollars (\$190,000) to plan, design and construct a wastewater treatment, collection and surface water treatment plant for the Dona Ana mutual domestic water consumers association in Dona Ana in Dona Ana county;

5. five hundred thousand dollars (\$500,000) for improvements to the collection and water distribution systems in Sunland Park in Dona Ana county;

6. five hundred thousand dollars (\$500,000) for improvements to the water system in La Union in Dona Ana county;

7. one hundred thousand dollars (\$100,000) for water distribution system improvements on Paisano road in Mesilla in Dona Ana county;

8. two hundred thousand dollars (\$200,000) to design and construct a water storage tank for Ruidoso Downs in Lincoln county;

9. one hundred fifty thousand dollars (\$150,000) to plan, design and construct the wastewater treatment facility to meet the requirements of the environmental protection agency in Ruidoso Downs in Lincoln county;

10. two hundred thousand dollars (\$200,000) to expand the sewer collection system to areas in housing subdivisions in Ruidoso Downs in Lincoln county;

11. one hundred thousand dollars (\$100,000) for designing and constructing a waste transfer station for the Lincoln county solid waste authority in Ruidoso Downs in Lincoln county;

~~12. one hundred thousand dollars (\$100,000) to build a new Bayo wastewater treatment plant, demolish the old facility and restore the old site in Los Alamos county;]~~*[[LINE-ITEM VETO]*

13. one hundred seven thousand dollars (\$107,000) to design, purchase and install a reclaimed water system in Alamogordo in Otero county;

14. one hundred thousand dollars (\$100,000) to plan and drill two operating wells to replace the fire station well and Sacramento well in the Timberon water and sanitation district in Otero county;

15. one hundred thousand dollars (\$100,000) to plan, design and construct the main water storage tank in the Timberon water and sanitation district in Otero county;

16. one hundred thousand dollars (\$100,000) to plan, design and construct a wastewater treatment plant in Cloudcroft in Otero county;

17. seventy thousand dollars (\$70,000) to plan, design, repair, renovate and construct a wastewater treatment facility in Tucumcari in Quay county;

18. two million dollars (\$2,000,000) for construction of a regional water system in Espanola in Rio Arriba county;

19. three hundred fifty thousand dollars (\$350,000) for improvements to the wastewater treatment facility in Chama in Rio Arriba county;

20. one million dollars (\$1,000,000) for construction of a regional water system in Chimayo in Rio Arriba county;

21. two hundred thousand dollars (\$200,000) for water delivery system improvements to replace infrastructure, including piping, valves and pumps, in Bloomfield in San Juan county;

22. three hundred forty thousand dollars (\$340,000) to engineer, design and construct, including archaeological and environmental assessments, a raw water storage facility in Aztec in San Juan county;

23. one hundred fifty thousand dollars (\$150,000) to plan, design and construct water line improvements in the North Star water users association in San Juan county;

24. one million dollars (\$1,000,000) for upgrades to the wastewater treatment plant in Las Vegas in San Miguel county;

25. one million dollars (\$1,000,000) to plan, design and construct improvements to the wastewater facilities in Pecos in San Miguel county;

26. fifty thousand dollars (\$50,000) to develop and construct a waste conversion project in Sandoval county;

27. fifty thousand dollars (\$50,000) to purchase and install improvements to the water system in Placitas in Sandoval county;

28. one hundred ten thousand dollars (\$110,000) for improvements related to the waste conversion pilot project in Sandoval county;

29. ninety-seven thousand seven hundred thirty-eight dollars (\$97,738) for a water line for the Jemez Springs domestic water users association in Jemez Springs in Sandoval county;

30. two hundred fifty thousand dollars (\$250,000) to plan, design and construct phase 3 water system upgrades for the Canon mutual domestic water consumers association in Sandoval county;

31. five hundred thousand dollars (\$500,000) to plan, design and construct a wastewater collection and disposal system in Edgewood in Santa Fe county;

32. two million dollars (\$2,000,000) for the water project in Santa Fe in Santa Fe county, contingent upon the city of Santa Fe and the county of Santa Fe executing an agreement that resolves the amount of water the city will deliver through its system to the county system, including the rights to water from the San Juan-Chama diversion project and all water rights owned by the parties, and the ownership and operation of the joint Buckman direct diversion project;

33. five hundred thousand dollars (\$500,000) for improvements, upgrade and extension of the wastewater collection system in Socorro in Socorro county;

34. seventy-five thousand dollars (\$75,000) to repair and renovate the water tower in Clayton in Union county; and

35. six hundred thousand dollars (\$600,000) to replace water well number 4, including drilling and related equipment and installation, in Belen in Valencia county.

Chapter 126 Section 10 Laws 2004

Section 10. STATE FAIR PROJECT--STATE FAIR COMMISSION--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, four hundred thousand dollars (\$400,000) is appropriated to the state fair commission for the design and construction of a statewide African-American performing and cultural arts exhibit hall, administrative offices and appurtenances at the state fairgrounds in Albuquerque in Bernalillo county.

Chapter 126 Section 11 Laws 2004

Section 11. FINANCE PROJECT--DEPARTMENT OF FINANCE AND ADMINISTRATION--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, ten million dollars (\$10,000,000) is appropriated to the department of finance and administration for the statewide human resources, accounting and management reporting project.

Chapter 126 Section 12 Laws 2004

Section 12. INDIAN AFFAIRS PROJECTS--NEW MEXICO OFFICE OF INDIAN AFFAIRS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the New Mexico office of Indian affairs that the need exists for the issuance of the bonds, the following amounts are appropriated to the New Mexico office of Indian affairs for the following purposes:

1. one hundred thousand dollars (\$100,000) for the purchase of a public library bookmobile for the Pueblo of Zuni in McKinley county;

2. one hundred fifty thousand dollars (\$150,000) for improvements to Red Rock state park in McKinley county;

3. one million dollars (\$1,000,000) to construct an adult residential treatment center in Shiprock in San Juan county;

4. two hundred fifty thousand dollars (\$250,000) for planning, design and construction of a food distribution warehouse within five Sandoval Indian pueblos, incorporated in Sandoval county;

5. one hundred thousand dollars (\$100,000) for constructing, equipping and furnishing a children, youth and family center and sports complex at the Pueblo of Cochiti in Sandoval county;

~~[6. fifty thousand dollars (\$50,000) to construct, equip and furnish a center of lifelong learning on the institute of American Indian arts campus in Santa Fe county;][LINE-ITEM VETO]~~

7. one hundred fifty thousand dollars (\$150,000) to construct a soccer field and running track at the Pueblo of Pojoaque in Santa Fe county;

8. fifty thousand dollars (\$50,000) to construct, equip and furnish a center of lifelong learning on the institute of American Indian arts campus in Santa Fe county;

~~[9. seventy-five thousand dollars (\$75,000) to construct, equip and furnish a lifelong learning center at the institute of American Indian arts in Santa Fe in Santa Fe county;][LINE-ITEM VETO]~~

10. fifty thousand dollars (\$50,000) to plan, design and construct a mini-mart at the Alamo chapter of the Navajo Nation in Socorro county; and

11. three hundred fifty thousand dollars (\$350,000) for purchasing equipment for the biomass project at the Pueblo of Picuris in Taos county.

Chapter 126 Section 13 Laws 2004

Section 13. LOCAL GOVERNMENT PROJECTS--LOCAL GOVERNMENT DIVISION--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. seventy thousand dollars (\$70,000) to design and construct shade, parking, court facilities and access paths for phases 3 and 4 of the Rinconada park project in Albuquerque in Bernalillo county;

2. fifty thousand dollars (\$50,000) to design, develop, construct, purchase and install exhibits, furniture, fixtures and equipment and to purchase vans, trucks, shade structures and window coverings for the Explora science center and children's museum in Albuquerque in Bernalillo county;

3. fifty thousand dollars (\$50,000) for construction and renovations, including replacing the roof, refurbishing the seating and constructing the fly-loft, at the Hiland theater in Albuquerque in Bernalillo county;

4. one hundred thousand dollars (\$100,000) for designing, constructing and renovating the Wyoming library in Albuquerque in Bernalillo county;

~~[5. forty-seven thousand dollars (\$47,000) for median landscaping on Montgomery boulevard from Morris to Eubank boulevard in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

6. one hundred thousand dollars (\$100,000) to design and construct a full renovation of Roosevelt park, including irrigation, water tolerant turf, trees and park amenities, in Albuquerque in Bernalillo county;

7. one hundred thousand dollars (\$100,000) for improvements, including redesigning the play area, reforestation of the park and replacement of benches and tables, in Spruce park in Albuquerque in Bernalillo county;

8. six hundred sixty-eight thousand dollars (\$668,000) to develop the site for, plan, design, construct and equip phase 1 of a multipurpose family service center in the south valley of Bernalillo county;

~~9. one hundred thousand dollars (\$100,000) for improvements at Sandia Heights park in Bernalillo county;][LINE-ITEM VETO]~~

10. fifty thousand dollars (\$50,000) to renovate the village hall in Tijeras in Bernalillo county;

11. two hundred thousand dollars (\$200,000) to plan, design and construct the expansion of the Manzano mesa multipurpose center in Albuquerque in Bernalillo county;

12. two hundred forty thousand dollars (\$240,000) to develop the Sandia science and technology park and to create and install signage at the park in Albuquerque in Bernalillo county;

13. two hundred thousand dollars (\$200,000) for the planning, designing and construction of a water spray park at the Manzano Mesa multigenerational center in Albuquerque in Bernalillo county;

~~14. twenty five thousand dollars (\$25,000) to plan, design and construct improvements for Vineyard park in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

15. fifty thousand dollars (\$50,000) to design, develop, construct, purchase and install exhibits, furniture, fixtures and equipment and to purchase vans, trucks, shade structures and window coverings for the Explora science center and children's museum in Albuquerque in Bernalillo county;

16. fifty thousand dollars (\$50,000) to plan, design and renovate the north Domingo Baca multigenerational center in Albuquerque in Bernalillo county;

17. two hundred thousand dollars (\$200,000) to design, renovate, demolish, construct, equip and furnish improvements to the Wells Park community center in Albuquerque in Bernalillo county;

18. one hundred sixteen thousand four hundred eighty-five dollars (\$116,485) to repair and improve the facility at the Jeanne Bellamah community shelter center in Albuquerque in Bernalillo county;

19. one hundred thirty thousand dollars (\$130,000) for construction of the support building and court renovation at the Jerry Cline park tennis complex in Albuquerque in Bernalillo county;

20. fifty thousand dollars (\$50,000) to design, construct and acquire exhibits and related equipment and furniture at the Anderson-Abruzzo international balloon museum in Albuquerque in Bernalillo county;

21. fifty-five thousand dollars (\$55,000) to plan, design, construct, equip and furnish the Unser children's discovery center and racing museum in Albuquerque in Bernalillo county;

22. one million dollars (\$1,000,000) to plan, design, construct, equip and furnish a building for the Unser children's discovery center and racing museum in Albuquerque in Bernalillo county;

23. three million five hundred thousand dollars (\$3,500,000) to acquire land for open space in the bosque in Albuquerque in Bernalillo county;

24. three hundred twenty-five thousand dollars (\$325,000) to design and construct park improvements, including utilities, parking, streets, fencing and bleachers, for Westgate little league at Eighty-sixth street and Tower road SW in Albuquerque in Bernalillo county;

25. one hundred seventy-five thousand dollars (\$175,000) to design, construct and renovate the diving tank at Los Altos pool in Albuquerque in Bernalillo county;

26. three hundred forty-five thousand dollars (\$345,000) for repairing, constructing and equipping a modular skate park at Rio Bravo park in Bernalillo county;

27. one hundred seventy-five thousand dollars (\$175,000) to construct short-term housing for immediate families of children who are hospitalized or undergoing human immunodeficiency virus or acquired immunodeficiency syndrome treatment in Bernalillo county;

28. fifty thousand dollars (\$50,000) for acquiring land for the Roadrunner little league in Albuquerque in Bernalillo county;

29. fifty thousand dollars (\$50,000) to plan, design, construct, equip and furnish the Unser children's discovery center and racing museum in Albuquerque in Bernalillo county;

30. fifty-five thousand dollars (\$55,000) for designing and construction of the support building and court renovation at the Jerry Cline park tennis complex in Albuquerque in Bernalillo county;

31. two hundred thousand dollars (\$200,000) to purchase a thermal imaging system for tracking criminals for the sheriff's office in Bernalillo county;

32. fifty thousand dollars (\$50,000) to construct, renovate, equip and furnish the primary care and public health office in Reserve in Catron county;

~~[33. fifty thousand dollars (\$50,000) to plan, design and construct a county fair building for Catron county;][LINE-ITEM VETO]~~

34. fifty thousand dollars (\$50,000) to repair, renovate and purchase and install improvements at the city-owned boys' and girls' club building in Roswell in Chaves county;

~~[35. fifty thousand dollars (\$50,000) to plan, design and construct a baseball field to be used by seniors in Roswell in Chaves county;~~

~~36. one hundred fifty thousand dollars (\$150,000) to renovate the cultural and educational center to develop a sound studio and purchase equipment for music and art programs in Chaves county;][LINE-ITEM VETO]~~

37. fifty thousand dollars (\$50,000) to construct a drill tower for the fire training center in Chaves county;

38. one hundred thousand dollars (\$100,000) for design and construction of the final phase of a new archive building for the historical society for southeast New Mexico in Roswell in Chaves county;

39. one hundred forty thousand dollars (\$140,000) to provide lighting for a little league baseball field at Randy Willis park in Roswell in Chaves county;

40. one hundred thousand dollars (\$100,000) for the construction of an addition to La Casa family health center in Clovis in Curry county;

41. two hundred fifty thousand dollars (\$250,000) to renovate the natatorium and the recreation building in Clovis in Curry county;

~~[42. two hundred fifty thousand dollars (\$250,000) to renovate a facility for the adult detention center in Curry county;][LINE-ITEM VETO]~~

43. two hundred thousand dollars (\$200,000) to acquire, design, renovate, construct and equip the Clovis-Curry county business development center in Curry county;

~~[44. fifty thousand dollars (\$50,000) to plan, design, purchase and install refrigeration and other equipment at the Life Saver food bank in Clovis in Curry county;][LINE-ITEM VETO]~~

45. sixty thousand dollars (\$60,000) for a feasibility study for a state veterans' museum in Dona Ana county;

46. fifty thousand dollars (\$50,000) to repair and make improvements to the Robledo community center playground in Dona Ana county;

47. fifty thousand dollars (\$50,000) to repair and construct the Dona Ana community recreation facility in Dona Ana county;

48. fifty thousand dollars (\$50,000) to plan, design and construct the downtown revitalization project in Las Cruces in Dona Ana county;

49. two hundred twenty-eight thousand dollars (\$228,000) for acquiring land and making improvements to drainage, utilities, streets, sidewalks and facilities for the Las Cruces affordable housing development to provide houses for the mentally ill in Las Cruces in Dona Ana county;

50. ninety thousand dollars (\$90,000) for phase 3 building for the Mesilla Valley community of hope in Las Cruces in Dona Ana county;

51. one hundred thousand dollars (\$100,000) for the Dona Ana county veterans' memorial wall in Las Cruces in Dona Ana county;

52. ninety-five thousand dollars (\$95,000) for park improvements, including irrigation and lighting, and road improvements in Berino in Dona Ana county;

53. four hundred twenty-five thousand dollars (\$425,000) to plan, design and construct the downtown revitalization project, including gateways, signage and phase 2 implementation of the downtown plaza, in Las Cruces in Dona Ana county;

54. three hundred fifty thousand dollars (\$350,000) to plan, design and construct the Mesquite historical district in Las Cruces in Dona Ana county;

55. seventy thousand dollars (\$70,000) to purchase equipment for La Clinica de Familia east mesa dental center in Dona Ana county;

56. five hundred thousand dollars (\$500,000) to construct the northern Dona Ana judicial complex in Hatch in Dona Ana county;

57. seven hundred thousand dollars (\$700,000) to improve, renovate and repair the Rio Grande theater in Las Cruces in Dona Ana county;

58. fifty thousand dollars (\$50,000) to purchase an x-ray machine for Artesia general hospital in Artesia in Eddy county;

59. fifty thousand dollars (\$50,000) for phase 2 planning, design and construction of a hockey court and restrooms and purchasing and installing fencing, lighting and a water fountain at the Martin Luther King, Jr. recreational complex in Artesia in Eddy county;

60. four hundred thousand dollars (\$400,000) to plan, design, construct and equip a facility for victims of domestic violence in Carlsbad in Eddy county;

61. one hundred thousand dollars (\$100,000) to purchase an x-ray machine for Artesia general hospital in Artesia in Eddy county;

62. one hundred fifty thousand dollars (\$150,000) for phase 2 renovation of the Grant county courthouse to comply with judiciary needs;

~~[63. two hundred fifty thousand dollars (\$250,000) for Memory Lane cemetery improvements in Silver City in Grant county;][LINE-ITEM VETO]~~

64. one hundred thousand dollars (\$100,000) to upgrade and replace sidewalks in Silver City in Grant county;

~~[65. eighty thousand dollars (\$80,000) for a gazebo for La Capilla project in Silver City in Grant county;][LINE-ITEM VETO]~~

66. three hundred thousand dollars (\$300,000) for construction and improvements to Bataan memorial park in Silver City in Grant county;

67. one hundred thousand dollars (\$100,000) for improvements at the Santa Rosa power dam softball complex in Guadalupe county;

68. fifty thousand dollars (\$50,000) for heating, ventilation and air conditioning system improvements and construction at the county courthouse in Harding county;

69. one hundred thousand dollars (\$100,000) to plan, design, construct and purchase land for a building to house economic development offices in Harding county;

70. one hundred thousand dollars (\$100,000) to construct a new juvenile area in the Lea county detention facility in Lovington in Lea county;

71. one hundred thousand dollars (\$100,000) for improvements and additions, equipment and a closed air system in the Lea county detention facility's medical unit in Lovington in Lea county;

~~[72. two hundred twenty thousand dollars (\$220,000) to replace the roof at the city hall in Hobbs in Lea county;][LINE-ITEM VETO]~~

73. fifty thousand dollars (\$50,000) to replace the roof, flooring, heating and air conditioning units in the Lovington youth center in Lovington in Lea county;

74. fifty thousand dollars (\$50,000) for renovation of the Fletcher center into an educational facility to be operated by head start in Hobbs in Lea county;

75. fifty thousand dollars (\$50,000) to upgrade the fire protection system in the Nor-Lea general hospital in Lovington in Lea county;

76. sixty thousand dollars (\$60,000) to plan, design and construct a direct supervision housing facility for the female population at Lea county detention facility in Lovington in Lea county;

77. one hundred thousand dollars (\$100,000) to design, plan, renovate and restore buildings and public restrooms at Fort Stanton in Lincoln county;

78. four hundred fifty thousand dollars (\$450,000) to renovate Luna county courthouse in Luna county;

79. two hundred thousand dollars (\$200,000) for the planning, design and construction of a renovation of a domestic violence shelter in Gallup in McKinley county;

80. two hundred thousand dollars (\$200,000) to plan, design, construct, equip and furnish a library in Mora county;

81. one hundred thousand dollars (\$100,000) to purchase and renovate a building for a domestic violence shelter in Alamogordo in Otero county;

82. one hundred thousand dollars (\$100,000) to construct a canopy over the Wade building on the Otero county fairgrounds;

83. two hundred thousand dollars (\$200,000) to plan, design, equip, furnish and renovate the Flickinger center for performing arts in Otero county;

84. fifty thousand dollars (\$50,000) to construct a medical clinic in Chaparral in Otero county;

85. fifty thousand dollars (\$50,000) to construct a new road maintenance shop building in Otero county;

~~86. one hundred seven thousand dollars (\$107,000) to make repairs to and design and construct a canopy over the Wade building at the county fairgrounds in Otero county;][LINE-ITEM VETO]~~

87. ninety-seven thousand dollars (\$97,000) to renovate the Flickinger center for the performing arts in Otero county;

~~88. eighty-seven thousand dollars (\$87,000) to construct a road shop building for Otero county;][LINE-ITEM VETO]~~

89. sixty-five thousand dollars (\$65,000) to plan, design and construct the Chaparral health clinic in Otero county;

~~90. seventy-seven thousand dollars (\$77,000) to design and renovate the old jail for use as office space for the twelfth judicial district in Otero county;][LINE-ITEM VETO]~~

91. seventy-seven thousand dollars (\$77,000) to acquire and renovate an existing property for use as a domestic violence shelter in Alamogordo in Otero county;

~~92. fifty thousand dollars (\$50,000) for construction of a road shop building in Otero county;][LINE-ITEM VETO]~~

93. twenty-five thousand dollars (\$25,000) for purchasing and renovating an existing building and property for use as a safe-house shelter for victims of domestic violence in Alamogordo in Otero county;

94. ninety thousand dollars (\$90,000) for a fire truck in Mescalero in Otero county;

95. eighty-five thousand dollars (\$85,000) for information technology and for purchasing software for county offices in Quay county;

96. two hundred thousand dollars (\$200,000) to acquire land, plan, design, construct and equip the Agua Sana volunteer fire department in Hernandez in Rio Arriba county;

97. seventy thousand dollars (\$70,000) for improvements of county fairground facilities in Roosevelt county;

98. ninety thousand dollars (\$90,000) for road equipment for Roosevelt county;

~~99. four hundred seventy-two thousand dollars (\$472,000) for improvements, including construction of restroom and shower facilities and design and construction of the expansion of the wastewater treatment facility, to McGee park fairgrounds in San Juan county;][LINE-ITEM VETO]~~

100. fifty thousand dollars (\$50,000) to construct a veterans' memorial park at Cobble center in Farmington in San Juan county;

101. two hundred thousand dollars (\$200,000) to plan, design and construct the parks and recreation office building and workshop in Bloomfield in San Juan county;

102. two hundred forty-five thousand dollars (\$245,000) to plan, design, construct and equip an annex to the fourth judicial district courthouse in Las Vegas in San Miguel county;

103. seventy-five thousand dollars (\$75,000) for the design and construction of lighting, bleachers, landscaping and infrastructure at the New Mexico soccer tournament complex in Sandoval county;

104. fifty thousand dollars (\$50,000) to update the detention center security system in Sandoval county;

105. fifty thousand dollars (\$50,000) to purchase and install a security system for the justice complex in Sandoval county;

106. one hundred twenty-five thousand dollars (\$125,000) to plan, design and construct a substation for the fire department, including a well and water storage tank, in Corrales in Sandoval county;

~~107. fifty thousand dollars (\$50,000) for a brush hog tractor to be used for right-of-way maintenance and solid waste recycling in Corrales in Sandoval county;~~

~~108. seventy-five thousand dollars (\$75,000) for improvements, including grading, irrigation and sodding, for the Loma Colorado field project in Rio Rancho in Sandoval county;][LINE-ITEM VETO]~~

109. fifty thousand dollars (\$50,000) for constructing the final phase of the Sandoval county judicial complex in Sandoval county;

~~[110. eighty thousand dollars (\$80,000) for the security system at the detention center complex being constructed in Sandoval county;][LINE-ITEM VETO]~~

111. one hundred fifty thousand dollars (\$150,000) to plan, design, construct, equip and furnish a library in Cuba in Sandoval county;

112. seventy-three thousand two hundred ten dollars (\$73,210) for phase 1 construction, including a survey, land leveling and electricity, of the convention and economic development center in Jemez Springs in Sandoval county;

113. one hundred fifty thousand dollars (\$150,000) for the purchase and installation of permanent security devices in the Sandoval county justice complex in Sandoval county;

~~[114. one hundred thousand dollars (\$100,000) for capital improvements at the youth development facility in Santa Fe county;][LINE-ITEM VETO]~~

115. two hundred seventy-five thousand dollars (\$275,000) to plan, design and construct improvements, including restoring the grandstand and retaining walls, to the Oscar Huber memorial ballpark in Madrid in Santa Fe county;

116. four million six hundred thousand dollars (\$4,600,000) for right-of-way acquisition for the Santa Fe railyard project;

117. one hundred eighty-five thousand dollars (\$185,000) for construction, furniture and equipment for the south side library in Santa Fe in Santa Fe county;

118. three hundred twenty-three thousand dollars (\$323,000) for construction and purchase of furniture, fixtures and equipment for the south side library in Santa Fe in Santa Fe county;

119. three hundred fifty thousand dollars (\$350,000) to plan, design and construct a veterans' memorial adjacent to the Bataan building in Santa Fe in Santa Fe county;

120. one hundred thousand dollars (\$100,000) to plan and design phase 1 of a new first judicial district courthouse in Santa Fe in Santa Fe county;

121. one hundred thousand dollars (\$100,000) to improve the county youth development facility in Santa Fe in Santa Fe county;

122. one hundred thousand dollars (\$100,000) to construct and equip a new community center in Agua Fria in Santa Fe county;

~~[123. two hundred thousand dollars (\$200,000) to renovate the plaza in Monticello in Sierra county;][LINE-ITEM VETO]~~

124. two hundred thousand dollars (\$200,000) for a veterans' memorial park in Truth or Consequences in Sierra county;

~~[125. ninety thousand dollars (\$90,000) to plan, design and construct an addition and to remodel the village hall in Williamsburg in Sierra county;][LINE-ITEM VETO]~~

126. ninety-five thousand dollars (\$95,000) to plan, design and construct an activity court for the community center in Hillsboro in Sierra county;

127. fifty thousand dollars (\$50,000) for renovation and equipment for the animal control shelter in Socorro in Socorro county;

~~[128. eighty-seven thousand five hundred dollars (\$87,500) to purchase a tanker truck for the road department in Socorro county;~~

~~129. fifty thousand dollars (\$50,000) to purchase a hydraulic detachable gooseneck trailer for the road department in Socorro county;][LINE-ITEM VETO]~~

130. fifty thousand dollars (\$50,000) for capital improvements for certified main street communities statewide, including improvements to downtown rights of way and public projects to stimulate commercial district economic vitality;

131. sixty thousand dollars (\$60,000) for capital improvements for certified main street communities statewide, including improvements to downtown rights of way and public projects to stimulate commercial district economic vitality;

132. four hundred forty-seven thousand dollars (\$447,000) to purchase a new aerial ladder truck for the fire department in Taos in Taos county;

133. fifty thousand dollars (\$50,000) to plan, design and construct emergency services buildings in Union county;

134. fifty thousand dollars (\$50,000) to plan, design, construct, renovate and upgrade the county general hospital in Clayton in Union county;

135. fifty thousand dollars (\$50,000) to plan, design, construct, renovate and upgrade the county courthouse in Clayton in Union county;

136. two hundred sixty thousand dollars (\$260,000) for a tanker for the Rio Grande estates fire department in Valencia county; and

137. two hundred thousand dollars (\$200,000) to plan, design and construct a fire and police station in Bosque Farms in Valencia county.

Chapter 126 Section 14 Laws 2004

Section 14. PUBLIC EDUCATION PROJECTS--PUBLIC EDUCATION DEPARTMENT--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. seventy thousand dollars (\$70,000) for educational technology, wiring and infrastructure for Petroglyph elementary school in the Albuquerque public school district in Bernalillo county;

2. one hundred twenty-eight thousand dollars (\$128,000) for educational technology for New Ventana elementary school in the Albuquerque public school district in Bernalillo county;

3. ninety-five thousand dollars (\$95,000) for educational technology for Chamiza elementary school in the Albuquerque public school district in Bernalillo county;

4. one hundred fifteen thousand dollars (\$115,000) for educational technology for Seven Bar elementary school in the Albuquerque public school district in Bernalillo county;

~~5. seventy-seven thousand seven hundred dollars (\$77,700) for educational technology at Sombra del Monte elementary school in the Albuquerque public school district in Bernalillo county;~~

~~6. seventy-one thousand two hundred dollars (\$71,200) for educational technology at Bellehaven elementary school in the Albuquerque public school district in Bernalillo county;][LINE-ITEM VETO]~~

7. fifty thousand dollars (\$50,000) for designing and constructing improvements to the playgrounds at Osuna elementary school in the Albuquerque public school district in Bernalillo county;

8. eighty-six thousand dollars (\$86,000) for design and construction of an all-weather track at La Cueva high school in the Albuquerque public school district in Bernalillo county;

9. one hundred fifty thousand dollars (\$150,000) for educational technology for Dennis Chavez elementary school in the Albuquerque public school district in Bernalillo county;

10. sixty thousand dollars (\$60,000) for graphing calculators for the math curriculum at La Cueva high school in the Albuquerque public school district in Bernalillo county;

11. fifty-nine thousand dollars (\$59,000) for multimedia equipment for classrooms at La Cueva high school in the Albuquerque public school district in Bernalillo county;

~~12. seventy thousand dollars (\$70,000) for educational technology for La Cueva high school in the Albuquerque public school district in Bernalillo county;~~

~~13. fifty thousand dollars (\$50,000) for updating telecommunications technology at Sandia high school in the Albuquerque public school district in Bernalillo county;][LINE-ITEM VETO]~~

14. one hundred twenty-two thousand dollars (\$122,000) to develop a "smart" lab at the creative education preparatory institute 2 charter school in the Albuquerque public school district in Bernalillo county;

15. one hundred eighty-five thousand dollars (\$185,000) for educational technology improvements at the Southwest secondary learning center charter school in the Albuquerque public school district in Bernalillo county;

16. one hundred eighty thousand dollars (\$180,000) for educational technology to be divided equally among Garfield and Taft middle schools, Montessori on the Rio Grande charter school, Valley high school and Mission Avenue, Douglas MacArthur, Alameda, Los Ranchos, La Luz, Griegos, Cochiti and Alvarado elementary schools in the Albuquerque public school district in Bernalillo county;

17. eighty thousand dollars (\$80,000) to develop an animation studio at the Southwest secondary learning center in the Albuquerque public school district in Bernalillo county;

18. fifty-five thousand dollars (\$55,000) to upgrade the network with switches and laptops at Sandia high school in the Albuquerque public school district in Bernalillo county;

19. one hundred twenty thousand dollars (\$120,000) to construct two [portable] classrooms for Osuna elementary school in the Albuquerque public school district in Bernalillo county;[LINE-ITEM VETO]

20. one hundred thousand dollars (\$100,000) for educational technology for Del Norte high school in the Albuquerque public school district in Bernalillo county;

21. fifty-five thousand dollars (\$55,000) for educational technology for Zuni elementary school in the Albuquerque public school district in Bernalillo county;

22. one hundred fifty thousand dollars (\$150,000) to update infrastructure and purchase communication lines, ports, analog cards and phones for Sandia high school in the Albuquerque public school district in Bernalillo county;

23. fifty-five thousand dollars (\$55,000) for infrastructure for educational technology at Alameda elementary school in the Albuquerque public school district in Bernalillo county;

24. fifty thousand dollars (\$50,000) for roof repairs and heating, ventilation and air conditioning system replacement at Reserve high school in the Reserve independent school district in Catron county;

~~25. fifty thousand dollars (\$50,000) to purchase educational technology for Del Norte elementary school in the Roswell independent school district in Chaves county;~~

~~26. forty-two thousand dollars (\$42,000) for improvements, including lights and bleachers, to the Goddard high school baseball field in the Roswell independent school district in Chaves county;][LINE-ITEM VETO]~~

27. seventy-five thousand dollars (\$75,000) to purchase an activity bus for the Grady municipal school district in Curry county;

28. two hundred thousand dollars (\$200,000) for construction and improvements of the handicap parking spaces and driveway at Riverside elementary school in the Gadsden independent school district in Dona Ana county;

29. one hundred fifty thousand dollars (\$150,000) for a heating, ventilation and air conditioning system and a new floor in the cafeteria and hallway at Jal elementary school in the Jal public school district in Lea county;

30. two hundred five thousand dollars (\$205,000) to purchase and install indoor bleachers for the Alamogordo high school tiger pit in the Alamogordo public school district in Otero county;

31. one hundred twenty-seven thousand dollars (\$127,000) for resurfacing the basketball court at Holloman intermediate school in the Alamogordo public school district in Otero county;

32. fifty-seven thousand dollars (\$57,000) for resurfacing the parking and student drop-off areas at Holloman middle school in the Alamogordo public school district in Otero county;

33. one hundred thousand dollars (\$100,000) to design, plan and replace the roof on the Cloudcroft elementary and middle school in the Cloudcroft municipal school district in Otero county;

34. twenty-five thousand dollars (\$25,000) for designing and constructing outdoor portable bleachers for Mountain View middle school in the Alamogordo public school district in Otero county;

35. one hundred thousand dollars (\$100,000) to plan, design and construct phase 2 of the district technology center in the Espanola public school district in Rio Arriba county;

36. fifty thousand dollars (\$50,000) to renovate the performing arts center at Portales high school in the Portales municipal school district in Roosevelt county;

37. one hundred thousand dollars (\$100,000) for restoration of the Bloomfield high school swimming pool and the addition of an outdoor facility in Bloomfield in San Juan county;

38. fifty thousand dollars (\$50,000) for transformers in the remodeling of C.V. Koogler middle school in the Aztec municipal school district in San Juan county;

39. sixty-five thousand dollars (\$65,000) to replace the roof at Lincoln middle school in the Rio Rancho public school district in Sandoval county;

40. one hundred eighty thousand dollars (\$180,000) for roof replacement at Lincoln middle school in the Rio Rancho public school district in Sandoval county;

41. fifty thousand dollars (\$50,000) for educational technology, including computers and a laboratory upgrade, at La Promesa elementary school in the Belen consolidated school district in Socorro county;

42. fifty thousand dollars (\$50,000) to purchase and install furniture and equipment in the Magdalena municipal school district in Socorro county; and

43. one million dollars (\$1,000,000) to plan, design, construct and equip a charter [high] school in Taos in Taos county. [*LINE-ITEM VETO*]

Chapter 126 Section 15 Laws 2004

Section 15. TRANSPORTATION PROJECTS--DEPARTMENT OF TRANSPORTATION--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the department of transportation that the need exists for the issuance of the bonds, the following amounts are appropriated to the department of transportation for the following purposes:

1. three hundred thousand dollars (\$300,000) to design and construct Paseo del Norte from Rainbow to Golf Course road in Albuquerque in Bernalillo county;

2. fifty thousand dollars (\$50,000) for the Rio Bravo boulevard extension and interchange construction to access Mesa del Sol in Albuquerque in Bernalillo county;

3. eighty thousand dollars (\$80,000) for construction, including road paving and drainage, on Corona street from Holbrook to Eubank in Bernalillo county;

~~4. fifty-five thousand dollars (\$55,000) for median landscaping on Burlison drive between Academy road and Esther avenue in Albuquerque in Bernalillo county;][*LINE-ITEM VETO*]~~

5. one hundred twenty thousand dollars (\$120,000) for road construction improvements, including paving and sand drainage, on Wilshire avenue between Holbrook street and Eubank boulevard in Bernalillo county;

~~6. eighty thousand dollars (\$80,000) to make improvements to Elena street in Albuquerque in Bernalillo county;][*LINE-ITEM VETO*]~~

7. fifty-five thousand dollars (\$55,000) to make improvements to the Louisiana boulevard and Elena street crossing in Albuquerque in Bernalillo county;

~~8. two hundred fifty thousand dollars (\$250,000) for landscaping the medians on Menaul between Juan Tabo and Tramway boulevard in Albuquerque in Bernalillo county;][*LINE-ITEM VETO*]~~

9. two million dollars (\$2,000,000) to plan, design and construct improvements to Isleta boulevard in Albuquerque in Bernalillo county;

10. two million dollars (\$2,000,000) to plan, design and construct improvements to Unser boulevard in Albuquerque in Bernalillo county;

11. two million dollars (\$2,000,000) to plan, design and construct improvements to the Coors boulevard and Sequoia road intersection in Albuquerque in Bernalillo county;

12. one hundred thousand dollars (\$100,000) to plan, design and construct the extension of Paseo del Norte from Rainbow to Golf Course road in Albuquerque in Bernalillo county;

13. fifty thousand dollars (\$50,000) for paving, curbs, gutters and drainage improvements to Mountaineer road in Reserve in Catron county;

~~14. seventy thousand dollars (\$70,000) to plan and design an overlay on west McGaffey street from the Roswell relief route to Wyoming avenue in Roswell in Chaves county;][LINE-ITEM VETO]~~

15. one hundred thousand dollars (\$100,000) to plan, design and construct improvements for the streetscape in the historic district related to the main street project in Clovis in Curry county;

16. one hundred thousand dollars (\$100,000) to plan, design and construct an overpass on New Mexico highway 467 and the railroad in Curry county;

17. two hundred seventy-two thousand dollars (\$272,000) to design and construct roads and infrastructure at the Clovis industrial park in Curry county;

18. one million dollars (\$1,000,000) for improvements to county road 4 in Clovis in Curry county;

19. three hundred thousand dollars (\$300,000) to plan, design and construct improvements to the overpass and entrance of the Cannon air force base in Clovis in Curry county;

20. two hundred forty-seven thousand dollars (\$247,000) for planning, designing and constructing a walkway on Church street in Anthony in Dona Ana county;

21. fifty thousand dollars (\$50,000) to construct improvements, including paving, curbs, gutters, sidewalks and lighting, to Morningside road, Lemo road, Reynolds drive, Jefferson road and Davis road in the east mesa area of Las Cruces in Dona Ana county;

22. one hundred thousand dollars (\$100,000) to construct improvements, including paving, curbs, gutters, sidewalks and lighting, to Reynolds drive from Porter road to Inspiration lane in Las Cruces in Dona Ana county;

23. fifty thousand dollars (\$50,000) to improve Sandhill road in Dona Ana county;

24. fifty thousand dollars (\$50,000) to improve Morningside road from Lemo road to United States highway 70 in Dona Ana county;

25. two hundred thousand dollars (\$200,000) for street, lighting and landscaping improvements in Sunland Park in Dona Ana county;

~~[26. twenty-two thousand dollars (\$22,000) for phase 2 improvements for the main street streetscape master plan in Hobbs in Lea county;][LINE-ITEM VETO]~~

27. three hundred thousand dollars (\$300,000) for the resurfacing and reconstruction of county roads in Lea county;

~~[28. one hundred fifty thousand dollars (\$150,000) for repairing, repaving and related street improvements in Tatum in Lea county;][LINE-ITEM VETO]~~

29. three hundred fifty thousand dollars (\$350,000) to construct phase 2 of the Nizhoni boulevard extension project, including roadway, bicycle lanes, equestrian walkways, an intersection and bridge, in McKinley county;

30. four million six hundred thousand dollars (\$4,600,000) to acquire rolling stock and to plan, design, construct and improve track, stations, signalization and maintenance facilities for a commuter rail system between Santa Fe and Albuquerque;

31. three million dollars (\$3,000,000) to acquire rolling stock and to plan, design and construct stations, track, signalization and maintenance facilities for a commuter rail between the town of Bernalillo and Belen in multiple counties;

32. three hundred thousand dollars (\$300,000) to plan, design and construct improvements to the overpass and entrance to Holloman air force base in Alamogordo in Otero county;

33. fifty-two thousand dollars (\$52,000) to design and construct connectors for the Alamogordo relief route in Otero county;

34. seventy-seven thousand dollars (\$77,000) to plan, design and construct the widening and extension of South Florida avenue, including curbs, gutters, sidewalks and curb ramps, in Alamogordo in Otero county;

35. seventy-seven thousand dollars (\$77,000) to design and construct a bridge across the arroyo west of the railroad crossing on west First street in Alamogordo in Otero county;

36. seventy-seven thousand dollars (\$77,000) for sidewalks and ramps to comply with the requirements of the Americans with Disabilities Act of 1990 on First street at the cemetery and Washington park in Alamogordo in Otero county;

37. ninety-four thousand dollars (\$94,000) for street improvements to avenue O from Lime to Spruce in Portales in Roosevelt county;

38. sixty thousand dollars (\$60,000) for road improvements in Roosevelt county;

39. seventy thousand dollars (\$70,000) to plan, design and construct a road for the newly planned cheese plant development in Roosevelt county;

40. two hundred thousand dollars (\$200,000) for streetlights or luminarias on United States highway 491 at its intersections with the Red Valley turnoff for the Red Valley and Sanostee chapters of the Navajo Nation in San Juan county;

41. fifty thousand dollars (\$50,000) to purchase materials for overlay for county road 5290 improvements in San Juan county;

42. four hundred thousand dollars (\$400,000) for phase 3 to plan, design and construct the realignment of county road 3500 in San Juan county;

43. fifty thousand dollars (\$50,000) to purchase materials for overlay for county road 3950 improvements in San Juan county;

44. fifty thousand dollars (\$50,000) for the purchase of materials for chip seal overlay to county road 4990 in San Juan county;

45. fifty thousand dollars (\$50,000) for the purchase of materials for chip seal overlay to county roads 3250 and 3450 in San Juan county;

~~46. seventy five thousand dollars (\$75,000) to plan, design and construct final phase improvements to Loma Larga road in Corrales in Sandoval county;][LINE-ITEM VETO]~~

47. two hundred ten thousand dollars (\$210,000) to realign and reconstruct Fortieth street to meet with Loma Colorado and Northern boulevard in Rio Rancho in Sandoval county;

48. one hundred fifty-three thousand dollars (\$153,000) for sidewalks in Rio Rancho in Sandoval county;

49. fifty thousand dollars (\$50,000) for improvements, including engineering, design, right-of-way acquisitions and construction, for a pedestrian walkway on New Mexico highway 4 in Jemez Springs in Sandoval county;

~~50. one hundred fifty thousand dollars (\$150,000) to plan, design and construct Access Point A road in Corrales in Sandoval county;][LINE-ITEM VETO]~~

51. two hundred twenty-five thousand dollars (\$225,000) for paving, grading and drainage for construction of Camino de los Montoyas from New Mexico highway 599 north to the city line at Vista Chicoma in the city of Santa Fe in Santa Fe county;

52. two hundred sixty thousand dollars (\$260,000) for plaza infrastructure improvements, including road reconstruction, lighting, sidewalks and drainage, in Socorro in Socorro county;

53. fifty thousand dollars (\$50,000) for acquiring an easement property to renovate county road B-127 in Socorro county;

54. fifty thousand dollars (\$50,000) for sidewalk construction and improvements to comply with the requirements of the Americans with Disabilities Act of 1990 in the Luna Hills area of Los Lunas in Valencia county; and

55. one hundred thousand dollars (\$100,000) for improvements to the multipurpose recreation park, including lighting, roads, parking lots, landscaping and furnishings, in Belen in Valencia county.

Chapter 126 Section 16 Laws 2004

Section 16. STATE PARK PROJECT--ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT--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, two hundred thousand dollars (\$200,000) is appropriated to the energy, minerals and natural resources department for land and easement acquisition and site development for the Mesilla Valley bosque state park in Dona Ana county.

Chapter 126 Section 17 Laws 2004

Section 17. UNIVERSITIES AND COLLEGES--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the following institutions of higher learning that the need exists for the issuance of the bonds, the following amounts are appropriated to the following institutions of higher learning for the following purposes:

~~[A. to the governing board of Albuquerque technical-vocational institute, one hundred seventy-five thousand dollars (\$175,000) for improvements to comply with the Americans with Disabilities Act of 1990 at the Montoya campus of the Albuquerque technical-vocational institute in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

B. to the board of regents of eastern New Mexico university, one hundred thousand dollars (\$100,000) to purchase a commercial building adjacent to the Ruidoso branch of eastern New Mexico university to expand the Lincoln county one-stop center;

C. to the board of regents of New Mexico institute of mining and technology, one hundred thousand dollars (\$100,000) for infrastructure projects for the New Mexico institute of mining and technology in Socorro in Socorro county;

D. to the board of regents of New Mexico state university:

~~[(1) one hundred twenty thousand dollars (\$120,000) to repair, improve, furnish and equip athletic facilities at New Mexico state university in Dona Ana county;][LINE-ITEM VETO]~~

(2) fifty thousand dollars (\$50,000) for acquiring equipment to convert to digital television broadcast technology for KRWG-TV at New Mexico state university in Las Cruces in Dona Ana county;

(3) fifty thousand dollars (\$50,000) for phase 2 of the building project for the East Mesa center of the Dona Ana community college branch of New Mexico state university in Las Cruces in Dona Ana county; and

(4) one hundred ninety thousand dollars (\$190,000) for improving the athletic complex at New Mexico state university in Las Cruces in Dona Ana county;

E. to the governing board of San Juan college:

(1) two hundred thousand dollars (\$200,000) for expansion of the west library facility at San Juan college in Farmington in San Juan county;

~~[(2) two hundred thousand dollars (\$200,000) for improvements to the San Juan college trades and technology building for enrollment growth and Americans with Disabilities Act of 1990 compliance in Farmington in San Juan county;][LINE-ITEM VETO]~~

(3) three hundred thousand dollars (\$300,000) for expansion of the west library facility at San Juan college in Farmington in San Juan county;

(4) four hundred thousand dollars (\$400,000) to construct an outdoor learning center at San Juan college in Farmington in San Juan county; and

~~[(5) two hundred thousand dollars (\$200,000) to expand the existing fine arts instructional area at San Juan college in Farmington in San Juan county; and][LINE-ITEM VETO]~~

F. to the board of regents of the university of New Mexico:

~~[(1) three hundred thousand dollars (\$300,000) for equipment, infrastructure, upgrades and renovations for the department of speech and hearing sciences of the university of New Mexico in Albuquerque in Bernalillo county; and][LINE-ITEM VETO]~~

(2) four hundred thousand dollars (\$400,000) for school imaging equipment at the cancer laboratory at the university of New Mexico in Albuquerque in Bernalillo county.

Chapter 126 Section 18 Laws 2004

Section 18. STATE BUILDING PROJECT--CAPITAL PROGRAM FUND--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the property control division of the general services department that the need exists for the issuance of the bonds, one hundred thirty-five thousand dollars (\$135,000) is appropriated to the capital program fund for renovating and restoring existing buildings and public restrooms at Fort Stanton in Lincoln county.

Chapter 126 Section 19 Laws 2004

Section 19. APPROPRIATION FROM THE GENERAL FUND TO THE CAPITAL PROJECTS FUND.--One hundred thirty-seven million five hundred thirty thousand nine hundred

forty-three dollars (\$137,530,943) is appropriated from the general fund to the capital projects fund for expenditure in fiscal years 2004 through 2009. ~~[Any unexpended or unencumbered balance remaining at the end of fiscal year 2009 shall revert to the capital projects fund. Money in the capital projects fund shall not revert to any other fund at the end of a fiscal year.]~~*[LINE-ITEM VETO]*

Chapter 126 Section 20 Laws 2004

Section 20. AGING PROJECTS--STATE AGENCY ON AGING--CAPITAL PROJECTS FUND.--The following amounts are appropriated from the capital projects fund to the state agency on aging for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, for the following purposes:

1. ten thousand dollars (\$10,000) for the purchase of equipment for the senior sports and fitness program of the senior affairs department in Albuquerque in Bernalillo county;
2. fifty thousand dollars (\$50,000) for planning, designing, constructing and equipping an exercise room at the Los Volcanes senior center in Albuquerque in Bernalillo county;
3. twenty-five thousand dollars (\$25,000) for information technology and wiring at the North Valley senior center in Albuquerque in Bernalillo county;
4. twenty-five thousand dollars (\$25,000) for exercise equipment for the North Valley senior center in Albuquerque in Bernalillo county;
5. thirty-five thousand dollars (\$35,000) to repair or replace the front doors and other improvements at the North Valley senior center in Albuquerque in Bernalillo county;
6. twenty thousand dollars (\$20,000) to make improvements at the North Valley senior center in Albuquerque in Bernalillo county;
7. twenty thousand dollars (\$20,000) for repairing floors in the social hall at the North Valley senior center in Albuquerque in Bernalillo county;
8. thirty-seven thousand dollars (\$37,000) for operable partitions and wheelchair ramps at Manzano Mesa multigenerational center in Albuquerque in Bernalillo county;
9. thirty thousand dollars (\$30,000) to purchase equipment to improve Bear Canyon senior center in Albuquerque in Bernalillo county;
10. one hundred eleven thousand dollars (\$111,000) to purchase vehicles for the senior program in Catron county;
- ~~11. fifty thousand dollars (\$50,000) for equipping and furnishing the New Mexico senior Olympics program in Chaves county;~~*[LINE-ITEM VETO]*
12. twenty-eight thousand dollars (\$28,000) to purchase a van for the senior center in Roswell in Chaves county;

13. ten thousand dollars (\$10,000) to improve the exterior and purchase and install a cooling system and storage shed at the Midway Joy senior center in Chaves county;

14. ten thousand dollars (\$10,000) to purchase recreational equipment for the Joy center in Midway in Chaves county;

15. ten thousand dollars (\$10,000) to purchase furnishings for the new adult daycare wing at the Joy center in Roswell in Chaves county;

16. ten thousand dollars (\$10,000) to purchase recreational equipment for the Joy center in Lake Arthur in Chaves county;

17. ten thousand dollars (\$10,000) to replace and purchase meals equipment at the Joy centers in Chaves county;

18. ten thousand dollars (\$10,000) to purchase recreational equipment for the Joy center in Hagerman in Chaves county;

19. forty-eight thousand dollars (\$48,000) to purchase a vehicle for the Joy senior centers in Chaves county;

20. fifty thousand dollars (\$50,000) to renovate the senior center in Grants in Cibola county;

21. fifty thousand dollars (\$50,000) to renovate the senior center in Grants in Cibola county;

22. fifty-three thousand dollars (\$53,000) to purchase vehicles for the Grants senior center in Cibola county;

23. thirty thousand dollars (\$30,000) for phase 1 construction, including kitchen and activity area expansion, to the Springer senior center in Springer in Colfax county;

24. thirty-seven thousand five hundred dollars (\$37,500) to purchase a vehicle for the senior centers in Colfax county;

25. thirty thousand dollars (\$30,000) for a garage addition at La Casa senior center in Curry county;

26. ninety thousand dollars (\$90,000) to purchase vehicles for the Clovis senior center in Curry county;

27. seventy-five thousand dollars (\$75,000) to acquire land for and plan, design and construct an addition to the San Jose senior center in Carlsbad in Eddy county;

28. ten thousand dollars (\$10,000) to design and construct phase 1 of the Artesia senior meal site addition in Artesia in Eddy county;

29. twenty thousand dollars (\$20,000) to plan, design and construct an addition to the senior center in Artesia in Eddy county;

30. thirty thousand dollars (\$30,000) for an addition to the Artesia meal site building for seniors in Eddy county;

31. fifty-five thousand dollars (\$55,000) for building additions and parking and lighting improvements to the senior center in Artesia in Eddy county;

32. sixty thousand dollars (\$60,000) to plan, design and construct an addition to the San Jose senior center in Carlsbad in Eddy county;

33. fifteen thousand dollars (\$15,000) for design and construction of an addition to the kitchen of the Santa Clara senior center in Santa Clara in Grant county;

34. forty-eight thousand dollars (\$48,000) to purchase a vehicle for the Santa Rosa senior center in Guadalupe county;

35. twenty-five thousand dollars (\$25,000) to purchase a vehicle for the Lordsburg and Hidalgo-Ena Mitchell senior center in Hidalgo county;

36. ten thousand dollars (\$10,000) to replace the roof, flooring, heating and air conditioning units in the Billy McKibben senior center in Lovington in Lea county;

37. thirty thousand dollars (\$30,000) to purchase a vehicle for the Los Alamos senior center in Los Alamos county;

38. twenty-eight thousand dollars (\$28,000) to purchase a vehicle for the Deming and Luna senior center in Luna county;

39. thirty thousand dollars (\$30,000) to plan, design and construct a senior center for the Iyanbito chapter of the Navajo Nation in McKinley county;

40. ten thousand dollars (\$10,000) to plan and design a senior center at the Thoreau chapter of the Navajo Nation in McKinley county;

41. ninety thousand dollars (\$90,000) to purchase and equip vans for house district 9 senior centers in McKinley county;

42. sixty-eight thousand dollars (\$68,000) to purchase vehicles for the Gallup senior center in McKinley county;

43. fifteen thousand dollars (\$15,000) for renovating and equipping the senior center in Wagon Mound in Mora county;

44. fifty thousand dollars (\$50,000) for a bus for use by senior centers in Santa Fe, Rio Arriba and San Miguel counties;

45. fifty thousand dollars (\$50,000) to plan, design and construct a senior center at the Torreon and Star Lake chapters of the Navajo Nation in Sandoval and McKinley counties;

46. one hundred twelve thousand dollars (\$112,000) to purchase vehicles for senior centers in Mora and San Miguel counties;

47. seventy-five thousand dollars (\$75,000) for a bus for use by senior centers in Santa Fe, Rio Arriba and San Miguel counties;

48. ten thousand dollars (\$10,000) for the purchase of a bus for senior citizens in Rio Arriba, San Miguel and Santa Fe counties;

49. forty-nine thousand dollars (\$49,000) to purchase a vehicle for the Cloudcroft senior center in Otero county;

50. forty-one thousand dollars (\$41,000) to purchase vehicles for the Alamogordo senior center in Otero county;

51. thirty-four thousand dollars (\$34,000) to purchase a vehicle for the senior volunteer program in Quay county;

52. fifty thousand dollars (\$50,000) to plan, design, construct and equip a senior center in Chama in Rio Arriba county;

53. fifty thousand dollars (\$50,000) to plan and design the expansion and renovation of the senior center in Espanola in Rio Arriba county;

54. forty thousand dollars (\$40,000) to purchase a vehicle for the volunteer senior program in Rio Arriba county;

55. one hundred forty-four thousand dollars (\$144,000) to purchase vehicles for the Rio Arriba county senior centers in Rio Arriba county;

56. five thousand dollars (\$5,000) to purchase a new computer for the field office and to purchase new office equipment for the Las Vegas office of the foster grandparent and senior companion program in Las Vegas in San Miguel county;

57. thirty-two thousand three hundred sixty-four dollars (\$32,364) to purchase a vehicle for the Pueblo of Cochiti senior center in Sandoval county;

58. one hundred twelve thousand dollars (\$112,000) to expand or construct the Pueblo of San Felipe elderly center in Sandoval county;

59. forty-eight thousand dollars (\$48,000) to purchase a vehicle for the Share Your Care adult daycare program in Sandoval county;

60. sixty-eight thousand dollars (\$68,000) to purchase vehicles for the Pueblo of San Felipe senior center in Sandoval county;

61. thirty-four thousand dollars (\$34,000) to purchase a vehicle for the Meadowlark senior center in Sandoval county;
62. twenty-five thousand dollars (\$25,000) for improvements to the heating, air conditioning and cooling system at the Meadowlark senior center in Rio Rancho in Sandoval county;
63. ten thousand dollars (\$10,000) to purchase a bus for the division of senior services in Santa Fe in Santa Fe county;
64. twenty thousand dollars (\$20,000) for design and construction of a senior center at the Pueblo of Pojoaque in Santa Fe county;
65. one hundred thousand dollars (\$100,000) to plan, design and construct a parking area at the Edgewood senior center in Santa Fe county;
66. seventy-two thousand dollars (\$72,000) to purchase vehicles for the senior centers in Santa Fe in Santa Fe county;
67. one million dollars (\$1,000,000) for senior center vehicle replacements statewide;
68. twenty-five thousand dollars (\$25,000) to plan, design and construct a senior center at the Pueblo of Taos in Taos county;
69. fifty-five thousand dollars (\$55,000) to purchase vehicles for senior centers in Taos county;
70. fifteen thousand dollars (\$15,000) to improve the parking area, including drainage and resurfacing, and to purchase a storage shed for the Estancia senior center in Torraine county;
71. six thousand dollars (\$6,000) to purchase and install bingo equipment at the Fred Luna senior center in Valencia county;
72. fifteen thousand dollars (\$15,000) to plan, design, construct, renovate and equip kitchen facilities at the Belen senior center in Valencia county;
73. fifty thousand dollars (\$50,000) for renovation of the Meadow Lake senior center in Valencia county;
74. forty-eight thousand dollars (\$48,000) to purchase vehicles for senior centers in Valencia county; and
75. fifty thousand dollars (\$50,000) for the planning, design and construction of a senior center in Truchas in Rio Arriba county.

Chapter 126 Section 21 Laws 2004

Section 21. ARMORY PROJECT--STATE ARMORY BOARD--

CAPITAL PROJECTS FUND.--Seventeen thousand five hundred dollars (\$17,500) is appropriated from the capital projects fund to the state armory board for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, to repair the roof at the national guard armory in Las Vegas in San Miguel county.

Chapter 126 Section 22 Laws 2004

Section 22. COURT PROJECTS--JUDICIAL DISTRICT COURTS-- CAPITAL PROJECTS FUND.--The following amounts are appropriated from the capital projects fund to the following judicial district courts for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, for the following purposes:

A. to the first judicial district court:

(1) twenty thousand dollars (\$20,000) to purchase file storage and office furniture for the first judicial district court at the county court annex in Rio Arriba county; and

~~[(2) one hundred thousand dollars (\$100,000) to plan and design phase 1 of the first judicial district court courthouse in Santa Fe county;][LINE-ITEM VETO]~~

B. to the second judicial district court, one hundred fifty-two thousand dollars (\$152,000) for electronic monitoring equipment and a satellite tracking device for domestic violence purposes for the second judicial district court in Bernalillo county;

~~[C. to the third judicial district court:~~

~~(1) forty one thousand dollars (\$41,000) for electrical wiring, telecommunications and furnishings for the third judicial district court in Dona Ana county; and~~

~~(2) fifty thousand dollars (\$50,000) for additional wiring, furniture and equipment for court expansion in the third judicial district in Las Cruces in Dona Ana county;][LINE-ITEM VETO]~~

D. to the eleventh judicial district court:

(1) sixty thousand dollars (\$60,000) for data and telephone cabling for the eleventh judicial district courthouse in Gallup in McKinley county; and

(2) twenty thousand dollars (\$20,000) for data and telephone system cabling at the eleventh judicial district courthouse in Gallup in McKinley county; and

E. to the thirteenth judicial district court:

(1) nine thousand dollars (\$9,000) to purchase an automobile for the thirteenth judicial district court in Cibola county;

(2) nine thousand dollars (\$9,000) to purchase a vehicle for the thirteenth judicial district in Cibola county;

(3) ten thousand dollars (\$10,000) for equipment and information technology for the thirteenth judicial district court in Sandoval, Valencia and Cibola counties;

~~[(4) ten thousand dollars (\$10,000) for equipment, licenses and software for imaging court documents for the thirteenth judicial district court in Sandoval, Valencia and Cibola counties;~~

~~(5) sixteen thousand dollars (\$16,000) for furniture for the courthouse under construction in the thirteenth judicial district in Sandoval county;][LINE-ITEM VETO]~~

(6) eighty thousand dollars (\$80,000) for a security system, including metal detection devices and card reader systems, at the thirteenth judicial district court complex in Sandoval county;

(7) five thousand dollars (\$5,000) to purchase and install furnishings and equipment for the thirteenth judicial district court in Valencia county; and

(8) ten thousand dollars (\$10,000) to purchase and install a mechanical flat filing system for the clerk's office in the thirteenth judicial district court in Valencia county.

Chapter 126 Section 23 Laws 2004

Section 23. CUMBRES AND TOLTEC PURPOSE--CUMBRES AND TOLTEC SCENIC RAILROAD COMMISSION--CAPITAL PROJECTS FUND.--Two hundred fifty thousand dollars (\$250,000) is appropriated from the capital projects fund to the Cumbres and Toltec scenic railroad commission for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, for phase 3 upgrade of track and rail bed in Chama in Rio Arriba county.

Chapter 126 Section 24 Laws 2004

Section 24. CULTURAL AFFAIRS PROJECTS--OFFICE OF CULTURAL AFFAIRS--CAPITAL PROJECTS FUND.--The following amounts are appropriated from the capital projects fund to the office of cultural affairs for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, for the following purposes:

1. two hundred fifty thousand dollars (\$250,000) for exhibits at the museum of natural history and science in Albuquerque in Bernalillo county;

2. fifty thousand dollars (\$50,000) to design the education building at the national Hispanic cultural center in Albuquerque in Bernalillo county;

3. ten thousand dollars (\$10,000) for planning and development of the education complex at the national Hispanic cultural center in Albuquerque in Bernalillo county;

4. ten thousand dollars (\$10,000) for constructing an education complex and equipping a television studio at the national Hispanic cultural center in Albuquerque in Bernalillo county;

5. fifteen thousand dollars (\$15,000) for an education complex and equipment for the television studio at the national Hispanic cultural center in Albuquerque in Bernalillo county;

~~6. five thousand dollars (\$5,000) to implement phase 3 of the master plan to build and equip an education center on the grounds of the national Hispanic cultural center in Bernalillo county;~~

~~7. ten thousand dollars (\$10,000) for an education complex and equipment for the television studio at the national Hispanic cultural center in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

8. seven thousand dollars (\$7,000) for improvements at the media facility at the national Hispanic cultural center in Albuquerque in Bernalillo county;

9. fifty thousand dollars (\$50,000) to design, fabricate and construct exhibits featuring the Triassic period and earlier at the museum of natural history and science in Albuquerque in Bernalillo county;

10. two million dollars (\$2,000,000) for an education complex and equipment for the television studio at the national Hispanic cultural center in Albuquerque in Bernalillo county;

11. twenty-five thousand dollars (\$25,000) to construct an educational complex and to equip a television studio for the national Hispanic cultural center in Albuquerque in Bernalillo county;

~~12. twenty-nine thousand dollars (\$29,000) for the purchase of art and cultural artifacts and research on African-Americans in the southwest for the statewide African-American performing and cultural arts exhibit hall in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

13. twenty-five thousand dollars (\$25,000) to equip a media production facility for the national Hispanic cultural center in Bernalillo county;

~~14. twenty-five thousand dollars (\$25,000) for an education complex and equipment for the television studio at the national Hispanic cultural center in Albuquerque in Bernalillo county;~~

~~15. fifteen thousand dollars (\$15,000) to equip a media production facility for the national Hispanic cultural center in Bernalillo county;~~

~~16. fifty-five thousand dollars (\$55,000) to plan, design and construct permanent exhibits at the New Mexico farm and ranch heritage museum in Las Cruces in Dona Ana county;][LINE-ITEM VETO]~~

17. twenty-five thousand dollars (\$25,000) for planning, designing, constructing and improving buildings and exhibit venues at the New Mexico farm and ranch heritage museum in Las Cruces in Dona Ana county;

18. twenty-five thousand dollars (\$25,000) for a six-bay hay storage barn at the New Mexico farm and ranch heritage museum complex in Las Cruces in Dona Ana county;

19. forty thousand dollars (\$40,000) to plan, design and construct a permanent gallery exhibition at the New Mexico farm and ranch heritage museum in Las Cruces in Dona Ana county;

20. three million dollars (\$3,000,000) for renovation and continuation of the palace of the governor's adjacent New Mexico history museum project in Santa Fe in Santa Fe county; and

21. ninety-five thousand dollars (\$95,000) to assess, prepare, restore, protect and conserve historic new deal work projects administration art statewide.

Chapter 126 Section 25 Laws 2004

Section 25. ECONOMIC DEVELOPMENT PROJECT--ECONOMIC DEVELOPMENT DEPARTMENT--CAPITAL PROJECTS FUND.--One hundred thousand dollars (\$100,000) is appropriated from the capital projects fund to the economic development department for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, to plan and design a binational campus at the Santa Teresa-San Jeronimo border in Dona Ana county.

Chapter 126 Section 26 Laws 2004

Section 26. STATE ENGINEER PROJECTS--OFFICE OF THE STATE ENGINEER--CAPITAL PROJECTS FUND.--The following amounts are appropriated from the capital projects fund to the office of the state engineer for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, for the following purposes:

1. ten thousand five hundred dollars (\$10,500) for gates on the middle Rio Grande conservancy district ditch banks along the Arenal ditch between San Ygnacio road and Bridge boulevard, along the Beckham lateral between Tapia road and the intersection with the Arenal ditch and along the Arenal ditch from Don Andres road to Jerry road in the south valley of Bernalillo county;

~~2. ten thousand dollars (\$10,000) to improve the north Spring river channel in Roswell in Chaves county;]~~*[LINE-ITEM VETO]*

3. seventy-five thousand dollars (\$75,000) to purchase water rights for Hagerman in Chaves county;

4. ten thousand dollars (\$10,000) to improve the north Spring river channel in Roswell in Chaves county;

5. ten thousand dollars (\$10,000) to improve the north Spring river channel in Roswell in Chaves county;

6. forty thousand dollars (\$40,000) to drill wells and plan, design and construct pipelines to serve the agricultural community for the Hope community ditch association in Eddy county;

7. ninety thousand dollars (\$90,000) to drill wells and plan, design and construct pipelines for the Hope community ditch association in Eddy county;

~~[8. thirty thousand dollars (\$30,000) to purchase vehicles for the Arch Hurley conservancy district in Quay county;]~~[[LINE-ITEM VETO]

9. twenty thousand dollars (\$20,000) for the Acequia de Alcalde educational project in Alcalde in Rio Arriba county; and

10. twenty-five thousand dollars (\$25,000) to plan, design, and construct improvements in the Galisteo water basin in Santa Fe county.

Chapter 126 Section 27 Laws 2004

Section 27. INTERSTATE STREAM PROJECTS--INTERSTATE STREAM COMMISSION--CAPITAL PROJECTS FUND.--The following amounts are appropriated from the capital projects fund to the interstate stream commission for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, for the following purposes:

1. thirty thousand dollars (\$30,000) for improvements to the west Puerto de Luna community ditch in Guadalupe county;

2. ten thousand dollars (\$10,000) for renovations and improvements for Acequia del Rincon in Dixon in Rio Arriba county;

3. ten thousand dollars (\$10,000) for improvements, including the purchase and installation of head gates, to the Acequia de Otra Banda in Canjilon in Rio Arriba county;

4. ten thousand dollars (\$10,000) for renovations to include lining and installation of headgates for the Acequia Llano in Canjilon in Rio Arriba county;

5. fifteen thousand dollars (\$15,000) to repair the Acequia de Chamita in Chamita in Rio Arriba county;

6. twenty-five thousand dollars (\$25,000) to repair the Espinoza lateral ditch in Chimayo in Rio Arriba county;

7. six thousand dollars (\$6,000) to construct, purchase and install improvements on the Acequia Madre del Llano in Arroyo Hondo in Taos county;

8. twenty-five thousand dollars (\$25,000) to design, purchase and construct the lining project for the San Cristobal ditch association in Taos county; and

9. forty thousand dollars (\$40,000) to construct a dam and complete repairs on the Acequia de El Valle in Taos county.

Chapter 126 Section 28 Laws 2004

Section 28. ENERGY, MINERALS AND NATURAL RESOURCES PROJECTS--ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT--CAPITAL PROJECTS FUND.--The following amounts are appropriated from the capital projects fund to the energy, minerals and natural resources department for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, for the following purposes:

1. twenty-five thousand dollars (\$25,000) for land and easement acquisition and for site development for the Mesilla Valley bosque state park in Mesilla in Dona Ana county;

2. fifty thousand dollars (\$50,000) for planning and land acquisition for phase 1 of the development of the Mesilla Valley Bosque state park in Dona Ana county; and

3. two million six hundred fifty thousand dollars (\$2,650,000) for clean energy technologies [~~for state and public school facilities to include energy efficiency and biomass, solar and wind power renewable energy technologies~~]. [*LINE-ITEM VETO*]

Chapter 126 Section 29 Laws 2004

Section 29. ENVIRONMENT PROJECTS--DEPARTMENT OF ENVIRONMENT--CAPITAL PROJECTS FUND.--The following amounts are appropriated from the capital projects fund to the department of environment for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, for the following purposes:

1. ten thousand dollars (\$10,000) for water line extensions and metering for the Pietown mutual domestic water association in Catron county;

2. twenty-two thousand dollars (\$22,000) for improvements, including additional water storage capacity and water hydrants, replacement of water lines, relocation of water hydrants and development of an old well for backup, to the Fambrough mutual domestic water consumers association in Chaves county;

3. twenty-five thousand dollars (\$25,000) to plan, design and construct water system improvements for the Cumberland cooperative water users association in Chaves county;

4. thirty-five thousand dollars (\$35,000) to replace water valves in Dexter in Chaves county;

5. twenty-five thousand dollars (\$25,000) for improvements to the sewer system in Hagerman in Chaves county;

6. twenty-five thousand dollars (\$25,000) for the design and planning of water and sewer lines on Uranium and Milan streets in Milan in Cibola county;

7. fifty thousand dollars (\$50,000) to rehabilitate the water tank in Grants in Cibola county;
8. seventy thousand dollars (\$70,000) for a new backhoe for the San Rafael water and sanitation district in Cibola county;
9. sixty thousand dollars (\$60,000) for construction and to acquire property for an office and a warehouse for the San Rafael water and sanitation district in Cibola county;
10. seventy-two thousand dollars (\$72,000) to rehabilitate the water tank in Grants in Cibola county;
11. thirty thousand dollars (\$30,000) for Seboyeta water system improvements in Cibola county;
12. fifty thousand dollars (\$50,000) for a new sewer system for the San Mateo mutual domestic water consumers association in Cibola county;
13. four hundred seventy thousand dollars (\$470,000) for water and wastewater projects in the Pueblo of Laguna in Cibola county;
14. thirty thousand dollars (\$30,000) for replacement of a water distribution system pipeline for Cimarron in Colfax county;
15. twenty-five thousand dollars (\$25,000) for replacement of water meters in Cimarron in Colfax county;
16. twenty thousand dollars (\$20,000) to plan, design and construct a new wastewater lift station and collection system for the septic system in Maxwell in Colfax county;
17. one million five hundred thousand dollars (\$1,500,000) to purchase land for and develop, construct, install and equip the expansion of the wastewater treatment facility and infrastructure in Clovis in Curry county;
18. fifty-one thousand dollars (\$51,000) for water system improvements for the Desert Sands mutual domestic water consumers association in Dona Ana county;
19. fifty-one thousand dollars (\$51,000) for a sewer line extension in Anthony in Dona Ana county;
20. fifty thousand dollars (\$50,000) for a sludge belt press in Anthony in Dona Ana county;
21. seventy thousand dollars (\$70,000) to plan, design and construct a wastewater collection and treatment system for Chaparral in Dona Ana county;
22. one hundred twenty thousand dollars (\$120,000) to construct a water line to Hatch industrial park in Hatch in Dona Ana county;

23. seventy thousand dollars (\$70,000) for water system improvements, including engineering, planning, permitting and installation, for the Dona Ana mutual domestic water consumers association in Dona Ana county;

24. one hundred thousand dollars (\$100,000) for water system improvements for the San Miguel mutual domestic water consumers association in Dona Ana county;

25. twenty thousand dollars (\$20,000) for water distribution system improvements on Calle del Oeste in Mesilla in Dona Ana county;

26. forty-seven thousand dollars (\$47,000) to upgrade the wastewater collection and treatment system in Loving in Eddy county;

27. seven thousand dollars (\$7,000) for purchase of a trailer-mounted sewer jetter in Loving in Eddy county;

28. twenty thousand dollars (\$20,000) for phase 2 water system improvements for the Cottonwood water cooperative in Eddy county;

29. sixty thousand dollars (\$60,000) for water system improvements for the Cottonwood water cooperative in Eddy county;

30. seventy-two thousand dollars (\$72,000) for expansion at the solid waste facility in Silver City in Grant county;

31. fifty thousand dollars (\$50,000) to drill and equip two wells for the drilling of new water wells in Bayard in Grant county;

32. two hundred fifty thousand dollars (\$250,000) for phase 2 improvements to the regional wastewater project in Bayard in Grant county;

33. ninety thousand dollars (\$90,000) for the purchase of two trailers for the transportation of solid waste in Santa Rosa in Guadalupe county;

34. forty thousand dollars (\$40,000) for the purchase of solid waste disposal equipment for Guadalupe county;

35. fifty thousand dollars (\$50,000) for water line replacement in Lordsburg in Hidalgo county;

36. three hundred thousand dollars (\$300,000) for replacement of water lines in Lordsburg in Hidalgo county;

37. two hundred fifty thousand dollars (\$250,000) to purchase equipment to reduce the fluoride in the water supply in Lordsburg in Hidalgo county;

38. twenty-five thousand dollars (\$25,000) to design and construct a sewer line extension on Grindstone drive and Resort drive in Ruidoso in Lincoln county;

39. twenty thousand dollars (\$20,000) to design and construct improvements to the water system in Carrizozo in Lincoln county;

40. two hundred fifty thousand dollars (\$250,000) for sewer line extensions in Ruidoso in Lincoln county;

41. one hundred fifty thousand dollars (\$150,000) to purchase a water tank for Ruidoso Downs in Lincoln county;

42. one hundred eighty thousand dollars (\$180,000) to complete remediation, demolition and construction in accordance with the department of environment-approved work plan for the Peru Hill mill remediation activities in Deming in Luna county;

43. one hundred seventy-two thousand dollars (\$172,000) to plan, design and construct city and county landfill facilities in Deming in Luna county;

44. five hundred thousand dollars (\$500,000) for the Deming and Luna county regional landfill project;

45. two hundred thousand dollars (\$200,000) for wastewater line extensions in Columbus in Luna county;

46. twenty-five thousand dollars (\$25,000) for the purchase of solid waste transportation equipment for the northwest New Mexico regional solid waste authority in McKinley county;

47. one hundred thousand dollars (\$100,000) to replace the failing sewer plant and disposal system in the White Cliffs mutual domestic water users association in McKinley county;

48. fifty thousand dollars (\$50,000) to plan, design and construct the Canyon project, including redirecting treated wastewater within the Gallup service area, in McKinley county;

49. twenty-five thousand dollars (\$25,000) for Agua Pura mutual domestic water consumers association water system improvements in Chacon in Mora county;

50. thirty thousand dollars (\$30,000) to design and construct improvements for the Cleveland mutual domestic water consumers association in Mora county;

51. forty thousand dollars (\$40,000) to plan, design and construct improvements for and inspect the water and wastewater systems in Wagon Mound in Mora county;

52. twenty-five thousand dollars (\$25,000) to design, construct, equip and install water storage tanks and dry fire hydrants in Santa Fe, Taos, Rio Arriba and Los Alamos counties;

53. fifty thousand dollars (\$50,000) to upgrade the Rio Chiquito water supply system in Rio Arriba and Santa Fe counties;

~~[54. thirty thousand dollars (\$30,000) for purchasing solid waste transportation equipment for the northwest New Mexico regional solid waste authority serving Cibola and McKinley counties;][LINE-ITEM VETO]~~

55. twenty-five thousand dollars (\$25,000) to design, construct, equip and install water storage tanks and dry fire hydrants in Santa Fe, Taos, Rio Arriba and Los Alamos counties;

56. three hundred fifty thousand dollars (\$350,000) for the wastewater project in Tucumcari in Quay county;

57. fifty thousand dollars (\$50,000) to upgrade, improve, renovate and install a new water system for the El Barranco mutual domestic water consumers association in Abiquiu in Rio Arriba county;

58. seventy-two thousand dollars (\$72,000) for engineering, planning, design and construction of the sewer system for the Cordova mutual domestic water consumers association in Cordova in Rio Arriba county;

59. fifteen thousand dollars (\$15,000) for planning a regional wastewater engineering report for the Chamita mutual domestic water consumers association in Chamita in Rio Arriba county;

60. two hundred fifty thousand dollars (\$250,000) to plan, design and construct a water system in Lumberton in Rio Arriba county;

61. one hundred thousand dollars (\$100,000) for development of a regional water system in Rio Arriba county;

62. three hundred thousand dollars (\$300,000) to plan, design and construct a wastewater system in Cordova in Rio Arriba county;

63. two hundred fifty thousand dollars (\$250,000) for improvements to the water treatment plant in Bloomfield in San Juan county;

64. two hundred fifty thousand dollars (\$250,000) for a water system in Chacon in Mora county;

65. fifty thousand dollars (\$50,000) to plan, design, engineer and construct a water system for the communities of San Luis and Cabezon in Sandoval county;

66. one hundred thirty thousand dollars (\$130,000) for engineering, assessment, design and construction of the water system in Cuba in Sandoval county;

67. fifty thousand dollars (\$50,000) to design and construct improvements and upgrades to the Regina mutual domestic water consumers association in Sandoval county;

68. three hundred fifty thousand dollars (\$350,000) for phase 2 of the water system in Regina in Sandoval county;

69. sixty thousand dollars (\$60,000) for phase 1 of the waste conversion and recycling project in Sandoval county;

70. fifty thousand dollars (\$50,000) to plan, design and construct water tanks to store potable water for emergency use and fire suppression in the Jemez mountains in Sandoval county;

71. ten thousand dollars (\$10,000) for phase 1 of the waste conversion and recycling project in Sandoval county;

72. ten thousand dollars (\$10,000) for a waste conversion and recycling project in Sandoval county;

73. ninety thousand dollars (\$90,000) for upgrading the sewer line on the access road at the center for contemporary arts and the armory for the arts in Santa Fe in Santa Fe county;

74. one hundred twenty-five thousand dollars (\$125,000) to purchase water rights for Canoncito at Apache canyon in Santa Fe county;

75. two hundred fifty thousand dollars (\$250,000) for improvements to the water and wastewater treatment facility in the Pueblo of Nambe in Santa Fe county;

76. seventy-nine thousand dollars (\$79,000) for the design of a treated effluent line to deliver non-potable water in Santa Fe in Santa Fe county;

77. five hundred thousand dollars (\$500,000) for a regional wastewater facility in Elephant Butte in Sierra county;

78. two hundred thousand dollars (\$200,000) for completion of the treated effluent water project in Truth or Consequences in Sierra county;

79. two hundred fifty thousand dollars (\$250,000) to plan, design and construct a water system in San Acacia in Socorro county;

80. twenty-five thousand dollars (\$25,000) for improvements to the water and wastewater systems in Taos Ski Valley in Taos county;

81. seventy-five thousand dollars (\$75,000) for water system improvements to the wastewater system for El Valle de Los Ranchos water and sanitation district in Taos county;

82. seventy-five thousand dollars (\$75,000) to purchase land adjacent to the well for El Prado water and sanitation district in Taos county;

83. seventy-five thousand dollars (\$75,000) to plan, design and construct a wastewater treatment plant in Questa in Taos county;

84. fifty thousand dollars (\$50,000) to plan, design and construct water system improvements to the Vadito mutual domestic water consumers association in Vadito in Taos county;

85. fifty thousand dollars (\$50,000) for improvements, including extending the water lines, for the Trampas mutual domestic water consumers association in Taos county;

86. two hundred fifty thousand dollars (\$250,000) for improvements to the wastewater treatment plant in Questa in Taos county;

87. one hundred fifty thousand dollars (\$150,000) for expansion of the wastewater treatment facility in Taos Ski Valley in Taos county;

88. one hundred thousand dollars (\$100,000) for the water project in San Cristobal in Taos county;

89. fifteen thousand dollars (\$15,000) to engineer, design and construct improvements and additions to the wastewater system in Willard in Torrance county;

90. one hundred thousand dollars (\$100,000) to repair and upgrade the sewer and water systems in Mountainair in Torrance county; and

91. fifty thousand dollars (\$50,000) to purchase equipment, including a backhoe and utility vehicle, for the Manzano mutual domestic water consumers association in Torrance county.

Chapter 126 Section 30 Laws 2004

Section 30. STATE FAIR PROJECTS--STATE FAIR COMMISSION--CAPITAL PROJECTS FUND.--The following amounts are appropriated from the capital projects fund to the state fair commission for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, for the following purposes:

1. five thousand dollars (\$5,000) for the design and construction of a statewide African-American performing and cultural arts exhibit hall, administrative offices and appurtenances at the New Mexico state fairgrounds in Albuquerque in Bernalillo county;

~~2. one thousand dollars (\$1,000) for the design and construction of a statewide African-American performing and cultural arts exhibit hall, administrative offices and appurtenances at the New Mexico state fairgrounds in Albuquerque in Bernalillo county;]~~*[LINE-ITEM VETO]*

3. five thousand dollars (\$5,000) for the design and construction of a statewide African-American performing and cultural arts exhibit hall, administrative offices and appurtenances at the New Mexico state fairgrounds in Albuquerque in Bernalillo county;

4. fifty thousand dollars (\$50,000) for the design and construction of a statewide African-American performing and cultural arts exhibit hall, administrative offices and appurtenances at the New Mexico state fairgrounds in Albuquerque in Bernalillo county;

5. fifty thousand dollars (\$50,000) for the design and construction of a statewide African-American performing and cultural arts exhibit hall, administrative offices and appurtenances at the New Mexico state fairgrounds in Albuquerque in Bernalillo county;

6. ninety-five thousand dollars (\$95,000) for equipment for and improvements to the African-American pavilion at the New Mexico state fairgrounds in Albuquerque in Bernalillo county;

7. twenty-five thousand dollars (\$25,000) for the design and construction of a statewide African-American performing and cultural arts exhibit hall, administrative offices and appurtenances at the New Mexico state fairgrounds in Albuquerque in Bernalillo county;

~~8. twenty five thousand dollars (\$25,000) for infrastructure and capital improvements to the New Mexico state fairgrounds in Albuquerque in Bernalillo county;~~

~~9. five thousand dollars (\$5,000) for the design and construction of a statewide African-American performing and cultural arts exhibit hall, administrative offices and appurtenances at the New Mexico state fairgrounds in Albuquerque in Bernalillo county; and~~

~~10. twenty five thousand dollars (\$25,000) for renovations to the Spanish village at the New Mexico state fair in Albuquerque in Bernalillo county.][LINE-ITEM VETO]~~

Chapter 126 Section 31 Laws 2004

Section 31. FINANCE PROJECTS--DEPARTMENT OF FINANCE AND ADMINISTRATION--CAPITAL PROJECTS FUND.--The following amounts are appropriated from the capital projects fund to the department of finance and administration for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, for the following purposes:

1. ten million dollars (\$10,000,000) to provide matching funds for innovative water resources infrastructure projects that have applicability across the state or regionally. The innovations must be focused on water or wastewater technologies intended to advance solutions to water supply or water quality problems;

2. five hundred thousand dollars (\$500,000) for technical assistance and planning grants to assist groups of communities and water systems to develop regional water storage, conveyance, delivery, conservation, recycling, treatment and reuse projects to be eligible for water project fund allocations; and

3. ten million dollars (\$10,000,000) to plan, design, construct, equip and furnish a film production education and training center and studio [~~in Santa Fe in Santa Fe county~~].*[LINE-ITEM VETO]*

Chapter 126 Section 32 Laws 2004

Section 32. GAME AND FISH PROJECTS--DEPARTMENT OF GAME AND FISH--CAPITAL PROJECTS FUND.--The following amounts are appropriated from the capital projects

fund to the department of game and fish for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, for the following purposes:

1. three hundred thousand dollars (\$300,000) for phase 4 construction of office spaces and rearing spaces at Rock Lake for the production of warm water fishes to be stocked into the waters of New Mexico; and

2. one hundred fifty thousand dollars (\$150,000) to acquire water rights and to perform habitat enhancements to attract and support wildlife and to install infrastructure for public access at the Bernardo refuge in Socorro in Socorro county.

Chapter 126 Section 33 Laws 2004

Section 33. INDIAN AFFAIRS PROJECTS--NEW MEXICO OFFICE OF INDIAN AFFAIRS--CAPITAL PROJECTS FUND.--The following amounts are appropriated from the capital projects fund to the New Mexico office of Indian affairs for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, for the following purposes:

1. eighty-six thousand dollars (\$86,000) for purchasing and equipping vehicles for the Navajo Nation veterans' transportation system in San Juan and McKinley counties;

2. twenty thousand dollars (\$20,000) for landscaping refurbishment at the Indian pueblo cultural center in Albuquerque in Bernalillo county;

3. ninety-seven thousand dollars (\$97,000) for phase 2 of the construction of bathroom additions to homes in the Ramah chapter of the Navajo Nation in Cibola county;

4. thirty thousand dollars (\$30,000) to purchase a new van for after-school activities in the Pueblo of Acoma in Cibola county;

5. seventy-five thousand dollars (\$75,000) to purchase three new ambulances for the Pueblo of Acoma in Cibola county;

6. twenty thousand dollars (\$20,000) to purchase a police transport van in the Pueblo of Acoma in Cibola county;

7. fifty thousand dollars (\$50,000) for parking lot improvements at the Bread Springs chapter of the Navajo Nation in McKinley county;

8. twenty thousand dollars (\$20,000) for electrical wiring for homes in the Iyanbito chapter of the Navajo Nation in McKinley county;

9. thirty-five thousand dollars (\$35,000) to wire houses in the Chichiltah chapter in the Navajo Nation in McKinley county;

10. seventy-five thousand dollars (\$75,000) to plan, design and construct the renovation of a warehouse in the Smith Lake chapter of the Navajo Nation in McKinley county;

11. fifty thousand dollars (\$50,000) to construct Church Rock chapter office facilities and McKinley county police, fire and emergency medical substations and a senior center in McKinley county;
12. twenty-five thousand dollars (\$25,000) to improve the boys' and girls' club building in the Crownpoint chapter of the Navajo Nation in McKinley county;
13. fifty thousand dollars (\$50,000) for construction of bathroom additions in the Church Rock chapter of the Navajo Nation in McKinley county;
14. fifty thousand dollars (\$50,000) to plan, design and construct infrastructure for an office building for the department of Navajo veterans' affairs at the Crownpoint chapter of the Navajo Nation in McKinley county;
15. one hundred two thousand dollars (\$102,000) for the purchase of a motor grader for the Tohatchi chapter of the Navajo Nation in McKinley county;
16. fifty thousand dollars (\$50,000) to plan, design and construct a governmental office complex in the Twin Lakes chapter of the Navajo Nation in McKinley county;
17. fifty thousand dollars (\$50,000) to plan, design and construct recreational facilities in the Rock Springs chapter of the Navajo Nation in McKinley county;
18. fifty thousand dollars (\$50,000) to plan, design and construct infrastructure for community facilities in the Red Lake chapter of the Navajo Nation in McKinley county;
19. fifty thousand dollars (\$50,000) to plan, design and construct a multipurpose building in the Tsayatoh chapter of the Navajo Nation in McKinley county;
20. fifty thousand dollars (\$50,000) for roof improvements at the chapter house of the Manuelito chapter of the Navajo Nation in McKinley county;
21. fifty thousand dollars (\$50,000) to plan, design and construct infrastructure for economic development facilities for the Mexican Springs chapter of the Navajo Nation in McKinley county;
22. eighty thousand dollars (\$80,000) for the phase 4 powerline extension in the Pueblo Pintado chapter of the Navajo Nation in McKinley county;
23. fifty thousand dollars (\$50,000) for twenty-eight bathroom additions within the southeast, southwest canyon and northeast Tsin Ya Nal Kidi rural areas of the Crownpoint chapter in the Navajo Nation in McKinley county;
24. fifty thousand dollars (\$50,000) for improvements to the community rodeo grounds, including construction of metal buildings, a concession stand, a public restroom and installation of a chain link fence, in the Crownpoint chapter of the Navajo Nation in McKinley county;

25. thirty thousand dollars (\$30,000) for playground equipment for use by the head start program in the Thoreau chapter in the Navajo Nation in McKinley county;
26. thirty thousand dollars (\$30,000) to purchase and install computers, printers and a local server for the Borrego Pass school in the Crownpoint chapter of the Navajo Nation in McKinley county;
27. forty thousand dollars (\$40,000) for infrastructure development of the Crownpoint agency sub-office building project of the Navajo Nation department of Navajo veterans' affairs in McKinley county;
28. one hundred thousand dollars (\$100,000) to construct a soccer field and park at the Pueblo of Isleta in Bernalillo and Valencia counties;
29. fifty thousand dollars (\$50,000) to plan, design, construct and equip a recreation center in the Pueblo of Santa Clara in Rio Arriba county;
30. fifty thousand dollars (\$50,000) to develop a regional water and wastewater master plan for the Pueblo of San Juan in Rio Arriba county;
31. thirty-five thousand dollars (\$35,000) for repairs to the Ohkay Oweengeh arts and crafts cooperative building at the Pueblo of San Juan in Rio Arriba county;
32. one hundred eighty thousand dollars (\$180,000) for an addition to the facility used by the boys' and girls' club for the Shiprock chapter of the Navajo Nation in San Juan county;
33. one hundred thousand dollars (\$100,000) for improvements to the irrigation canal at the Gadii'ahi chapter of the Navajo Nation in San Juan county;
34. one hundred thousand dollars (\$100,000) to furnish and equip a domestic violence shelter for women and children of the Shiprock chapter of the Navajo Nation in San Juan county;
35. one hundred twenty-two thousand dollars (\$122,000) for streetlights for the Shiprock chapter of the Navajo Nation in San Juan county;
36. fifty thousand dollars (\$50,000) for an archaeological and environmental study to acquire a right of way to extend a powerline in the Blue Rock area in the Naschitti chapter of the Navajo Nation in San Juan county;
37. thirty thousand dollars (\$30,000) to purchase a motor grader for the Two Grey Hills and Toadlena chapters of the Navajo Nation in San Juan county;
38. fifty thousand dollars (\$50,000) to renovate the old head start building into a boys' and girls' club building in the Lake Valley chapter of the Navajo Nation in San Juan county;

39. fifty thousand dollars (\$50,000) for bathroom additions to homes in the Lake Valley chapter of the Navajo Nation in San Juan county;

40. fifty thousand dollars (\$50,000) to conduct phase 3 of archaeological clearance, environmental assessment, biological survey and right-of-way easement for the Adobe overhead powerline extension project in the Huerfano chapter of the Navajo Nation in San Juan county;

41. five hundred thousand dollars (\$500,000) to plan, design and construct Dine college in Shiprock in San Juan county;

42. twenty-eight thousand dollars (\$28,000) for purchase of a vehicle for administrative use for the Pueblo of Santa Ana to serve five Sandoval Indian pueblos, incorporated in Sandoval county;

43. seventy-five thousand dollars (\$75,000) for renovation of men's and women's bathroom facilities with new equipment and expansion for storage of non-perishable foods for elderly and head start programs for five Sandoval Indian pueblos, incorporated in Sandoval county;

44. twenty-five thousand dollars (\$25,000) to demolish, construct, equip and furnish the Santa Ana community diabetes wellness facility for the Pueblo of Santa Ana in Sandoval county;

45. fifty-five thousand dollars (\$55,000) to purchase ambulances for the Santo Domingo fire and rescue station for emergency medical care and transportation at the Pueblo of Santo Domingo and the neighboring areas of the Pueblos of Cochiti and San Felipe and Pena Blanca in Sandoval county;

46. one hundred thousand dollars (\$100,000) for improvements to the wastewater treatment system in the Pueblo of Jemez in Sandoval county;

47. one hundred thousand dollars (\$100,000) to expand, through construction, the intergenerational center at the Pueblo of Zia in Sandoval county;

48. thirty-five thousand dollars (\$35,000) for equipping and improving the playground at the head start school at the Pueblo of Cochiti in Sandoval county;

49. twenty-five thousand dollars (\$25,000) to renovate an existing building to serve as a substation for law enforcement at the Pueblo of Sandia in Sandoval county;

50. fifty thousand dollars (\$50,000) to purchase a brush truck for bosque fire prevention and suppression at the Pueblo of Sandia in Sandoval county;

51. twelve thousand five hundred dollars (\$12,500) to construct a ball park and soccer field at the Pueblo of Sandia in Sandoval county;

~~52. ten thousand dollars (\$10,000) to construct, equip and furnish a center of lifelong learning on the institute of American Indian arts campus in Santa Fe county;~~

~~53. sixty thousand dollars (\$60,000) to construct, equip and furnish a center of lifelong learning on the institute of American Indian arts campus in Santa Fe county;~~

~~54. five thousand dollars (\$5,000) to construct, equip and furnish a center of lifelong learning on the institute of American Indian arts campus in Santa Fe county;][LINE-ITEM VETO]~~

55. twenty-five thousand dollars (\$25,000) to construct, equip and furnish a center of lifelong learning on the institute of American Indian arts campus in Santa Fe county;

~~[56. twenty thousand dollars (\$20,000) to construct, equip and furnish a lifelong learning center at the institute of American Indian arts in Santa Fe in Santa Fe county;~~

~~57. five thousand dollars (\$5,000) to construct, equip and furnish a center of lifelong learning on the institute of American Indian arts campus in Santa Fe county;][LINE-ITEM VETO]~~

58. fifty thousand dollars (\$50,000) to construct phase 2 of the multipurpose community building at the Pueblo of Nambe in Santa Fe county;

59. seventy-five thousand dollars (\$75,000) to plan, design and construct an administration building at the Pueblo of Tesuque in Santa Fe county;

60. forty-five thousand dollars (\$45,000) to plan and design a museum and library at the Pueblo of San Ildefonso in Santa Fe county;

61. twenty-five thousand dollars (\$25,000) to construct, equip and furnish a center of lifelong learning on the institute of American Indian arts campus in Santa Fe county;

62. fifteen thousand dollars (\$15,000) to construct, equip and furnish a center of lifelong learning on the institute of American Indian arts campus in Santa Fe county;

~~[63. fifteen thousand dollars (\$15,000) to construct, equip and furnish a center of lifelong learning on the institute of American Indian arts campus in Santa Fe county;][LINE-ITEM VETO]~~

64. ten thousand dollars (\$10,000) for phase 2 construction of the Santa Fe Indian school recreational field complex, including artificial turf, bleachers and lighting, in Santa Fe in Santa Fe county;

65. five hundred thousand dollars (\$500,000) to construct, equip and furnish a lifelong learning center at the institute of American Indian arts in Santa Fe county;

66. ten thousand dollars (\$10,000) to construct, equip and furnish a center of lifelong learning on the institute of American Indian arts campus in Santa Fe county;

~~[67. fifteen thousand dollars (\$15,000) to construct, equip and furnish a center of lifelong learning on the institute of American Indian arts campus in Santa Fe county;][LINE-ITEM VETO]~~

68. twenty-two thousand dollars (\$22,000) to construct, equip and furnish a center of lifelong learning on the institute of American Indian arts campus in Santa Fe county;

69. five thousand dollars (\$5,000) to construct, equip and furnish a center of lifelong learning on the institute of American Indian arts campus in Santa Fe county;

~~[70. twenty five thousand dollars (\$25,000) to construct, equip and furnish a center of lifelong learning on the institute of American Indian arts campus in Santa Fe county;][LINE-ITEM VETO]~~

71. twenty thousand dollars (\$20,000) to renovate the Alamo chapter house for a boys' and girls' club in the Alamo chapter of the Navajo Nation in Socorro county; and

72. one hundred thousand dollars (\$100,000) for acquisition of a statue of Pope for placement in the national statuary hall in Washington, D.C.

Chapter 126 Section 34 Laws 2004

Section 34. LOCAL GOVERNMENT PROJECTS--LOCAL GOVERNMENT DIVISION OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION--CAPITAL PROJECTS FUND.-
-The following amounts are appropriated from the capital projects fund to the local government division of the department of finance and administration for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, for the following purposes:

1. fifteen thousand dollars (\$15,000) for information technology for the Paradise Hills community center in Albuquerque in Bernalillo county;

~~[2. forty two thousand dollars (\$42,000) to purchase and install heating and cooling units for the Paradise Hills community center in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

3. thirty thousand dollars (\$30,000) for the planning, design and construction or purchase of equipment for the Paradise Hills little league in Albuquerque in Bernalillo county;

4. twenty thousand dollars (\$20,000) for field improvements, including the planning, design and construction or purchase of artificial turf, safety nets, lights and shade structures, for the Paradise Hills little league in Albuquerque in Bernalillo county;

5. twelve thousand dollars (\$12,000) for the purchase and installation or construction of storage sheds for the Explora science center and children's museum in Albuquerque in Bernalillo county;

6. ten thousand dollars (\$10,000) for phase 1 of expanding Ventana Ranch park recreational fields and improvements in Albuquerque in Bernalillo county;

7. twenty thousand dollars (\$20,000) for acquiring land for the Roadrunner little league in Albuquerque in Bernalillo county;

~~8. ten thousand dollars (\$10,000) for construction of the support building and court renovation at the Jerry Cline park tennis complex in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

9. fifty-four thousand dollars (\$54,000) to redesign and renovate Summit park in Albuquerque in Bernalillo county;

10. twenty thousand dollars (\$20,000) to replace the roof at the Hiland theater and refurbish and reposition the seats in Albuquerque in Bernalillo county;

11. one hundred thousand dollars (\$100,000) for phase 3 implementation of a reforestation, irrigation and landscaping plan for the Silver Hill neighborhood in Albuquerque in Bernalillo county;

12. one hundred thousand dollars (\$100,000) for phase 1 construction and renovation of the Albuquerque museum of art and history in Albuquerque in Bernalillo county;

13. fifteen thousand dollars (\$15,000) for equipping a performing arts theater for persons with disabilities in the north valley of Albuquerque in Bernalillo county;

14. thirty thousand dollars (\$30,000) to design, construct and renovate an off-leash dog park in the Huning Castle neighborhood of Albuquerque in Bernalillo county;

~~15. thirty thousand dollars (\$30,000) for construction of the support building and court renovation at the Jerry Cline park tennis complex in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

16. five thousand dollars (\$5,000) to acquire land to expand the girls' baseball fields and volleyball courts for Roadrunner little league in Albuquerque in Bernalillo county;

17. thirty thousand dollars (\$30,000) to purchase computers and a vehicle for a community-based anti-drug program operated by Amigos y Amigas for Bernalillo county;

18. twenty-five thousand dollars (\$25,000) for demolition of Sawmill community land trust structures in Albuquerque in Bernalillo county;

19. eighty thousand dollars (\$80,000) to design and construct renovations for Odelia park to make the facility available for soccer field use in Albuquerque in Bernalillo county;

20. fifty thousand dollars (\$50,000) to purchase two brush trucks for the fire department in Albuquerque in Bernalillo county;

21. thirty thousand dollars (\$30,000) to purchase equipment for the police athletic league in Albuquerque in Bernalillo county;

22. thirty thousand dollars (\$30,000) for purchase of tree removal equipment for the bosque for the open space division of Albuquerque in Bernalillo county;

23. seventeen thousand seven hundred forty-three dollars (\$17,743) to plan, design, construct, equip and furnish the Unser children's discovery center and racing museum in Albuquerque in Bernalillo county;

24. ten thousand dollars (\$10,000) to design, develop, construct, purchase and install exhibits, furniture, fixtures and equipment and to purchase vans, trucks, shade structures and window coverings for the Explora science center and children's museum in Albuquerque in Bernalillo county;

25. twenty-five thousand dollars (\$25,000) to plan, design, construct, equip and furnish the Unser children's discovery center and racing museum in Albuquerque in Bernalillo county;

26. fifteen thousand dollars (\$15,000) for furniture and equipment for the Cesar Chavez community center in Albuquerque in Bernalillo county;

~~27. thirty thousand dollars (\$30,000) for construction of the support building and court renovation at the Jerry Cline park tennis complex in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

28. fifty thousand dollars (\$50,000) for phase 1 construction and renovation of the Albuquerque museum of art and history in Albuquerque in Bernalillo county;

29. fifty thousand dollars (\$50,000) to purchase and install equipment and fixtures at the Mesa Verde community center in Albuquerque in Bernalillo county;

30. five thousand dollars (\$5,000) to design, develop, construct, purchase and install exhibits, furniture, fixtures and equipment and to purchase vans, trucks, shade structures and window coverings for the Explora science center and children's museum in Albuquerque in Bernalillo county;

31. seventy thousand dollars (\$70,000) for equipping a performing arts theater for persons with disabilities in the north valley of Albuquerque in Bernalillo county;

32. thirty thousand dollars (\$30,000) to design, develop, construct, purchase and install exhibits, furniture, fixtures and equipment and to purchase vans, trucks, shade structures and window coverings for the Explora science center and children's museum in Albuquerque in Bernalillo county;

33. sixty thousand dollars (\$60,000) for furnishing, equipping and purchasing a van for the McKinley community center in Albuquerque in Bernalillo county;

34. seventy thousand dollars (\$70,000) to design, construct, renovate and equip Quigley park in Albuquerque in Bernalillo county;

35. twenty thousand dollars (\$20,000) for construction of the support building and court renovation at the Jerry Cline park tennis complex in Albuquerque in Bernalillo county;

36. fifty-five thousand dollars (\$55,000) to purchase and install generators for fire stations in Albuquerque in Bernalillo county;

37. fifty thousand dollars (\$50,000) to design, construct, renovate and equip Luecking south neighborhood park in Albuquerque in Bernalillo county;

38. seventy-five thousand dollars (\$75,000) to plan, design and equip Lafayette park in Albuquerque in Bernalillo county;

39. seventy-two thousand dollars (\$72,000) to design and construct improvements to the Comanche south park and Thunderbird little league facilities in Albuquerque in Bernalillo county;

40. ninety thousand dollars (\$90,000) to plan, design, construct or renovate the West Mesa community center in Albuquerque in Bernalillo county;

41. fifteen thousand dollars (\$15,000) for player equipment for the West Mesa little league in Albuquerque in Bernalillo county;

42. seventy-two thousand dollars (\$72,000) for planning, design and construction of the east Atrisco Kimbar park in Albuquerque in Bernalillo county;

43. fifty thousand dollars (\$50,000) for improvements and repairs to the west Bluff park in Albuquerque in Bernalillo county;

44. one hundred thousand dollars (\$100,000) for improvements to Ladera golf course in Albuquerque in Bernalillo county;

45. one hundred thousand dollars (\$100,000) to purchase chipping and rooting machinery for the bosque area on the west side of Albuquerque in Bernalillo county;

46. fifty thousand dollars (\$50,000) for purchasing equipment for the performing arts theater building owned by the city with technical and assistive devices for people with disabilities in Albuquerque in Bernalillo county;

47. fifty thousand dollars (\$50,000) to plan, design and construct a crisis shelter facility for youth in the south valley in Albuquerque in Bernalillo county;

48. twenty thousand dollars (\$20,000) for equipping a performing arts theater building owned by the city with technical and assistive devices for people with disabilities in Albuquerque in Bernalillo county;

49. ninety thousand dollars (\$90,000) for design and construction of a skate park in house district 17 in Albuquerque in Bernalillo county;

50. sixty thousand dollars (\$60,000) for planning, design and construction of Vista del Norte park in Albuquerque in Bernalillo county;

51. seventy thousand dollars (\$70,000) for planning, design and construction of Paseo de Estrella park in Albuquerque in Bernalillo county;
52. thirty thousand dollars (\$30,000) for purchase of tree removal equipment for the bosque for the open space division of Albuquerque in Bernalillo county;
53. ten thousand dollars (\$10,000) for improvements to West Mesa little league fields in Albuquerque in Bernalillo county;
54. forty thousand dollars (\$40,000) for improvements to Goodrich park in Albuquerque in Bernalillo county;
55. ten thousand dollars (\$10,000) for improvements related to the main street project in Los Ranchos de Albuquerque in Bernalillo county;
56. twenty thousand dollars (\$20,000) for improvements to Alameda little league fields in Albuquerque in Bernalillo county;
57. twenty thousand dollars (\$20,000) to repair and renovate tennis courts in Los Ranchos de Albuquerque in Bernalillo county;
58. five thousand dollars (\$5,000) for development and improvement of trails in Los Ranchos de Albuquerque in Bernalillo county;
59. twenty thousand dollars (\$20,000) to design and construct fire hydrants in Los Ranchos de Albuquerque in Bernalillo county;
60. three hundred thousand dollars (\$300,000) to purchase a brush-clearing machine for the city of Albuquerque in Bernalillo county;
61. two hundred thousand dollars (\$200,000) to plan, design, construct, equip and furnish a visitors center for the Casa San Ysidro in Albuquerque in Bernalillo county;
62. one hundred thousand dollars (\$100,000) for the design, development, fabrication, construction, purchase and installation of exhibits, furniture, fixtures and equipment at the Explora science center and children's museum in Albuquerque in Bernalillo county;
63. two hundred thousand dollars (\$200,000) to acquire land for, plan, design and construct the Unser children's discovery center and racing museum in Albuquerque in Bernalillo county;
64. two hundred thousand dollars (\$200,000) to design and construct improvements for the community park at Delgado and Rio Puerco in the Westgate area of Albuquerque in Bernalillo county;
65. thirty thousand dollars (\$30,000) for equipping the Alamosa dental clinic in Albuquerque in Bernalillo county;

~~66. ninety-seven thousand dollars (\$97,000) for landscaping improvements on the Bataan medians in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

67. twenty thousand dollars (\$20,000) for equipping a performing arts theater for persons with disabilities in the north valley of Albuquerque in Bernalillo county;

68. thirty thousand dollars (\$30,000) to plan, design and construct a roadway screening wall on the east side of Ninety-eighth street south of San Ignacio in Albuquerque in Bernalillo county;

69. seventy thousand dollars (\$70,000) for the purchase, installation and construction of a new filtration system for Highland pool in Albuquerque in Bernalillo county;

70. forty thousand dollars (\$40,000) to furnish and equip and to purchase books for the San Pedro public library in Albuquerque in Bernalillo county;

71. eighty thousand dollars (\$80,000) for reroofing the Hiland theater in Albuquerque in Bernalillo county;

72. eighty thousand dollars (\$80,000) to design, construct and renovate Lomas library, including electrical and plumbing upgrades, in Albuquerque in Bernalillo county;

73. one hundred thousand dollars (\$100,000) to provide infrastructure, including plumbing, gas lines, electrical and roofing, for the mental health program at the Bernalillo county juvenile detention center in Albuquerque in Bernalillo county;

74. seventy-two thousand dollars (\$72,000) for an electronic monitoring and tracking device for the Bernalillo county juvenile detention center and other detention facilities statewide for non-secure alternatives to detention for juveniles;

75. fifty-two thousand dollars (\$52,000) for improvements and renovation to the To'hajiilee chapter boys' and girls' club in Bernalillo county;

76. ten thousand dollars (\$10,000) to design, develop, construct, purchase and install exhibits, furniture, fixtures and equipment and to purchase vans, trucks, shade structures and window coverings for the Explora science center and children's museum in Albuquerque in Bernalillo county;

77. ten thousand dollars (\$10,000) for equipment, furnishings and other improvements to the Cherry Hills library in Albuquerque in Bernalillo county;

78. ten thousand dollars (\$10,000) for equipment, furnishings and other improvements at the Juan Tabo library in Albuquerque in Bernalillo county;

79. twenty thousand dollars (\$20,000) for exhibits, furniture, fixtures and equipment for the Explora science center and children's museum in Albuquerque in Bernalillo county;

~~[80. ten thousand dollars (\$10,000) to renovate Sunset Canyon park in Albuquerque in Bernalillo county;~~

~~81. twenty-two thousand dollars (\$22,000) for renovation of the lower level of the Federal building in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

82. thirty thousand dollars (\$30,000) for construction of the support building and court renovation at the Jerry Cline park tennis complex in Albuquerque in Bernalillo county;

83. five thousand dollars (\$5,000) for improvements, including hill stabilization, phase 4 sewer, main street surface and bollards, drainage, road construction, fencing and gates, at Balloon Fiesta park in Albuquerque in Bernalillo county;

~~[84. two thousand dollars (\$2,000) for information technology for the "jump start" program for low income children in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

85. ten thousand dollars (\$10,000) for books for the library in Taylor Ranch in Bernalillo county;

86. fifteen thousand dollars (\$15,000) to design, develop, construct, purchase and install exhibits, furniture, fixtures and equipment and to purchase vans, trucks, shade structures and window coverings for the Explora science center and children's museum in Albuquerque in Bernalillo county;

~~[87. two thousand dollars (\$2,000) to plan, design, construct, equip and furnish the Unser children's discovery center and racing museum in Albuquerque in Bernalillo county;~~

~~88. ten thousand dollars (\$10,000) for acquisition of park facilities by the Andrea circle parks group for the Andrea circle park in Bernalillo county;][LINE-ITEM VETO]~~

89. fifty thousand dollars (\$50,000) for the design and construction and uninterruptible power supplies for strategically located fire stations in support of mission-critical radio and computer systems for the Albuquerque fire department in Bernalillo county;

90. twenty-five thousand dollars (\$25,000) for the purchase and installation of bleachers, benches and warm-up cages at the Alameda little league complex in Albuquerque in Bernalillo county;

91. fifty thousand dollars (\$50,000) for play area improvements at North Domingo Baca park in Albuquerque in Bernalillo county;

92. twenty-five thousand dollars (\$25,000) for design and construction of concession stand site improvements, utilities and parking at the Alameda little league complex in Albuquerque in Bernalillo county;

~~[93. fifteen thousand dollars (\$15,000) for a study of improvements to the trail system in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

94. fifty thousand dollars (\$50,000) for the purchase and installation of stage lighting for the Raymond G. Sanchez community center in Albuquerque in Bernalillo county;

~~95. thirty thousand dollars (\$30,000) for purchase of tree removal equipment for the bosque for the open space division of Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

96. ten thousand dollars (\$10,000) for the purchase of brush trucks for the Albuquerque fire department in Albuquerque in Bernalillo county;

97. thirty-five thousand dollars (\$35,000) to design, develop, construct, purchase and install exhibits for the Explora science center and children's museum in Albuquerque in Bernalillo county;

98. two hundred thousand dollars (\$200,000) to plan, design, construct, equip and furnish a community center in Glenwood in Catron county;

~~99. twenty thousand dollars (\$20,000) to plan, design and install a records management system and digital conversion for the police department in Roswell in Chaves county;][LINE-ITEM VETO]~~

100. ten thousand dollars (\$10,000) to install lighting and equipment for the Cielo Grande hike and bike trail in Roswell in Chaves county;

~~101. ten thousand dollars (\$10,000) to construct a skate park at the Cielo Grande recreation area in Roswell in Chaves county;~~

~~102. twenty five thousand dollars (\$25,000) for design and construction of the final phase of a new archive building for the historical society for southeast New Mexico in Roswell in Chaves county;~~

~~103. twenty thousand dollars (\$20,000) for improvements to the animal shelter in Roswell in Chaves county;~~

~~104. twenty thousand dollars (\$20,000) to purchase equipment for the police department in Roswell in Chaves county;][LINE-ITEM VETO]~~

105. thirty thousand dollars (\$30,000) to purchase equipment for the youth football league in Roswell in Chaves county;

106. twenty thousand dollars (\$20,000) to purchase equipment for the fire department in Roswell in Chaves county;

~~107. twenty five thousand dollars (\$25,000) to plan, design, construct and equip a playground on Mescalero road in Roswell in Chaves county;~~

~~108. twenty five thousand dollars (\$25,000) to plan, design and construct the Nancy Lopez addition to the Spring River golf course in Roswell in Chaves county;][LINE-ITEM VETO]~~

109. fifty thousand dollars (\$50,000) to repair and renovate the little league park in Lake Arthur in Chaves county;

110. forty-five thousand dollars (\$45,000) for Blackdom memorial preservation to fund the purchase of a memorial statue in Roswell in Chaves county;

111. five thousand dollars (\$5,000) to purchase a pediment for the Jose Francisco Chaves bust for placement in the county courthouse rotunda in Chaves county;

112. fifty thousand dollars (\$50,000) to plan, design and construct the central fire station in Dexter in Chaves county;

113. ten thousand dollars (\$10,000) to renovate the swimming pool in Dexter in Chaves county;

114. forty thousand dollars (\$40,000) to replace the roof on the health clinic in Dexter in Chaves county;

~~115. twenty thousand dollars (\$20,000) for a digital records management system for the police department in Roswell in Chaves county;~~][*LINE-ITEM VETO*]

116. twenty thousand dollars (\$20,000) for equipment and facility improvements at the Roswell boys' and girls' club in Chaves county;

117. twenty-five thousand dollars (\$25,000) to improve the acoustics and to purchase and install electronic equipment for the community center in Hagerman in Chaves county;

118. fifty thousand dollars (\$50,000) for phase 4 improvements, including installing an irrigation system and purchasing mowing equipment, for the little league fields and sports complex in Hagerman in Chaves county;

119. fifty thousand dollars (\$50,000) to construct a drill tower for the fire training center in Chaves county;

~~120. twenty thousand dollars (\$20,000) to plan, design and install a records management system and digital conversion for the police department in Roswell in Chaves county;~~][*LINE-ITEM VETO*]

121. ten thousand dollars (\$10,000) to plan, design and construct utility work for phase 1 of the special events center at the Cielo Grande recreation area in Roswell in Chaves county;

~~122. ten thousand dollars (\$10,000) to install lighting for the Cielo Grande hike and bike trail in Roswell in Chaves county;~~

~~123. ten thousand dollars (\$10,000) to construct a skate park at the Cielo Grande recreation area in Roswell in Chaves county;~~][*LINE-ITEM VETO*]

124. five thousand dollars (\$5,000) to plan, design and do utility work for phase 1 of the special events center at the Cielo Grande recreation area in Roswell in Chaves county;

125. ten thousand dollars (\$10,000) to construct a skate park at the Cielo Grande recreation area in Roswell in Chaves county;

~~126. five thousand dollars (\$5,000) to plan, design and replace the heating, ventilation and air conditioning system in the museum in Roswell in Chaves county;~~

~~127. fifty thousand dollars (\$50,000) to plan, design and install a records management system and digital conversion for the police department in Roswell in Chaves county;~~

~~128. ten thousand dollars (\$10,000) to install lighting for the Cielo Grande hike and bike trail in Roswell in Chaves county;][LINE-ITEM VETO]~~

129. sixty thousand dollars (\$60,000) for furniture and vehicles for the sheriff's department in Cibola county;

130. fifty thousand dollars (\$50,000) for renovation of the Fence Lake community center in Cibola county;

131. sixty thousand dollars (\$60,000) for the purchase of equipment and vehicles for the county jail in Cibola county;

132. twenty-seven thousand dollars (\$27,000) for police department renovations in Milan in Cibola county;

133. fifty-five thousand dollars (\$55,000) for renovations to the community center in Milan in Cibola county;

134. seventy-five thousand dollars (\$75,000) to purchase land for and make improvements to the cemetery in Grants in Cibola county;

135. fifty thousand dollars (\$50,000) to purchase equipment for the street department in Grants in Cibola county;

136. seventy thousand dollars (\$70,000) to purchase equipment for the water department in Grants in Cibola county;

137. sixty thousand dollars (\$60,000) to purchase police vehicles for Grants in Cibola county;

138. fifty-five thousand dollars (\$55,000) to plan, design, construct, equip and furnish a fire station for the Cubero fire department in Cibola county;

139. thirty thousand dollars (\$30,000) to purchase police vehicles in Grants in Cibola county;

140. ten thousand dollars (\$10,000) to update technology equipment, including laptops and printers, for the Grants police department in Cibola county;

141. thirty thousand dollars (\$30,000) for furniture and vehicles for the sheriff's department in Cibola county;

142. forty thousand dollars (\$40,000) for the purchase of equipment and vehicles for the county jail in Cibola county;

143. fifty-two thousand dollars (\$52,000) for convention center improvements in Raton in Colfax county;

144. thirty-five thousand dollars (\$35,000) for purchase of property adjacent to the village offices in Eagle Nest in Colfax county;

~~145. fifteen thousand dollars (\$15,000) to plan, design and construct a horse barn for the fairgrounds in Colfax county;][LINE-ITEM VETO]~~

146. eight thousand dollars (\$8,000) for equipment for the vehicle extraction unit in Cimarron in Colfax county;

147. ten thousand dollars (\$10,000) for improvements to the ambulance building in Cimarron in Colfax county;

148. thirty thousand dollars (\$30,000) for improvements to the village hall and library building in Springer in Colfax county;

149. ten thousand dollars (\$10,000) for renovation and expansion of the city hall in Maxwell in Colfax county;

~~150. forty thousand dollars (\$40,000) for the design, construction and equipping of the south central Colfax county hospital district health care clinic in Moreno valley in Angel Fire in Colfax county;][LINE-ITEM VETO]~~

151. thirty thousand dollars (\$30,000) to expand the Curry county adult detention center in Clovis in Curry county;

152. seventy thousand dollars (\$70,000) to renovate and upgrade the municipal swimming pool in Melrose in Curry county;

153. sixty thousand dollars (\$60,000) for playground equipment for the new kindergarten at the head start program run by the county's eastern plains community action agency in Clovis in Curry county;

154. twenty thousand dollars (\$20,000) for phase 2 construction of the life saver food bank warehouse in Clovis in Curry county;

155. ten thousand dollars (\$10,000) for a defibrillator for the Grady fire department in Curry county;

156. ten thousand dollars (\$10,000) for improvements, including upgrading the heating, ventilation and air conditioning system, at the annex building in De Baca county;

157. sixty-two thousand dollars (\$62,000) for purchase and renovation of a building for the Fort Sumner youth center in Fort Sumner in De Baca county;

~~158. ten thousand dollars (\$10,000) for the planning, design and construction of a separate children's area at the Thomas Branigan memorial library in Las Cruces in Dona Ana county;][LINE-ITEM VETO]~~

159. fifty thousand dollars (\$50,000) for fire and emergency medical equipment for the Las Alturas fire department in Dona Ana county;

160. fifty thousand dollars (\$50,000) for improvements to the park in Anthony in Dona Ana county;

161. fifteen thousand dollars (\$15,000) for purchasing and installing information technology for a victims' notification system in the sheriff's department in Dona Ana county;

162. twenty thousand dollars (\$20,000) for acquiring land for the Rio Grande bosque park in Dona Ana county;

163. sixty-five thousand dollars (\$65,000) to plan, design and construct a public safety building in Mesilla in Dona Ana county;

164. thirty-five thousand dollars (\$35,000) for expanding the Del Cerro and Mesquite community center in Dona Ana county;

165. fifteen thousand dollars (\$15,000) for renovating the Rio Grande theater in Las Cruces in Dona Ana county;

166. twenty-five thousand dollars (\$25,000) for construction and furnishings for the Mesilla Valley community of hope in Las Cruces in Dona Ana county;

167. ten thousand dollars (\$10,000) to plan, design and construct the downtown revitalization project in Las Cruces in Dona Ana county;

168. forty-five thousand dollars (\$45,000) to acquire land for a community center at the Del Cerro community center in Mesquite in Dona Ana county;

169. thirty thousand six hundred ninety-eight dollars (\$30,698) to purchase units, flex stations and other equipment for use by la clinica de familia in Anthony in Dona Ana county;

170. forty-five thousand dollars (\$45,000) to acquire land for, plan, design and construct a community center in La Mesa in Dona Ana county;

171. thirty thousand dollars (\$30,000) to renovate the Rio Grande theater in Las Cruces in Dona Ana county;

172. one hundred two thousand dollars (\$102,000) for the design and construction for a separate children's area at the Thomas Branigan memorial library in Las Cruces in Dona Ana county;

173. thirty thousand dollars (\$30,000) for renovating the Rio Grande theater in Las Cruces in Dona Ana county;

174. fifty thousand dollars (\$50,000) for phase 3 of the Mesilla Valley community of hope, including building, equipment and furnishings, in Las Cruces in Dona Ana county;

175. five thousand dollars (\$5,000) for renovating the Rio Grande theater in Las Cruces in Dona Ana county;

176. one hundred thirty-two thousand dollars (\$132,000) to construct and equip the northern Dona Ana swim training facility in Hatch in Dona Ana county;

177. seventy thousand dollars (\$70,000) for the natural gas line improvements and renovation for Hatch in Dona Ana county;

178. fifty thousand dollars (\$50,000) for capital improvements to the Radium Springs recreational park in Dona Ana county;

179. sixty-two thousand dollars (\$62,000) for planning, design and construction of the health and human services building in Hatch in Dona Ana county;

180. twenty thousand dollars (\$20,000) for renovating and equipping the Rio Grande theater in Las Cruces in Dona Ana county;

181. twenty thousand dollars (\$20,000) for planning, design and construction in the Mesquite historical district in Las Cruces in Dona Ana county;

182. ten thousand dollars (\$10,000) to plan, design and construct the downtown revitalization project, including gateways, signage and phase 2 implementation of the downtown plaza, in Las Cruces in Dona Ana county;

183. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish phase 3 of the Mesilla Valley community of hope in Las Cruces in Dona Ana county;

184. three thousand dollars (\$3,000) for renovations, improvements, including to lights, planters and lampposts, and the purchase of benches for downtown Carlsbad in Eddy county;

185. fifteen thousand dollars (\$15,000) for wiring and furniture for the third judicial district courthouse addition in Dona Ana county;

186. ten thousand dollars (\$10,000) for repair and improvements to the court youth center in Las Cruces in Dona Ana county;

187. fifty thousand dollars (\$50,000) for playground preparation and equipment for the park in Tortugas in Dona Ana county;

188. one hundred seven thousand dollars (\$107,000) for the planning, design and construction of a separate children's area at the Thomas Branigan memorial library in Las Cruces in Dona Ana county;

189. twenty thousand dollars (\$20,000) for phase 3 of the Mesilla Valley community of hope, including building, equipment and furnishings, in Las Cruces in Dona Ana county;

190. fifty thousand dollars (\$50,000) for renovating and equipping the Rio Grande theater in Las Cruces in Dona Ana county;

191. seventy-five thousand dollars (\$75,000) to design and construct phase 1 of a youth sports complex in Carlsbad in Eddy county;

192. fifty thousand dollars (\$50,000) to renovate and improve the Will Merchant adult softball complex in Carlsbad in Eddy county;

193. one hundred thousand dollars (\$100,000) to design and construct a national research institute to study cave and karst formations in Carlsbad in Eddy county;

194. forty thousand dollars (\$40,000) to renovate and construct the exterior of the Walter Gerrells performing arts center in Carlsbad in Eddy county;

195. fifty thousand dollars (\$50,000) to make improvements, including installation of an irrigation system and construction of roadways, to the Carlsbad cemetery in Carlsbad in Eddy county;

196. fifty thousand dollars (\$50,000) to renovate the Riverwalk recreation center in Carlsbad in Eddy county;

197. eighty thousand dollars (\$80,000) to design and construct a roller hockey park at the Riverwalk recreation center in Carlsbad in Eddy county;

198. thirty thousand dollars (\$30,000) to design and construct racquetball courts at the Riverwalk recreation center in Carlsbad in Eddy county;

199. twenty-five thousand dollars (\$25,000) to plan, design, construct, equip and acquire the land for a battered families shelter in Carlsbad in Eddy county;

200. forty thousand dollars (\$40,000) to construct the restroom and concession stand facility at the horse council arena in Eddy county;

201. eighteen thousand dollars (\$18,000) to design phase 1 of the Carlsbad battered family residential shelter in Carlsbad in Eddy county;

202. twenty thousand dollars (\$20,000) to purchase and equip a command and crime scene vehicle for the sheriff's department in Eddy county;

203. ten thousand dollars (\$10,000) for the design of the little league complex in Loving in Eddy county;

204. eighty thousand dollars (\$80,000) for renovations to the public library in Carlsbad in Eddy county;

205. five hundred thousand dollars (\$500,000) to purchase a ladder-aerial platform fire truck for Artesia in Eddy county;

206. two hundred thousand dollars (\$200,000) to design, construct, equip and furnish a building for the Carlsbad national cave and karst research institute in Eddy county;

207. forty thousand dollars (\$40,000) to design and construct an addition to the Artesia vocational training center in Eddy county;

208. twenty thousand dollars (\$20,000) to purchase and equip a command and crime scene vehicle for the sheriff's department in Eddy county;

209. forty-five thousand dollars (\$45,000) to construct the restroom and concession stand facility at the horse council arena in Eddy county;

210. fifty thousand dollars (\$50,000) to plan, design and construct the Carlsbad battered families shelter in Eddy county;

211. fifty thousand dollars (\$50,000) to plan, design and construct the Martin Luther King, Jr. recreation complex phase 2, including inline hockey court, restrooms, fencing and lighting, in Artesia in Eddy county;

212. sixty thousand dollars (\$60,000) to design and construct facilities, including athletic and recreational areas, for a youth sports complex in Carlsbad in Eddy county;

213. fifty thousand dollars (\$50,000) for phase 2 construction and renovations at the Walter Gerrells performing arts center in Carlsbad in Eddy county;

214. sixty thousand dollars (\$60,000) to make improvements, including improvements to irrigation systems and construction of roadways, to cemeteries in Carlsbad in Eddy county;

215. thirty-two thousand dollars (\$32,000) for renovations and improvements, including to lighting, at the Will Merchant adult softball complex in Carlsbad in Eddy county;

216. seventy thousand dollars (\$70,000) for renovations to the public library in Carlsbad in Eddy county;

217. thirteen thousand dollars (\$13,000) for landscaping for the Bayard public safety building in Bayard in Grant county;

218. thirty thousand dollars (\$30,000) to plan, design and construct a community-built skate park in Silver City in Grant county;

219. seventy-five thousand dollars (\$75,000) for the purchase of new equipped police vehicles for Bayard in Grant county;

220. one hundred thousand dollars (\$100,000) for Memory Lane cemetery improvements in Silver City in Grant county;

221. seventy-five thousand dollars (\$75,000) for phase 2 renovation of the Grant county courthouse to comply with judiciary needs;

222. eighty thousand dollars (\$80,000) for a gazebo for La Capilla project in Silver City in Grant county;

223. five hundred thousand dollars (\$500,000) to plan, design, construct and equip a juvenile detention facility in Silver City in Grant county;

224. two hundred fifty thousand dollars (\$250,000) for infrastructure improvements to the industrial park in Santa Clara in Grant county;

~~225. twenty five thousand dollars (\$25,000) for improvements at the Silver City municipal golf course in Grant county;][LINE-ITEM VETO]~~

226. fifty thousand dollars (\$50,000) to restore the original stone courthouse, an historical landmark, in Santa Rosa in Guadalupe county;

227. fifty thousand dollars (\$50,000) for renovating the city hall in Vaughn in Guadalupe county;

228. fifty thousand dollars (\$50,000) for police vehicles in Santa Rosa in Guadalupe county;

229. thirty thousand dollars (\$30,000) for the purchase of playground equipment for Joe Gutierrez park in Santa Rosa in Guadalupe county;

230. twenty thousand dollars (\$20,000) for the purchase and installation of playground equipment for Anton Chico in Guadalupe county;

~~231. forty thousand dollars (\$40,000) for the planning, design and construction of a restoration project for the historical city hall in Santa Rosa in Guadalupe county;][LINE-ITEM VETO]~~

232. fifteen thousand dollars (\$15,000) for infrastructure improvements in Roy in Harding county;

233. fifteen thousand dollars (\$15,000) to purchase equipment, including backhoes and maintainers, for the village of Mosquero in Harding county;

234. one hundred seventy thousand four hundred dollars (\$170,400) to plan, design, construct and equip a metal fabrication shop for the Harding county economic development program;

235. two hundred fifty thousand dollars (\$250,000) to repair the county jail located in Hidalgo county;

~~236. twenty-five thousand dollars (\$25,000) for general or sports field improvements at Del Norte park or all-weather paving for the parking lots at Bensing baseball park in Hobbs in Lea county;~~

~~237. ten thousand dollars (\$10,000) to construct an ambulance bay in Tatum in Lea county;][LINE-ITEM VETO]~~

238. twenty thousand dollars (\$20,000) to replace the roof and air conditioner at the Lovington community center in Lovington in Lea county;

239. twenty thousand dollars (\$20,000) to replace the roof, flooring, heating and air conditioning units in the Lovington youth center in Lovington in Lea county;

240. twenty thousand dollars (\$20,000) to purchase a backhoe for the municipal water department in Lovington in Lea county;

241. fifty-four thousand five hundred dollars (\$54,500) to purchase a backhoe for the municipal water department in Lovington in Lea county;

242. thirty thousand dollars (\$30,000) to purchase and install playground equipment for the park in Eunice in Lea county;

243. fifty thousand dollars (\$50,000) for demolition of dilapidated property in Eunice in Lea county;

244. ninety thousand dollars (\$90,000) to plan, design and construct, including an irrigation system and fencing, a new cemetery in Eunice in Lea county;

245. one hundred thousand dollars (\$100,000) to plan, design and engineer the roof replacement at the city library and city hall in Hobbs in Lea county;

246. twelve thousand dollars (\$12,000) to repair the roof on city hall in Jal in Lea county;

247. twenty-five thousand dollars (\$25,000) to design and construct a swimming pool in Carrizozo in Lincoln county;

248. twenty-five thousand dollars (\$25,000) to plan, design and construct a fire station in Ruidoso in Lincoln county;

249. ten thousand dollars (\$10,000) to renovate and upgrade the swimming pool in Carrizozo in Lincoln county;

250. ten thousand dollars (\$10,000) to plan and design the restoration, conversion and incorporation of the old power plant as part of the heritage museum and cultural center in Carrizozo in Lincoln county;

251. seventeen thousand dollars (\$17,000) to plan, design construct and equip the heritage museum in Carrizozo in Lincoln county;

252. twenty thousand dollars (\$20,000) to plan, design and construct a greenhouse at the Smokey Bear historical park in Capitan in Lincoln county;

253. ten thousand dollars (\$10,000) to plan and construct a facility to house and counsel nonviolent inmates at the detention center in Lincoln county;

254. twenty thousand dollars (\$20,000) to design, plan and construct a public health facility to house the state public health entities in Lincoln county;

255. twenty-five thousand dollars (\$25,000) to design, plan and construct a new main fire station in Ruidoso in Lincoln county;

256. one hundred fifty thousand dollars (\$150,000) to complete the amphitheater and open air pavilion in Deming in Luna county;

257. fifty thousand dollars (\$50,000) to renovate and repair the southwest New Mexico fairgrounds building in Luna county;

258. fifty thousand dollars (\$50,000) to plan, design and construct an administrative office for the northwest New Mexico council of governments in Gallup in McKinley county;

259. forty thousand dollars (\$40,000) for a civil transport vehicle for the McKinley county sheriff's department in Gallup in McKinley county;

260. ten thousand dollars (\$10,000) to purchase and install a scan fingerprint system for the McKinley county sheriff's office in Gallup in McKinley county;

261. thirty thousand dollars (\$30,000) for purchase and installation of permanent stadium chairs in the stadium at Red Rock state park in Gallup in McKinley county;

262. twenty thousand dollars (\$20,000) to plan, design and construct field improvements at the Gallup soccer complex in McKinley county;

263. thirty thousand dollars (\$30,000) to construct a veterans' memorial in Gallup in McKinley county;

264. ten thousand dollars (\$10,000) to purchase and install a wooden pole for use by the Voleadores flyers in the intertribal Indian ceremonial at Red Rock state park in Gallup in McKinley county;

265. fifty thousand dollars (\$50,000) to equip the food bank warehouse in Gallup in McKinley county;

266. sixty thousand dollars (\$60,000) to plan, design and construct hiking trails at the Mentmore climbing rock park in Gallup in McKinley county;

267. twenty thousand dollars (\$20,000) for improvements at the Cleveland, Holman, Encinal and Tramperos volunteer fire department station in Mora county;

268. twenty thousand dollars (\$20,000) for phase 2 of construction of a building project for the veterans of foreign wars post 1131 in Mora in Mora county;

269. fifty thousand dollars (\$50,000) to plan, design and construct an addition to the Mora Valley community health services clinic in Mora county;

270. fifteen thousand dollars (\$15,000) for improvements to the parking lot for the fire department in Golondrinas in Mora county;

271. twenty thousand dollars (\$20,000) for remodeling the Ocate community center in Ocate in Mora county;

~~272. twenty thousand dollars (\$20,000) for the purchase of playground equipment and landscaping for the Watrous community park in Watrous in Mora county;][LINE-ITEM VETO]~~

273. ten thousand dollars (\$10,000) for demolition and removal of the old Watrous school house in Watrous in Mora county;

274. twenty-five thousand dollars (\$25,000) for land acquisition and construction of a facility for the David Cargo public library in Mora in Mora county;

275. forty thousand dollars (\$40,000) to plan, design and construct a bus barn and maintenance area for the head start programs in Mora and Colfax counties;

~~276. ten thousand dollars (\$10,000) to plan, design and construct a canopy over the Wade building at the fairgrounds in Otero county;~~

~~277. ten thousand dollars (\$10,000) to purchase communication, electronic and office equipment for the Tularosa safety facility in Tularosa in Otero county;][LINE-ITEM VETO]~~

278. ten thousand dollars (\$10,000) to purchase and install playground equipment for the children's park in Tularosa in Otero county;

279. fifty thousand dollars (\$50,000) to plan and design for construction of a medical clinic in Chaparral in Otero county;

~~280. twenty thousand dollars (\$20,000) to construct a road shop building in Otero county;~~

~~281. twenty-five thousand dollars (\$25,000) for designing and constructing a metal canopy over the Wade building at the fairgrounds in Otero county;][LINE-ITEM VETO]~~

282. twenty-five thousand dollars (\$25,000) to purchase an ambulance for San Jon in Quay county;

283. thirty-five thousand dollars (\$35,000) to plan, design, construct and purchase land for an emergency medical services building in Logan in Quay county;

284. thirty thousand dollars (\$30,000) for improvements to the Nara Visa school building in Quay county;

~~[285. twenty-five thousand dollars (\$25,000) for planning, design and architectural improvements for county buildings in Quay county;][LINE-ITEM VETO]~~

286. twenty thousand dollars (\$20,000) to furnish and equip the Rio Grande alcohol treatment facility in Embudo in Rio Arriba county;

287. twenty-five thousand dollars (\$25,000) to design, acquire land for and construct facilities for the health commons project, which will be owned by the county and include housing for the health centers of northern New Mexico, Las Cumbres learning services and the public health office, in Espanola in Rio Arriba county;

288. seventy-two thousand dollars (\$72,000) to plan, design, construct and equip an animal shelter in Chama in Rio Arriba county;

289. one hundred fifteen thousand dollars (\$115,000) to design and construct a multipurpose facility in El Rito in Rio Arriba county;

290. one hundred twenty-five thousand dollars (\$125,000) for installation of ambient and humidity control and security and lighting systems for phase 2 of the reredos and retablos project located in the San Gabriel mission on the plaza de Espanola in Espanola in Rio Arriba county;

291. fifty thousand dollars (\$50,000) to plan, design and construct or acquire a building for a fire station in Truchas in Rio Arriba county;

292. twenty-five thousand dollars (\$25,000) to pave, fence and purchase signage for the parking area and grounds of the Chamita community center in Chamita in Rio Arriba county;

293. twenty-five thousand dollars (\$25,000) to plan, design and construct a playground in Alcalde in Rio Arriba county;

294. twenty thousand dollars (\$20,000) for purchasing and installing office equipment in the Rio Arriba county assessor's office in Rio Arriba county;

295. two hundred fifty thousand dollars (\$250,000) to plan, design, construct and equip a kitchen at the Pinon Hills detoxification facility in Rio Arriba county;

296. thirty thousand dollars (\$30,000) for the planning, design, construction and land acquisition of the health commons project with facilities to house the health centers of northern New Mexico, the Las Cumbres learning services, incorporated and the Espanola public health office in Espanola in Rio Arriba county;

297. fifteen thousand dollars (\$15,000) to plan, design and construct restroom facilities at the special events and rodeo arena at the Roosevelt county fairgrounds;

298. thirty thousand dollars (\$30,000) to purchase furnishings and equipment for expansion of the medical office building and equipment within the emergency room for the Roosevelt county special hospital district in Portales in Roosevelt county;

299. thirty thousand dollars (\$30,000) for improvements to the mental health resource parking lot in Portales in Roosevelt county;

~~300. twenty thousand dollars (\$20,000) for purchasing equipment for the street department in Portales in Roosevelt county;][LINE-ITEM VETO]~~

301. twenty thousand dollars (\$20,000) to purchase furnishings and equipment for expansion of the medical office building and equipment within the emergency room for the Roosevelt county special hospital district in Portales in Roosevelt county;

302. twenty thousand dollars (\$20,000) to plan, design and construct an addition to the extension office in Roosevelt county;

303. twenty-five thousand dollars (\$25,000) to purchase furnishings and equipment for expansion of the medical office building in the Roosevelt county special hospital district in Roosevelt county;

304. twenty-five thousand dollars (\$25,000) for an addition and improvements to the fire department building in Elida in Roosevelt county;

305. twenty-five thousand dollars (\$25,000) for vehicles, computers and communications equipment for the police department in Elida in Roosevelt county;

306. twenty-five thousand dollars (\$25,000) to plan, design and construct improvements for streetscaping to the Main street area in Portales in Roosevelt county;

307. twenty thousand dollars (\$20,000) for purchasing equipment for the street department in Portales in Roosevelt county;

308. forty thousand dollars (\$40,000) to pave the front nine holes at the Riverview education and recreational center in San Juan county;

~~309. three thousand nine hundred sixty-four dollars (\$3,964) to equip and furnish the boys' and girls' club in Bloomfield in San Juan county;][LINE-ITEM VETO]~~

310. one hundred twenty-five thousand dollars (\$125,000) to plan, design, demolish, construct, landscape and equip a municipal park in Pecos in San Miguel county;

311. one hundred thirty-five thousand dollars (\$135,000) to replace a fire truck and a large diameter hose for the fire department in Las Vegas in San Miguel county;

312. fifteen thousand dollars (\$15,000) for a warehouse to house voting machines in Las Vegas in San Miguel county;

313. fifteen thousand dollars (\$15,000) to repair the building and plumbing at El Valle community center in San Miguel county;

314. sixty thousand dollars (\$60,000) to purchase a bus for use by the head start program in Las Vegas in San Miguel county;

315. thirty-five thousand dollars (\$35,000) to construct a health facility to house primary care services, shelter and counseling services for victims of family violence and transitional housing for veterans in Las Vegas in San Miguel county;

316. twenty thousand dollars (\$20,000) for repair and replacement of a respiratory protection system in the volunteer fire department in Gallinas in San Miguel county;

~~317. one thousand five hundred dollars (\$1,500) to refurbish El Pueblo community center in San Miguel county;][LINE-ITEM VETO]~~

318. fifteen thousand dollars (\$15,000) for repairs to the Cabo Lucero fire station in San Miguel county;

319. fifteen thousand dollars (\$15,000) for improvements to the Tecolote community center in San Miguel county;

320. eighty thousand dollars (\$80,000) to plan, design and construct the downtown revitalization project in Las Vegas in San Miguel county;

321. twenty thousand dollars (\$20,000) to purchase portable defibrillators for the sheriff's department in Sandoval county;

322. fifty thousand dollars (\$50,000) for purchase and installation of an advanced security system for the Sandoval county justice complex in Sandoval county;

323. one hundred thousand dollars (\$100,000) to plan, design, construct and equip a public library in Cuba in Sandoval county;

324. sixteen thousand five hundred dollars (\$16,500) to purchase and install one shade structure and one drinking fountain each for Cielo Vista park and Rainbow park in Rio Rancho in Sandoval county;

325. sixty thousand dollars (\$60,000) for an advanced security system at the detention center in Sandoval county;

326. one hundred twenty-five thousand dollars (\$125,000) for grading and installation of an irrigation system and sod for multi-use sports fields in Rio Rancho in Sandoval county;

327. thirty-one thousand dollars (\$31,000) to purchase and install playground equipment, a shade structure and a water fountain in a community park in the Star Heights area of Rio Rancho in Sandoval county;

328. one hundred thousand dollars (\$100,000) to plan, design and construct a learning center for collaboration between higher education institutions in Rio Rancho in Sandoval county;

~~329. eight thousand dollars (\$8,000) to purchase furniture and equipment for the new courthouse in Sandoval county;][LINE-ITEM VETO]~~

330. ten thousand dollars (\$10,000) for improvements to the New Mexico youth soccer complex in Bernalillo in Sandoval county;

~~331. fifty thousand dollars (\$50,000) for design and construction of sidewalks, curbs and gutters at the corner of Cordova road and Old Pecos trail in Santa Fe in Santa Fe county;][LINE-ITEM VETO]~~

332. seventy-five thousand dollars (\$75,000) to design, construct and equip the Santa Fe rape crisis center in Santa Fe county;

333. one hundred thousand dollars (\$100,000) to design, construct and equip an expansion of la familia medical center in Santa Fe in Santa Fe county;

334. one hundred twenty-five thousand dollars (\$125,000) to construct and purchase furniture, fixtures and equipment for the south side library in Santa Fe in Santa Fe county;

335. sixty-two thousand dollars (\$62,000) for capital improvements at the youth development facility in Santa Fe county;

336. fifty thousand dollars (\$50,000) for improving the coordinated health complex in Santa Fe county;

337. twenty-five thousand dollars (\$25,000) for planning, designing and construction of phase 1-B of a collaborative model teen and family services multipurpose center in Tierra Contenta in Santa Fe county;

338. fifteen thousand dollars (\$15,000) to purchase medical equipment for women's health services in Santa Fe in Santa Fe county;

339. twenty-five thousand dollars (\$25,000) to purchase medical equipment for women's health services in Santa Fe in Santa Fe county;

340. twenty-five thousand dollars (\$25,000) to construct, renovate, equip and make improvements to the national dance institute of New Mexico in Santa Fe in Santa Fe county;

341. forty thousand dollars (\$40,000) for purchasing vans for the boys' and girls' clubs in Santa Fe county;

342. fifteen thousand dollars (\$15,000) for improvements to the Pojoaque Valley little league fields in Pojoaque in Santa Fe county;

343. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and equip a library on the south side of Santa Fe in Santa Fe county;

344. five hundred thousand dollars (\$500,000) to plan, design, construct, equip and furnish phase 2 of the counseling center of the youth shelters and family services facility in Santa Fe county;

345. one hundred seventy thousand dollars (\$170,000) for infrastructure development at Vista del Sol in Santa Fe county;

346. one hundred thousand dollars (\$100,000) to plan, design, construct improvements to and equip a youth development facility in Santa Fe county;

347. eighty thousand dollars (\$80,000) to construct the Agua Fria community center in Santa Fe county;

348. one hundred thousand dollars (\$100,000) to construct phase 2 of a youth shelter and family services facility for Santa Fe county;

349. twenty-five thousand dollars (\$25,000) to purchase fitness equipment for the Genoveva Chavez community center in Santa Fe in Santa Fe county;

350. fifty thousand dollars (\$50,000) for planning, designing and construction of phase 1-B of a collaborative model teen and family services multipurpose center in Tierra Contenta in Santa Fe county;

351. ten thousand dollars (\$10,000) for information technology, a TTY machine and supporting equipment to operate a 211 call center in Santa Fe county;

352. sixty-five thousand dollars (\$65,000) to purchase medical equipment for women's health services in Santa Fe in Santa Fe county;

353. fifty thousand dollars (\$50,000) for the planning, designing and construction of an addition to and retrofitting the interior infrastructure of the Alto street medical and dental clinic in Santa Fe in Santa Fe county;

354. one hundred thousand dollars (\$100,000) to acquire land for, design, construct, furnish and equip a building to house the Santa Fe farmers' market in Santa Fe county;

355. one hundred two thousand dollars (\$102,000) for the planning, designing and construction of an addition to and retrofitting the interior infrastructure of the Alto street medical and dental clinic in Santa Fe in Santa Fe county;

356. one hundred thousand dollars (\$100,000) for construction and to purchase furniture, fixtures and equipment for the south side library in Santa Fe in Santa Fe county;

357. one hundred thousand dollars (\$100,000) for improvements to the youth development facility in Santa Fe county;

358. seventy-five thousand dollars (\$75,000) for improvements to the national dance institute of New Mexico dance barns in Santa Fe in Santa Fe county;

359. fifty thousand dollars (\$50,000) to plan, design, construct, renovate and equip the coordinated health complex in Santa Fe county;

~~360. seventy-five thousand dollars (\$75,000) for landscaping improvements at De Vargas park in Santa Fe in Santa Fe county;][LINE-ITEM VETO]~~

361. fifty thousand dollars (\$50,000) to plan, design, construct, equip and furnish the Hillsboro community center in Sierra county;

362. ten thousand dollars (\$10,000) for renovation of and equipment for the gymnasium and community center in La Joya in Socorro county;

363. twenty-five thousand dollars (\$25,000) for the purchase of a veterinary mobile surgery clinic and equipment for Las Cruces in Dona Ana county for use statewide;

364. one hundred thousand dollars (\$100,000) for assistance to acequias to regulate water transfers and for acequia water banking;

365. five thousand dollars (\$5,000) for capital improvements for certified main street communities statewide, including improvements to downtown rights of way and public projects to stimulate commercial district economic vitality;

366. twenty-five thousand dollars (\$25,000) for planning, design and site preparation for storage in the Rio Fernando fire district in Taos in Taos county;

367. twenty-five thousand dollars (\$25,000) to purchase and equip sheriff's vehicles in Taos county;

368. two thousand four hundred dollars (\$2,400) to purchase and install a fire alarm system at Carinos child development center in Questa in Taos county;

369. twenty thousand dollars (\$20,000) to construct and equip a hangar for the civil air patrol at the regional airport in Taos in Taos county;

370. fifty-nine thousand dollars (\$59,000) to purchase and install equipment for the swimming pool at the Taos youth and family center in Taos in Taos county;

371. twenty-five thousand dollars (\$25,000) to plan, design and construct a facility and to purchase firefighting equipment for the Talpa, Rancho de Taos and Pot Creek volunteer fire department in Taos county;

372. fifty thousand dollars (\$50,000) to plan, design and construct phase 1 of a fire station in Red River in Taos county;

373. twenty-five thousand dollars (\$25,000) for parking lot improvements at the Penasco health clinic in Taos county;

374. twenty-five thousand dollars (\$25,000) for planning, design and construction of the Latir volunteer fire station in Taos county;

375. thirty-five thousand dollars (\$35,000) for the purchase of road equipment for Taos county;

376. thirty thousand dollars (\$30,000) for planning, design, construction and equipping of an agricultural center in Taos county;

377. one hundred thousand dollars (\$100,000) to plan, design, construct and equip a community center in Llano Quemado in Taos county;

378. five hundred thousand dollars (\$500,000) to purchase, construct, furnish, equip, improve or renovate a theater and operational base for use by the Taos county film commission in Taos county;

379. fifty thousand dollars (\$50,000) to construct, equip and furnish the medical facility in Estancia in Torrance county;

380. eighty thousand dollars (\$80,000) to plan, renovate and upgrade the Estancia municipal building in Torrance county;

381. seventy-two thousand dollars (\$72,000) to upgrade and improve the city park, including playground equipment and a skate park, in Moriarty in Torrance county;

382. five thousand dollars (\$5,000) for police safety equipment, including a motor vehicle, vehicle safety equipment and bullet-proof vests, for the sheriff's department in Torrance county;

383. eighteen thousand dollars (\$18,000) to repair and improve a water-tanker truck for the fire department in McIntosh in Torrance county;

384. thirty-five thousand dollars (\$35,000) for the purchase and installation of medical and dental equipment and furnishings at the primary care clinic in Estancia in Torrance county;

385. ten thousand dollars (\$10,000) for purchasing a dump truck, backhoe and grader for Encino in Torrance county;

386. twenty-five thousand dollars (\$25,000) to repair, renovate and equip the civic center in Clayton in Union county;

~~387. twenty-five thousand dollars (\$25,000) for equipment to pave the roads in Clayton in Union county;]~~*[LINE-ITEM VETO]*

388. twenty-five thousand dollars (\$25,000) to repair and renovate the historic gymnasium and school in Amistad in Union county;

389. fifteen thousand dollars (\$15,000) to plan, design, construct and equip a municipal park in Folsom in Union county;

390. one hundred twelve thousand one hundred fifteen dollars (\$112,115) to make improvements to, landscape and construct drainage ponds and parking areas on the site adjacent to the village library in Los Lunas in Valencia county;

391. seventy thousand dollars (\$70,000) for improvements to the Enchantment little league fields, including lighting, parking, storm water control and landscaping, in Los Lunas in Valencia county;

392. one hundred thousand dollars (\$100,000) for a quick-response structured pumper for the Manzano Vista fire department in El Cerro Mission in Valencia county;

393. seventy-five thousand dollars (\$75,000) for a water pump for the El Cerro fire department substation in Valencia county;

394. twenty-five thousand dollars (\$25,000) to plan, design, construct and renovate Jarales community center in Valencia county;

395. two hundred thirty-five thousand dollars (\$235,000) for sidewalk construction and improvements to comply with the requirements of the Americans with Disabilities Act of 1990 in the Luna Hills area of Los Lunas in Valencia county; and

396. twenty-five thousand dollars (\$25,000) to plan, design and construct a community center in Jarales in Valencia county.

Chapter 126 Section 35 Laws 2004

Section 35. MARTIN LUTHER KING, JR. COMMISSION PROJECT--CAPITAL PROJECTS FUND.--Seven thousand dollars (\$7,000) is appropriated from the capital projects fund to the Martin Luther King, Jr. commission for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, for the purchase of computers and library materials for the Martin Luther King, Jr. resource center and library at the Martin Luther King, Jr. commission office in Albuquerque in Bernalillo county.

Chapter 126 Section 36 Laws 2004

Section 36. GENERAL SERVICES DEPARTMENT PROJECTS--CAPITAL PROJECTS FUND.--The following amounts are appropriated from the capital projects fund to the general

services department for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, for the following purposes:

1. fifty thousand dollars (\$50,000) to develop a master plan to determine the feasibility of locating state offices at the Santa Fe opera for economic development purposes;
2. two hundred fifty thousand dollars (\$250,000) to the property control division to plan, design, construct and equip an office facility at the international port-of-entry at Santa Teresa in Dona Ana county; and
3. five million dollars (\$5,000,000) to the radio communications bureau to complete the upgrade of the state's analog system to a digital system to meet the federal requirements and to improve communication services statewide.

Chapter 126 Section 37 Laws 2004

Section 37. PUBLIC EDUCATION PROJECTS--PUBLIC EDUCATION DEPARTMENT_BCAPITAL PROJECTS FUND.--The following amounts are appropriated from the capital projects fund to the public education department for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, for the following purposes:

- ~~[1. four thousand dollars (\$4,000) for furniture for New Ventana elementary school in the Albuquerque public school district in Bernalillo county;][LINE-ITEM VETO]~~
2. six thousand dollars (\$6,000) for furniture for Sierra Vista elementary school in the Albuquerque public school district in Bernalillo county;
- ~~[3. five thousand dollars (\$5,000) for furniture for Chamiza elementary school in the Albuquerque public school district in Bernalillo county;][LINE-ITEM VETO]~~
4. forty-four thousand dollars (\$44,000) for educational technology for Sierra Vista elementary school in the Albuquerque public school district in Bernalillo county;
5. six thousand dollars (\$6,000) for educational technology for Cibola high school in the Albuquerque public school district in Bernalillo county;
6. five thousand dollars (\$5,000) for improvements to the baseball fields, including the visitors dugout, stairs in the bleachers and gutters around the dugouts, at Cibola high school in the Albuquerque public school district in Bernalillo county;
- ~~[7. ten thousand dollars (\$10,000) to develop a "smart" laboratory at the creative education preparatory institute number 2 charter school in the Albuquerque public school district in Bernalillo county;][LINE-ITEM VETO]~~
8. ten thousand dollars (\$10,000) to renovate and equip instructional space, common areas and administrative areas at the Amy Biehl charter high school in Albuquerque in Bernalillo county;

9. twelve thousand dollars (\$12,000) for purchasing and installing a server at the Southwest Secondary learning center in the Albuquerque public school district in Bernalillo county;

10. ten thousand dollars (\$10,000) for renovating and equipping the playground at Osuna elementary school in the Albuquerque public school district in Bernalillo county;

11. thirty thousand dollars (\$30,000) for an all-purpose facility for performances, a library and physical education on a portable campus at the Family school, an alternative school in the Albuquerque public school district in Bernalillo county;

12. forty thousand dollars (\$40,000) for upgrading technology infrastructure at Madison middle school in the Albuquerque public school district in Bernalillo county;

13. thirty thousand dollars (\$30,000) for infrastructure and telecommunication system upgrades at Sandia high school in the Albuquerque public school district in Bernalillo county;

14. seventy-five thousand dollars (\$75,000) for educational technology at the Highland cluster schools in the Albuquerque public school district in Bernalillo county;

15. fifty-four thousand dollars (\$54,000) for purchasing and installing playground equipment, landscaping and furnishing the library at Bandelier elementary school in the Albuquerque public school district in Bernalillo county;

16. thirty-six thousand dollars (\$36,000) to construct two shade structures for the playground at Kirtland elementary school in the Albuquerque public school district in Bernalillo county;

17. fifty thousand dollars (\$50,000) for library materials for Highland high school in the Albuquerque public school district in Bernalillo county;

18. twenty-two thousand eight hundred thirty-one dollars (\$22,831) for capital improvements for the library at the Hayes middle school in the Albuquerque public school district in Bernalillo county;

19. fifty thousand dollars (\$50,000) to renovate and equip instructional space, common areas and administrative areas at the Amy Biehl charter high school in Albuquerque in Bernalillo county;

20. five thousand dollars (\$5,000) for furnishing for elementary students at the Southwest secondary learning center charter school in the Albuquerque public school district in Bernalillo county;

21. five thousand dollars (\$5,000) for developing a "smart" lab for the creative education preparatory institute number 2 charter school in the Albuquerque public school district in Bernalillo county;

22. thirty-seven thousand five hundred dollars (\$37,500) for educational technology and wiring infrastructure at Valle Vista elementary school in the Albuquerque public school district in Bernalillo county;

23. forty thousand dollars (\$40,000) for educational technology for Dolores Gonzales elementary school in the Albuquerque public school district in Bernalillo county;

24. thirty-four thousand dollars (\$34,000) to purchase a portable classroom for the East Mountain charter high school in the Albuquerque public school district in Bernalillo county;

25. twenty-two thousand dollars (\$22,000) for developing a "smart" lab for the creative education preparatory institute number 2 charter school in the Albuquerque public school district in Bernalillo county;

26. three thousand dollars (\$3,000) for information technology, including purchase of a laptop computer and a pocket personal computer, for student assessment at A. Montoya elementary school in the Albuquerque public school district in Bernalillo county;

27. twenty thousand dollars (\$20,000) for educational technology for Roosevelt middle school in the Albuquerque public school district in Bernalillo county;

28. eight thousand dollars (\$8,000) for educational technology and equipment for the library at Highland high school in the Albuquerque public school district in Bernalillo county;

29. fifteen thousand dollars (\$15,000) for a bus pull-in area for Chelwood elementary school in the Albuquerque public school district in Bernalillo county;

30. ten thousand dollars (\$10,000) to renovate and equip instructional space, common areas and administrative areas for the Amy Biehl charter high school in the Albuquerque public school district in Bernalillo county;

31. fifty thousand dollars (\$50,000) for playground equipment for Lew Wallace elementary school in the Albuquerque public school district in Bernalillo county;

32. seventy thousand dollars (\$70,000) for educational technology at Duranes elementary school in the Albuquerque public school district in Bernalillo county;

33. one hundred seventy-two thousand dollars (\$172,000) to plan, design and construct capital improvements at Longfellow elementary school in the Albuquerque public school district in Bernalillo county;

34. fifty thousand dollars (\$50,000) for educational technology at Albuquerque high school in the Albuquerque public school district in Bernalillo county;

35. one hundred thousand dollars (\$100,000) for educational technology at Longfellow elementary school in the Albuquerque public school district in Bernalillo county;

36. one hundred thousand dollars (\$100,000) for educational technology at Lew Wallace elementary school in the Albuquerque public school district in Bernalillo county;

37. sixty thousand dollars (\$60,000) to plan, design and construct capital improvements at Albuquerque high school in the Albuquerque public school district in Bernalillo county;

38. fifty thousand dollars (\$50,000) to purchase and install athletic equipment at Albuquerque high school in the Albuquerque public school district in Bernalillo county;

39. fifteen thousand dollars (\$15,000) for a bus pull-in area for Chelwood elementary school in the Albuquerque public school district in Bernalillo county;

40. seventy-five thousand dollars (\$75,000) for educational technology for the Mark Twain elementary school in the Albuquerque public school district in Bernalillo county;

41. seventy-five thousand dollars (\$75,000) for educational technology for the Inez elementary school in the Albuquerque public school district in Bernalillo county;

42. seventy-five thousand dollars (\$75,000) for educational technology for the Van Buren middle school in the Albuquerque public school district in Bernalillo county;

43. seventy-five thousand dollars (\$75,000) for educational technology in the Hayes middle school in the Albuquerque public school district in Bernalillo county;

44. fifty thousand dollars (\$50,000) for capital improvements for the library at the Mark Twain elementary school in the Albuquerque public school district in Bernalillo county;

45. fifty thousand dollars (\$50,000) for capital improvements for the library at the Inez elementary school in the Albuquerque public school district in Bernalillo county;

46. fifty thousand dollars (\$50,000) for capital improvements for the library at the Van Buren middle school in the Albuquerque public school district in Bernalillo county;

47. fifty thousand dollars (\$50,000) for capital improvements for the library at the Hayes middle school in the Albuquerque public school district in Bernalillo county;

48. fifteen thousand dollars (\$15,000) for equipment for the baseball team at the Highland high school in the Albuquerque public school district in Bernalillo county;

49. twenty thousand dollars (\$20,000) to renovate and equip instructional space, common areas and administrative areas for the Amy Biehl charter high school in the Albuquerque public school district in Bernalillo county;

50. seventy-five thousand dollars (\$75,000) for capital improvements for the library at the La Mesa elementary school in the Albuquerque public school district in Bernalillo county;

51. seventy-five thousand dollars (\$75,000) for educational technology for the La Mesa elementary school in the Albuquerque public school district in Bernalillo county;

52. twenty-five thousand dollars (\$25,000) for an elementary play surface at the Southwest secondary learning center charter school in the Albuquerque public school district in Bernalillo county;

53. eighty thousand dollars (\$80,000) to purchase and install equipment for La Mesa elementary school in the Albuquerque public school district in Bernalillo county;

54. forty thousand dollars (\$40,000) for educational technology at Cleveland middle school in the Albuquerque public school district in Bernalillo county;

55. ninety thousand dollars (\$90,000) for educational technology at Jefferson middle school in the Albuquerque public school district in Bernalillo county;

56. seventy thousand dollars (\$70,000) for educational technology at Montezuma elementary school in the Albuquerque public school district in Bernalillo county;

57. fifty thousand dollars (\$50,000) for educational technology at Zuni elementary school in the Albuquerque public school district in Bernalillo county;

58. seventy-five thousand dollars (\$75,000) for educational technology at Bel Air elementary school in the Albuquerque public school district in Bernalillo county;

59. forty-six thousand dollars (\$46,000) for educational technology, including a mobile laboratory, at Hodgkin elementary school in the Albuquerque public school district in Bernalillo county;

60. twenty thousand dollars (\$20,000) for a portable building to house the music department at the Twenty-First Century charter school in the Albuquerque public school district in Bernalillo county;

61. ten thousand dollars (\$10,000) for renovating and equipping the instructional space, common areas and administrative areas at the Amy Biehl charter high school in the Albuquerque public school district in Bernalillo county;

62. forty thousand dollars (\$40,000) for educational technology at Del Norte high school in the Albuquerque public school district in Bernalillo county;

63. fifty thousand dollars (\$50,000) for educational technology at Zia elementary school in the Albuquerque public school district in Bernalillo county;

64. fifty thousand dollars (\$50,000) for educational technology at Albuquerque high school in the Albuquerque public school district in Bernalillo county;

65. twenty thousand dollars (\$20,000) for developing a "smart" lab for the creative education preparatory institute number 2 charter school in the Albuquerque public school district in Bernalillo county;

66. seventy-five thousand dollars (\$75,000) for educational technology at the West Mesa high school in the Albuquerque public school district in Bernalillo county;
67. one hundred thousand dollars (\$100,000) for educational technology at the Chaparral elementary school in the Albuquerque public school district in Bernalillo county;
68. forty thousand dollars (\$40,000) for books for the Susie R. Marmon elementary school in the Albuquerque public school district in Bernalillo county;
69. fifty thousand dollars (\$50,000) to purchase books for Lavaland elementary school in the Albuquerque public school district in Bernalillo county;
70. one hundred thousand dollars (\$100,000) for educational technology for Lavaland elementary school in the Albuquerque public school district in Bernalillo county;
71. twenty thousand dollars (\$20,000) to purchase books for John Adams middle school in the Albuquerque public school district in Bernalillo county;
72. fifty thousand dollars (\$50,000) for educational technology for John Adams middle school in the Albuquerque public school district in Bernalillo county;
73. fifty thousand dollars (\$50,000) for educational technology for the Susie R. Marmon elementary school in the Albuquerque public school district in Bernalillo county;
74. twenty thousand dollars (\$20,000) for educational technology for West Mesa high school in the Albuquerque public school district in Bernalillo county;
75. forty thousand dollars (\$40,000) to plan, design and construct a sports field at the east San Jose elementary school in the Albuquerque public school district in Bernalillo county;
76. fifty thousand dollars (\$50,000) to plan, design and construct a basketball court and purchase and install basketball goals for the Mountain View elementary school in the Albuquerque public school district in Bernalillo county;
77. fifty thousand dollars (\$50,000) for educational technology for the Eugene Field elementary school in the Albuquerque public school district in Bernalillo county;
78. thirty-five thousand dollars (\$35,000) for educational technology for the Los Padillas elementary school in the Albuquerque public school district in Bernalillo county;
79. eighty thousand dollars (\$80,000) for the purchase of library books to be divided equally among Garfield middle school and Cochiti, Mission Avenue, La Luz, Chaparral, Douglas MacArthur, Alvarado and Griegos elementary schools in the Albuquerque public school district in Bernalillo county;
80. one hundred thousand dollars (\$100,000) for repairs and improvements to baseball fields at Valley high school in the Albuquerque public school district in Bernalillo county;

81. twenty thousand dollars (\$20,000) for improvements and repairs to the swimming pool at West Mesa high school in the Albuquerque public school district in Bernalillo county;

82. one hundred fifty thousand dollars (\$150,000) for educational technology at West Mesa high school, Jimmy E. Carter and Truman middle schools and Alamosa, Carlos Rey, Lavaland and Mary Ann Binford elementary schools in the Albuquerque public school district in Bernalillo county;

83. thirty thousand dollars (\$30,000) for removal and installation at a new location for the kindergarten playground at Emerson elementary school in the Albuquerque public school district in Bernalillo county;

84. six thousand dollars (\$6,000) for baffles or acoustic panels at the Highland high school gymnasium in the Albuquerque public school district in Bernalillo county;

85. twenty thousand dollars (\$20,000) for improvements to the baseball dugouts at Highland high school in the Albuquerque public school district in Bernalillo county;

86. twenty thousand dollars (\$20,000) for design and construction of a shade structure for the playground at Mark Twain elementary school in the Albuquerque public school district in Bernalillo county;

87. forty thousand dollars (\$40,000) for educational technology infrastructure, including wiring and installation, at Mark Twain elementary school in the Albuquerque public school district in Bernalillo county;

88. thirty thousand dollars (\$30,000) for design and construction of shade structures at Kirtland elementary school in the Albuquerque public school district in Bernalillo county;

89. twenty-five thousand dollars (\$25,000) for information technology infrastructure, including wiring and installation, at Zia elementary school in the Albuquerque public school district in Bernalillo county;

90. fifteen thousand dollars (\$15,000) for the purchase of books for the library at Wilson middle school in the Albuquerque public school district in Bernalillo county;

91. five thousand dollars (\$5,000) for playground equipment at Bandelier elementary school in the Albuquerque public school district in Bernalillo county;

92. fifteen thousand dollars (\$15,000) for purchase, repair and replacement of shelving, furniture and equipment for the Highland high school library in the Albuquerque public school district in Bernalillo county;

93. twenty thousand dollars (\$20,000) for design and construction of a shade structure for the playground at Emerson elementary school in the Albuquerque public school district in Bernalillo county;

94. ten thousand dollars (\$10,000) to develop a "smart" laboratory at the creative education preparatory institute number 2 charter school in the Albuquerque public school district in Bernalillo county;

95. ten thousand dollars (\$10,000) to equip instructional space and common and administrative areas for the new Amy Biehl high school in the Albuquerque public school district in Bernalillo county;

96. fifty thousand dollars (\$50,000) for construction and improvements to dugouts and for equipping the weight room at Highland high school in the Albuquerque public school district in Bernalillo county;

97. one hundred thousand dollars (\$100,000) for educational technology at Kennedy middle school in the Albuquerque public school district in Bernalillo county;

98. eighty thousand dollars (\$80,000) for site drainage improvements at Kennedy middle school in the Albuquerque public school district in Bernalillo county;

99. seventy-five thousand dollars (\$75,000) for educational technology at Manzano high school in the Albuquerque public school district in Bernalillo county;

100. one hundred thousand dollars (\$100,000) for an athletic storage building at Manzano high school in the Albuquerque public school district in Bernalillo county;

101. seventy thousand dollars (\$70,000) for educational technology and related infrastructure at Hawthorne elementary school in the Albuquerque public school district in Bernalillo county;

102. fifty thousand dollars (\$50,000) for furnishing, equipping and acquiring books for collection at the library at Highland high school in the Albuquerque public school district in Bernalillo county;

103. ninety-five thousand dollars (\$95,000) for hard-wire access at McCollum elementary school in the Albuquerque public school district in Bernalillo county;

104. fifty thousand dollars (\$50,000) for library acquisitions at Tomasita elementary school in the Albuquerque public school district in Bernalillo county;

105. fifty thousand dollars (\$50,000) for library books at Grant middle school in the Albuquerque public school district in Bernalillo county;

106. one hundred thousand dollars (\$100,000) for educational technology, including hard-wiring, at Grant middle school in the Albuquerque public school district in Bernalillo county;

107. ten thousand dollars (\$10,000) for technology infrastructure and equipment at Adobe Acres elementary school in the Albuquerque public school district in Bernalillo county;

108. ten thousand dollars (\$10,000) for technology infrastructure and equipment at Ernie Pyle middle school in the Albuquerque public school district in Bernalillo county;

109. ten thousand dollars (\$10,000) for technology infrastructure and equipment at Polk middle school in the Albuquerque public school district in Bernalillo county;

110. ten thousand dollars (\$10,000) for technology infrastructure and equipment at Kit Carson elementary school in the Albuquerque public school district in Bernalillo county;

111. ten thousand dollars (\$10,000) for technology infrastructure and equipment at Pajarito elementary school in the Albuquerque public school district in Bernalillo county;

112. ten thousand dollars (\$10,000) for technology infrastructure and equipment at Navajo elementary school in the Albuquerque public school district in Bernalillo county;

113. ten thousand dollars (\$10,000) for technology infrastructure and equipment at Barcelona elementary school in the Albuquerque public school district in Bernalillo county;

114. ten thousand dollars (\$10,000) for technology infrastructure and equipment at Harrison middle school in the Albuquerque public school district in Bernalillo county;

115. fifty thousand dollars (\$50,000) for athletic facility improvements at Rio Grande high school in the Albuquerque public school district in Bernalillo county;

116. fifteen thousand dollars (\$15,000) for landscaping improvements at Adobe Acres elementary school in the Albuquerque public school district in Bernalillo county;

117. ten thousand dollars (\$10,000) for phase 2 "smart" laboratory upgrades at the Southwest Secondary learning center in the Albuquerque public school district in Bernalillo county;

118. ten thousand dollars (\$10,000) to acquire non-textbook books for the library at Eisenhower middle school in the Albuquerque public school district in Bernalillo county;

119. ten thousand dollars (\$10,000) to acquire non-textbook books for the library at John Baker elementary school in the Albuquerque public school district in Bernalillo county;

120. ten thousand dollars (\$10,000) to acquire non-textbook books for the library at S.Y. Jackson elementary school in the Albuquerque public school district in Bernalillo county;

121. ten thousand dollars (\$10,000) to acquire non-textbook books for the library at Georgia O'Keeffe elementary school in the Albuquerque public school district in Bernalillo county;

122. ten thousand dollars (\$10,000) to acquire non-textbook books for the library at Eldorado high school in the Albuquerque public school district in Bernalillo county;

123. ten thousand dollars (\$10,000) for educational technology for Hubert Humphrey elementary school in the Albuquerque public school district in Bernalillo county;

124. thirty-nine thousand five hundred dollars (\$39,500) for the replacement of shelf units in the Eisenhower middle school library in the Albuquerque public school district in Bernalillo county;

125. thirty thousand dollars (\$30,000) to renovate and equip instructional space, common areas and administrative areas at the Amy Biehl charter high school in Albuquerque in Bernalillo county;

126. forty-eight thousand dollars (\$48,000) for educational technology for Cleveland middle school in the Albuquerque public school district in Bernalillo county;

127. fifty thousand dollars (\$50,000) for educational technology at Governor Bent elementary school in the Albuquerque public school district in Bernalillo county;

128. thirty thousand dollars (\$30,000) for educational technology in Sombra del Monte elementary school in the Albuquerque public school district in Bernalillo county;

129. fifty thousand dollars (\$50,000) for educational technology at Madison middle school in the Albuquerque public school district in Bernalillo county;

130. thirty thousand dollars (\$30,000) for educational technology for Arroyo del Oso elementary school in the Albuquerque public school district in Bernalillo county;

131. twenty-seven thousand dollars (\$27,000) for educational technology in Comanche elementary school in the Albuquerque public school district in Bernalillo county;

~~[132. twenty thousand dollars (\$20,000) to purchase and install a scoreboard at Cibola high school in the Albuquerque public school district in Bernalillo county;]~~*[LINE-ITEM VETO]*

133. fifty thousand dollars (\$50,000) for playground improvements at Alvarado elementary school in the Albuquerque public school district in Bernalillo county;

134. ten thousand dollars (\$10,000) for infrastructure for educational technology at Valley high school in the Albuquerque public school district in Bernalillo county;

135. forty-five thousand dollars (\$45,000) for infrastructure for educational technology at Taylor middle school in the Albuquerque public school district in Bernalillo county;

136. twenty thousand dollars (\$20,000) for infrastructure and educational technology at McKinley middle school in the Albuquerque public school district in Bernalillo county;

137. twenty thousand dollars (\$20,000) for infrastructure and educational technology at Edmund G. Ross elementary school in the Albuquerque public school district in Bernalillo county;

138. ten thousand dollars (\$10,000) for infrastructure for educational technology at Del Norte high school in the Albuquerque public school district in Bernalillo county;

139. forty-five thousand dollars (\$45,000) for infrastructure for educational technology at Taft middle school in the Albuquerque public school district in Bernalillo county;

140. twenty-two thousand five hundred dollars (\$22,500) for educational technology for Los Ranchos elementary school in the Albuquerque public school district in Bernalillo county;

~~[141. twenty-two thousand five hundred dollars (\$22,500) for the purchase and installation of a new phone switch for Los Ranchos elementary school in the Albuquerque public school district in Bernalillo county;][LINE-ITEM VETO]~~

142. five thousand dollars (\$5,000) for construction of handicap ramps for the Cibola high school baseball field in the Albuquerque public school district in Bernalillo county;

~~[143. forty thousand dollars (\$40,000) to purchase and equip a vehicle for the football and baseball programs at Goddard high school in the Roswell independent school district in Chaves county;][LINE-ITEM VETO]~~

144. twenty thousand dollars (\$20,000) for equipment for the girls' softball program at Goddard high school in the Roswell independent school district in Chaves county;

~~[145. forty thousand dollars (\$40,000) for improvements to the football field at Goddard high school in the Roswell independent school district in Chaves county;][LINE-ITEM VETO]~~

146. fourteen thousand dollars (\$14,000) to construct safety parking and a bus line for the Dexter schools early childhood center in Dexter in Chaves county;

147. fifty thousand dollars (\$50,000) to purchase and install playground equipment for the kindergarten and early childhood center in the Dexter consolidated school district in Chaves county;

~~[148. thirty thousand dollars (\$30,000) to purchase and install portable bleachers for the middle school in the Dexter consolidated school district in Chaves county;~~

~~149. twenty thousand dollars (\$20,000) to purchase lockers for the gymnasium in the Dexter consolidated school district in Chaves county;][LINE-ITEM VETO]~~

150. twenty thousand dollars (\$20,000) for distance education at the Elida municipal school district in Chaves county;

151. fifty thousand dollars (\$50,000) for planning, designing and constructing the interior courtyard at Los Alamos middle school in the Grants-Cibola county school district in Cibola county;

~~[152. forty-five thousand dollars (\$45,000) to purchase a school bus for the Springer municipal school district in Colfax county;][LINE-ITEM VETO]~~

153. forty thousand dollars (\$40,000) for the purchase of a bus for the Maxwell municipal school district in Colfax county;

154. twenty thousand dollars (\$20,000) to repair and renovate the school auditorium in the Texico municipal school district in Curry county;

155. ten thousand dollars (\$10,000) to purchase an activity bus for the Grady municipal school district in Curry county;

156. twenty thousand dollars (\$20,000) to purchase educational technology for the Fort Sumner municipal school district in De Baca county;

157. one thousand dollars (\$1,000) for educational technology for the Fort Sumner elementary school in the Fort Sumner municipal school district in De Baca county;

158. sixty thousand dollars (\$60,000) to purchase and install playground and athletic equipment for Tombaugh elementary school in the Las Cruces public school district in Dona Ana county;

159. thirty-two thousand dollars (\$32,000) to purchase and install equipment, including a playground structure, swings and a shade structure, for Fairacres elementary school in the Las Cruces public school district in Dona Ana county;

160. fifty thousand dollars (\$50,000) for the purchase and installation of a playground structure, swings and shade structure for Mesilla elementary school in the Las Cruces public school district in Dona Ana county;

161. fifty thousand dollars (\$50,000) for the purchase and installation of a playground structure, swings and shade structure for Fairacres elementary school in the Las Cruces public school district in Dona Ana county;

162. ten thousand dollars (\$10,000) for purchasing equipment for the football program at the high school in the Artesia public school district in Eddy county;

163. twenty-five thousand dollars (\$25,000) for equipment and technology for the auto mechanic program at Carlsbad high school in the Carlsbad municipal school district in Eddy county;

164. twenty-five thousand dollars (\$25,000) for equipment and technology for the collision repair program at Carlsbad high school in the Carlsbad municipal school district in Eddy county;

165. fifty thousand dollars (\$50,000) for safety improvements and equipment at elementary school playgrounds in the Carlsbad municipal school district in Eddy county;

166. fifty thousand dollars (\$50,000) for replacement of unsafe playground equipment at the elementary schools of the Carlsbad municipal school district in Eddy county;

167. twenty-five thousand dollars (\$25,000) to purchase and install equipment for the auto mechanics facility at Carlsbad high school in the Carlsbad municipal school district in Eddy county;

168. twenty-five thousand dollars (\$25,000) to purchase and install commercial restaurant equipment for the culinary arts facility at Carlsbad high school in the Carlsbad municipal school district in Eddy county;

169. forty thousand dollars (\$40,000) to purchase a tractor equipped with a backhoe, mower, loader and leveling blade for the Vaughn municipal school district in Guadalupe county;

170. ten thousand dollars (\$10,000) to purchase an activity bus for the Vaughn municipal school district in Guadalupe county;

171. fifteen thousand dollars (\$15,000) to repair and build parking lots in the Carrizozo municipal school district in Lincoln county;

172. twenty-five thousand dollars (\$25,000) to renovate the existing baseball field at the Capitan municipal school district in Lincoln county;

173. ten thousand dollars (\$10,000) to purchase equipment for the football and track program at the high school in the Capitan municipal school district in Lincoln county;

174. twenty thousand dollars (\$20,000) to design and replace the roof on the elementary school in the Capitan municipal school district in Lincoln county;

175. twenty-five thousand dollars (\$25,000) to plan, design and construct baseball fields for the Capitan municipal school district in Lincoln county;

176. ten thousand dollars (\$10,000) to purchase and install equipment and to repair the cafeteria for the Capitan municipal school district in Lincoln county;

177. twenty thousand dollars (\$20,000) for improvements for the family and consumer science program at the high school and middle school in the Capitan municipal school district in Lincoln county;

178. twenty-five thousand dollars (\$25,000) for purchasing vehicles for the future farmers of America and drivers' education programs in the Corona public school district in Lincoln county;

179. ten thousand dollars (\$10,000) to plan and remodel the existing home economics facility at Ruidoso high school in the Ruidoso municipal school district in Lincoln county;

180. twenty-five thousand dollars (\$25,000) for equipment for the basketball program in the Tularosa municipal school district in Otero county;

181. ten thousand dollars (\$10,000) for improvements to the running track at the high school in the Tularosa municipal school district in Otero county;

182. fifteen thousand dollars (\$15,000) for purchasing equipment for the football program at the Cloudcroft municipal school district in Otero county;

183. seventy-five thousand dollars (\$75,000) to plan, design, construct and equip a district technology center in the Espanola public school district in Rio Arriba county;

184. thirty-five thousand dollars (\$35,000) to renovate the performing arts center at Portales high school in the Portales municipal school district in Roosevelt county;

185. five thousand dollars (\$5,000) for video editing equipment for the Portales high school in the Portales municipal school district in Roosevelt county;

186. ten thousand dollars (\$10,000) to renovate the performing arts center at Portales high school in the Portales municipal school district in Roosevelt county;

187. seventy-two thousand dollars (\$72,000) for a dry storage addition for the Las Vegas city public school district in San Miguel county;

188. fifteen thousand dollars (\$15,000) to purchase playground equipment at Monte del Sol charter school in the Santa Fe public school district in Santa Fe county;

189. one hundred thousand dollars (\$100,000) for water and wastewater improvements at the Pojoaque campus, including connecting the wastewater system to the Jacona campus of Pojoaque high school, in the Pojoaque Valley public school district in Santa Fe county;

190. four million dollars (\$4,000,000) for laptop computers for seventh graders statewide;

191. five million dollars (\$5,000,000) to purchase school replacement buses statewide;

192. fifty thousand dollars (\$50,000) for educational technology in the Mountainair public school district in Torrance county; and

193. two hundred fifty thousand dollars (\$250,000) to plan, design, construct and equip a performing arts center for the Moriarty municipal school district in Torrance county.

Chapter 126 Section 38 Laws 2004

Section 38. GENERAL FUND OPERATING RESERVE--COMMISSION ON HIGHER EDUCATION.--

A. Ten million dollars (\$10,000,000) is appropriated from the general fund operating reserve fund to the commission on higher education to plan, design, construct and equip career technical-vocational education centers. The career technical-vocational education

centers shall contain a state-of-the art career technical-vocational education program to serve as a model to prepare eligible charter and other high school juniors and seniors for successful high school completion as well as transition into either college career programs or entry into technical careers. The career technical-vocational education centers shall be developed in conjunction with the existing two-year educational institutions and in collaboration with surrounding school districts, using the existing infrastructure of the two-year educational institutions and augmenting that infrastructure with additional career technical-vocational facilities to provide actual technical-vocational programs and training for charter and other high school students and to afford rural and isolated communities the non-traditional career technical-vocational education opportunities that exist in urban areas.

B. The commission, with input from the public education department, the appropriate local school districts, the governing boards of the state's two-year institutions, the economic development department, business and industry leaders and other interested parties, shall develop a statewide plan for future career technical-vocational facilities that:

(1) identifies and prioritizes the areas of the state that will be best served by career technical-vocational education centers for high school and charter high school students;

(2) identifies key professions and skills needed by business and industry in various areas of the state;

(3) provides for appropriate facilities that will prepare eligible charter and other high school juniors and seniors for successful high school completion as well as a transition into college career programs or productive employment in technical careers;

(4) guarantees diverse career opportunities and ensures individual success in an ever-changing global society;

(5) ensures that the career technical-vocational education programs will complement, rather than compete with, other public education; and

(6) identifies future operating costs needed to implement the plan and recommended sources of funding.

Chapter 126 Section 39 Laws 2004

Section 39. PUBLIC SAFETY PROJECT--DEPARTMENT OF PUBLIC SAFETY--CAPITAL PROJECTS FUND.--Seven hundred fifty thousand dollars (\$750,000) is appropriated from the capital projects fund to the department of public safety for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, for replacement of state police vehicles statewide.

Chapter 126 Section 40 Laws 2004

Section 40. HIGHER EDUCATION PROJECTS--INSTITUTIONS OF HIGHER LEARNING--CAPITAL PROJECTS FUND.--The following amounts are appropriated from the capital projects fund to the following institutions of higher learning for expenditure in fiscal years

2004 through 2009, unless otherwise provided in Section 2 of this act, for the following purposes:

A. to the board of regents of eastern New Mexico university:

~~[(1) thirty-five thousand dollars (\$35,000) to refurbish, equip and construct a sound stage for the Roswell branch of eastern New Mexico university in Chaves county;~~

~~(2) thirty-five thousand dollars (\$35,000) to refurbish a multimedia sound studio and to purchase multimedia equipment for the eastern New Mexico university Roswell branch in Chaves county;][LINE-ITEM VETO]~~

(3) thirty-five thousand dollars (\$35,000) to refurbish, equip and construct a sound stage for the Roswell branch of eastern New Mexico university in Chaves county;

~~[(4) twenty-two thousand dollars (\$22,000) to refurbish, equip and construct a sound stage for the Roswell branch of eastern New Mexico university in Chaves county;~~

~~(5) twenty-five thousand dollars (\$25,000) for phase 1 expansion and roof replacement at the Ruidoso branch of eastern New Mexico university in Lincoln county;~~

~~(6) twenty-five thousand dollars (\$25,000) to design, plan and replace the room at the eastern New Mexico university branch in Ruidoso in Lincoln county;][LINE-ITEM VETO]~~

(7) twenty thousand dollars (\$20,000) to upgrade, purchase and install technology and related infrastructure to deliver course work to students in outlying areas for eastern New Mexico university in Roosevelt and Chaves counties;

(8) forty thousand dollars (\$40,000) to purchase and install instructional communications equipment, including information technology, a public address system and editing bays, at eastern New Mexico university in Portales in Roosevelt county;

~~[(9) thirty thousand dollars (\$30,000) to purchase and install information technology and to design and implement technical infrastructure upgrades for distance education at eastern New Mexico university in Portales in Roosevelt county;~~

~~(10) twenty thousand dollars (\$20,000) to purchase and install instructional communications equipment, including information technology, a public address system and editing bays, at eastern New Mexico university in Portales in Roosevelt county;][LINE-ITEM VETO]~~

(11) twenty-five thousand dollars (\$25,000) for renovation, repair and additional lighting of campus sidewalks at eastern New Mexico university in Portales in Roosevelt county; and

(12) twenty thousand dollars (\$20,000) to purchase furniture and equipment for the communications building at eastern New Mexico university in Portales in Roosevelt county;

B. to the governing board of Luna vocational-technical institute:

~~[(1) thirty thousand dollars (\$30,000) to plan, design and construct remodeling of the Forester building for the satellite campus of the Luna vocational-technical institute in Springer in Colfax county;][LINE-ITEM VETO]~~

(2) thirty thousand dollars (\$30,000) to purchase furniture and equipment for a satellite campus of the Luna vocational-technical institute in Mora in Mora county;

(3) five thousand dollars (\$5,000) to plan, design and construct King stadium at Luna vocational-technical institute in San Miguel county; and

(4) twenty-five thousand dollars (\$25,000) to purchase and install playground equipment for Luna vocational-technical institute in Las Vegas in San Miguel county;

C. to the board of regents at New Mexico highlands university:

(1) seven hundred fifty thousand dollars (\$750,000) to plan, design, construct and equip a sports complex at New Mexico highlands university in Las Vegas in San Miguel county;

(2) sixty-five thousand dollars (\$65,000) for equipment and motor vehicles for the forest management program at New Mexico highlands university in Las Vegas in San Miguel county;

(3) eighty thousand dollars (\$80,000) for a replacement bus for the facilities services department at New Mexico highlands university in Las Vegas in San Miguel county; and

~~[(4) eight thousand dollars (\$8,000) for purchasing musical instruments for the mariachi group at New Mexico highlands university in San Miguel county;][LINE-ITEM VETO]~~

D. to the board of regents of the New Mexico institute of mining and technology:

(1) one hundred thirty thousand dollars (\$130,000) for the renovation of facilities at the golf course at the New Mexico institute of mining and technology in Socorro county; and

(2) five hundred thousand dollars (\$500,000) for the New Mexico institute of mining and technology to purchase and install information technology equipment for the e-mercado program;

E. to the governing board of New Mexico junior college, six hundred fifty-five thousand five hundred dollars (\$655,500) for the cowboy hall of fame at New Mexico junior college in Hobbs in Lea county;

F. to the board of regents of New Mexico state university:

~~[(1) thirty thousand dollars (\$30,000) for equipment, irrigation improvements and barns for storage at the agricultural science center of the Clovis branch of New Mexico state university in Curry county;][LINE-ITEM VETO]~~

(2) ten thousand dollars (\$10,000) for lighting on the practice and intramural athletic fields at New Mexico state university in Las Cruces in Dona Ana county;

(3) fifty-one thousand dollars (\$51,000) for design and construction of facilities, improvements and equipment for the golf course at New Mexico state university in Las Cruces in Dona Ana county;

(4) twenty-five thousand dollars (\$25,000) for improvements and equipment for a performance training center for the athletic department at New Mexico state university in Las Cruces in Dona Ana county;

(5) twenty thousand dollars (\$20,000) for equipment for the intramural athletics program at New Mexico state university in Las Cruces in Dona Ana county;

(6) twenty-five thousand dollars (\$25,000) for lighting improvements at athletic facilities for the intramural athletics program at New Mexico state university in Las Cruces in Dona Ana county;

~~[(7) twenty-five thousand dollars (\$25,000) for equipment for the rodeo program at New Mexico state university in Las Cruces in Dona Ana county;~~

~~(8) twenty thousand dollars (\$20,000) to purchase equipment for the football program at New Mexico state university in Las Cruces in Dona Ana county;][LINE-ITEM VETO]~~

(9) fifty thousand dollars (\$50,000) for acquiring equipment to convert to digital television broadcast technology for KRWG-TV at New Mexico state university in Las Cruces in Dona Ana county;

(10) twenty-two thousand dollars (\$22,000) for improvements and equipment for the mens' basketball locker room for the athletic department at New Mexico state university in Las Cruces in Dona Ana county;

(11) five million dollars (\$5,000,000) for infrastructure renewal and expansion, accessibility improvements and information technology for programs and facilities at the main branch and the Dona Ana branch of New Mexico state university in Dona Ana county;

(12) twenty-five thousand dollars (\$25,000) to design, construct and equip golf course facilities at New Mexico state university in Las Cruces in Dona Ana county;

(13) fifty thousand dollars (\$50,000) for furnishings and improvements, including the purchase of artwork for the Aggie memorial tower, at New Mexico state university in Las Cruces in Dona Ana county;

(14) fifty thousand dollars (\$50,000) to the Rio Grande historical collections for the microfilming project at New Mexico state university in Las Cruces in Dona Ana county;

(15) ten thousand dollars (\$10,000) for lighting on the practice and intramural athletic fields at New Mexico state university in Las Cruces in Dona Ana county;

(16) one hundred thousand dollars (\$100,000) for renovating the children's village at New Mexico state university in Las Cruces in Dona Ana county;

~~[(17) twenty-five thousand dollars (\$25,000) for improvements, equipment, planning, design and construction at the New Mexico state university golf course in Las Cruces in Dona Ana county;][LINE-ITEM VETO]~~

(18) twenty-five thousand dollars (\$25,000) for phase 2 construction and remodeling of offices in the Carlsbad soil and water conservation district in Eddy county;

(19) one hundred thousand dollars (\$100,000) for improvements to the chemistry lab at New Mexico state university in Carlsbad in Eddy county;

(20) fifty thousand dollars (\$50,000) for the final phase of remodeling the Carlsbad soil and water conservation district building in Eddy county; and

~~[(21) thirty-five thousand dollars (\$35,000) for equipment, irrigation improvements, barns for storage and office expansion at the agricultural science center of the Tucumcari branch of New Mexico state university in Quay county;][LINE-ITEM VETO]~~

G. to the community college board of Santa Fe community college, eighty thousand dollars (\$80,000) for information technology for a unified accounting system for Santa Fe community college in Santa Fe county to integrate with northern New Mexico state school and New Mexico junior college;

H. to the governing board of San Juan college:

(1) ten thousand dollars (\$10,000) for landscaping the outdoor learning center at San Juan college in Farmington in San Juan county; and

(2) one hundred thousand dollars (\$100,000) for equipping and landscaping the Riverview education and recreational center at San Juan college in Farmington in San Juan county;

I. to the board of regents of the university of New Mexico:

(1) ten thousand dollars (\$10,000) to purchase equipment, furniture and fixtures for student support services at the university of New Mexico in Albuquerque in Bernalillo county;

(2) five thousand dollars (\$5,000) for technology and equipment for El Centro de la Raza, a division of student affairs at the university of New Mexico in Albuquerque in Bernalillo county;

(3) five thousand dollars (\$5,000) for information technology, equipment and furniture for the accessibility services program at the university of New Mexico in Albuquerque in Bernalillo county;

(4) ten thousand dollars (\$10,000) to purchase equipment, furniture and fixtures for student support services at the university of New Mexico in Albuquerque in Bernalillo county;

~~[(5) ten thousand dollars (\$10,000) for purchasing equipment for the football program at the university of New Mexico in Albuquerque in Bernalillo county;]~~*[LINE-ITEM VETO]*

(6) five thousand dollars (\$5,000) for improvements to the women's softball complex at the university of New Mexico in Albuquerque in Bernalillo county;

(7) fifty thousand dollars (\$50,000) for improvements to the women's softball complex at the university of New Mexico in Albuquerque in Bernalillo county;

(8) twenty-five thousand dollars (\$25,000) for improvements for the good laboratory practices lab improvement project at the university of New Mexico in Albuquerque in Bernalillo county;

(9) ten thousand dollars (\$10,000) to purchase equipment, furniture and fixtures for student support services at the university of New Mexico in Albuquerque in Bernalillo county;

(10) seven thousand dollars (\$7,000) for equipment, furniture, fixtures and information technology for the student support services programs at the university of New Mexico in Albuquerque in Bernalillo county;

(11) fifty thousand dollars (\$50,000) for patient care equipment for the university of New Mexico health sciences center in Albuquerque in Bernalillo county;

(12) ten thousand dollars (\$10,000) for improvements to softball fields at the university of New Mexico in Albuquerque in Bernalillo county;

(13) one hundred eighty thousand dollars (\$180,000) to pave the parking lot at the university of New Mexico south golf course in Albuquerque in Bernalillo county;

(14) sixty thousand dollars (\$60,000) for construction of the women's softball complex at the university of New Mexico in Albuquerque in Bernalillo county;

(15) one million dollars (\$1,000,000) for the national LambdaRail information technology network for the university of New Mexico in Albuquerque in Bernalillo county;

(16) two million seven hundred thousand dollars (\$2,700,000) to plan, design, construct and equip a practice facility at the university of New Mexico in Albuquerque in Bernalillo county;

(17) ten thousand dollars (\$10,000) to purchase equipment, furniture, fixtures and information technology for student support services at the university of New Mexico in Albuquerque in Bernalillo county;

(18) twenty-five thousand dollars (\$25,000) for improvements to the athletic department practice facilities, including the replacement of sod, grading, irrigation and fencing, at the university of New Mexico in Albuquerque in Bernalillo county;

(19) ten thousand dollars (\$10,000) to purchase equipment, furniture and fixtures for student support services at the university of New Mexico in Albuquerque in Bernalillo county;

(20) twenty-five thousand dollars (\$25,000) for improvements to the women's softball complex at the university of New Mexico in Albuquerque in Bernalillo county;

~~[(21) thirty thousand dollars (\$30,000) for improvements for the good laboratory practices lab improvement project at the university of New Mexico in Albuquerque in Bernalillo county;]~~[[LINE-ITEM VETO]

(22) ten thousand dollars (\$10,000) to purchase equipment, furniture and fixtures for student support services at the university of New Mexico in Albuquerque in Bernalillo county;

(23) ten thousand dollars (\$10,000) for equipment for the student support program at the university of New Mexico in Albuquerque in Bernalillo county; and

~~[(24) twenty thousand dollars (\$20,000) for improvements for the good laboratory practices lab improvement project at the university of New Mexico in Albuquerque in Bernalillo county; and]~~[[LINE-ITEM VETO]

J. to the board of regents of western New Mexico university:

(1) thirty thousand dollars (\$30,000) to purchase and install network communications equipment for dormitories at western New Mexico university in Silver City in Grant county;

(2) twenty-five thousand dollars (\$25,000) to purchase video conferencing equipment to aid in workforce training initiatives at western New Mexico university in Silver City in Grant county; and

(3) seventy-five thousand dollars (\$75,000) to provide western New Mexico university with information technology in Gallup in McKinley county.

Chapter 126 Section 41 Laws 2004

Section 41. STATE BUILDING PROJECT--CAPITAL PROJECTS FUND.--The following amounts are appropriated from the capital projects fund to the capital program fund for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, for the following purposes:

1. thirty thousand dollars (\$30,000) for improvements to various buildings and restrooms and remodeling of museum visitors' center at Fort Stanton in Lincoln county;
2. fifty thousand dollars (\$50,000) for improvements to the Santa Fe performing arts facility, including upgrade of the theatrical lighting systems and repair of plumbing systems, in Santa Fe in Santa Fe county; and
3. seven million dollars (\$7,000,000) to plan, design, construct, equip and furnish the state laboratory services building in Albuquerque in Bernalillo county.

Chapter 126 Section 42 Laws 2004

Section 42. TAXATION AND REVENUE DEPARTMENT PROJECT--STATE ROAD FUND.--One million dollars (\$1,000,000) is appropriated from the state road fund to the taxation and revenue department for expenditure in fiscal years 2004 through 2009 for the acquisition of a gas tax automation system for the taxation and revenue department in Santa Fe in Santa Fe county.

Chapter 126 Section 43 Laws 2004

Section 43. TRANSPORTATION PROJECT--DEPARTMENT OF TRANSPORTATION--CAPITAL PROJECTS FUND.--The following amounts are appropriated from the capital projects fund to the department of transportation for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, for the following purposes:

~~[1. ten thousand dollars (\$10,000) for construction of a parking lot at the Albuquerque technical-vocational institute westside campus in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

2. ten thousand dollars (\$10,000) to design and construct the McMahon boulevard arroyo crossing in Albuquerque in Bernalillo county;

3. twenty-one thousand dollars (\$21,000) for the Rio Bravo boulevard extension and interchange construction to access Mesa del Sol in Albuquerque in Bernalillo county;

~~[4. eighty thousand dollars (\$80,000) for preliminary engineering and design of a two-way conversion of Lead and Coal avenues in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

5. seventy-two thousand dollars (\$72,000) to design and construct phase 2 streetscape improvements on Silver avenue and surrounding areas in Albuquerque in Bernalillo county;

6. seventy-five thousand dollars (\$75,000) to purchase and install phase 1 of the Nob Hill highland pedestrian lighting in Albuquerque in Bernalillo county;

7. two hundred two thousand dollars (\$202,000) for phase 2 acquisition of rights of way, planning, designing and construction of roadway drainage and pavement improvements to Five Points road from Gatewood avenue to Atrisco drive in the south valley, including sections of this street both inside and outside the city of Albuquerque in Bernalillo county;

8. eleven thousand dollars (\$11,000) to construct improvements, including traffic-calming devices, at the approach to the intersection of La Vega and Hardy roads and to make storm drainage improvements to that intersection in the south valley area of Bernalillo county;

9. fifteen thousand dollars (\$15,000) to acquire easements for and to construct streetlights along Los Puentes SW, Hooper road, Linda place, Linda lane, Valle del Sol, La Vega road between Bridge boulevard and Armijo road and Mechenbier lane in the south valley area of Bernalillo county;

10. twenty-six thousand dollars (\$26,000) for asphalt overlay on Marez road from the intersection with Atrisco drive west to the intersection with Foothill drive in the south valley area of Bernalillo county;

11. twenty-nine thousand dollars (\$29,000) for asphalt overlay on Amalia road from the intersection with Foothill drive east to the intersection with Atrisco drive in the south valley area of Bernalillo county;

12. sixty thousand dollars (\$60,000) for asphalt overlay on Hooper road between Eucariz road and Sunset road in the south valley area of Bernalillo county;

13. twenty-three thousand dollars (\$23,000) for asphalt overlay on Lake avenue SW in the Atrisco area of the south valley in Bernalillo county;

~~14. seven thousand two hundred dollars (\$7,200) for speed bumps to reduce vehicle speed on Morrow street between Juan Tabo and Chelwood and east of Chelwood on Morrow street in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

15. twenty thousand dollars (\$20,000) for the construction of speed bumps and signage near Hayes middle school in Albuquerque in Bernalillo county;

16. twenty thousand dollars (\$20,000) for the Rio Bravo boulevard extension and interchange construction to access Mesa del Sol in Albuquerque in Bernalillo county;

17. twelve thousand dollars (\$12,000) for the Rio Bravo boulevard extension and interchange construction to access Mesa del Sol in Albuquerque in Bernalillo county;

18. seventy-five thousand dollars (\$75,000) for improvements to Fourth street from Osuna to Griegos road in Albuquerque in Bernalillo county;
19. one hundred thousand dollars (\$100,000) for water and sewer improvements on streets west of Rio Grande boulevard between Griegos and Matthew streets in Albuquerque in Bernalillo county;
20. twenty-five thousand dollars (\$25,000) to resurface streets in the Alamosa area of Albuquerque in Bernalillo county;
21. fifty thousand dollars (\$50,000) to engineer and construct the To'hajiilee administration area access road and parking lot in the To'hajiilee chapter of the Navajo Nation in Bernalillo county;
22. sixteen thousand one hundred seven dollars (\$16,107) for asphalt overlay or paving improvements on Grace Vigil road in Bernalillo county;
23. twenty-one thousand sixty-nine dollars (\$21,069) for asphalt overlay or paving improvements on Barcelona place in Bernalillo county;
24. twelve thousand six hundred twenty-seven dollars (\$12,627) for asphalt overlay or paving improvements on Beall road in Bernalillo county;
25. twenty-two thousand five hundred fifty-eight dollars (\$22,558) for asphalt overlay or paving improvements on Nancy road in Bernalillo county;
26. twenty-one thousand five hundred ninety-nine dollars (\$21,599) for asphalt overlay or paving improvements on Minnie road in Bernalillo county;
27. twenty thousand four hundred eighty-eight dollars (\$20,488) for asphalt overlay or paving improvements on Lucia road in Bernalillo county;
28. twenty-six thousand seven hundred ten dollars (\$26,710) for asphalt overlay or paving improvements on Citation drive in Bernalillo county;
29. twenty-nine thousand two hundred twenty-one dollars (\$29,221) for asphalt overlay or paving improvements on Don Pedro Padilla road in Bernalillo county;
30. twenty-two thousand five hundred sixty-nine dollars (\$22,569) for asphalt overlay or paving improvements on Cordelia road in Bernalillo county;
31. eighty thousand dollars (\$80,000) for improvements, including completing the drainage project, on Camino del Valle in Bernalillo county;
32. thirty-five thousand dollars (\$35,000) for streetlighting in the Valley Gardens subdivision in Bernalillo county;
33. twenty-five thousand dollars (\$25,000) for water and sewer extensions on Lisa lane and Lisa road SW in Bernalillo county;

34. thirty thousand dollars (\$30,000) to plan, design and construct an extension of University boulevard to Mesa del Sol in Albuquerque in Bernalillo county;

35. fifty thousand dollars (\$50,000) to extend Unser boulevard in Albuquerque in Bernalillo county;

~~36. fifty thousand dollars (\$50,000) for the planning, design and construction of median landscaping on Coors boulevard from Montano to Paseo del Norte in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

37. ten thousand dollars (\$10,000) to repair the railroad crossing at state highway 285 at the entrance to the Roswell industrial air center in Roswell in Chaves county;

~~38. fifty thousand dollars (\$50,000) to plan, design and reconstruct Kansas street in Lake Arthur in Chaves county;][LINE-ITEM VETO]~~

39. fifty thousand dollars (\$50,000) for street improvements for Edwin street adjacent to the Dexter schools early childhood center in Dexter in Chaves county;

~~40. five thousand dollars (\$5,000) for right of way acquisition at the intersection of Garden avenue and Summit street in Roswell in Chaves county;][LINE-ITEM VETO]~~

41. forty thousand dollars (\$40,000) to improve west McGaffey street in Chaves county;

42. twelve thousand dollars (\$12,000) to repair the railroad crossing at United States highway 285 at the entrance to the Roswell industrial air center in Roswell in Chaves county;

43. fifty thousand dollars (\$50,000) to repair the railroad crossing at United States highway 285 at the entrance to the Roswell industrial air center in Roswell in Chaves county;

44. five thousand dollars (\$5,000) for acquisition of a right of way at north Garden avenue and Summit street in Roswell in Chaves county;

45. forty thousand dollars (\$40,000) to plan, design and construct improvements for the streetscape in the historic district related to the main street project in Clovis in Curry county;

46. seventy thousand dollars (\$70,000) for acquiring right of way, project development, design and construction on the Vista Montana road in Dona Ana county;

47. one hundred fifty-two thousand dollars (\$152,000) for improvements to Harper road in Dona Ana county;

~~48. one thousand seven hundred fifty dollars (\$1,750) for streetscaping the main street project in Carlsbad in Eddy county;~~

~~49. five hundred dollars (\$500) for the replacement of cracked or broken antique globes and lampposts for the main street project in Carlsbad in Eddy county;~~

~~50. two hundred fifty dollars (\$250) for additional decorations for the main street project in Carlsbad in Eddy county;][LINE-ITEM VETO]~~

51. sixty thousand dollars (\$60,000) for construction of sidewalks and Americans with Disabilities Act of 1990 compliant ramps on Cedar street from Fourth street to Eighth street in Loving in Eddy county;

52. twenty thousand dollars (\$20,000) for streetscaping projects on Corrales road in Carlsbad in Eddy county;

53. twenty thousand dollars (\$20,000) for a parking lot at the train depot visitors' center in Artesia in Eddy county;

54. thirty thousand dollars (\$30,000) for expansion and repair of the parking lot at the train depot visitors' center in Artesia in Eddy county;

55. forty thousand dollars (\$40,000) for road and parking lot improvements at Fort Bayard medical center in Grant county;

56. twenty thousand dollars (\$20,000) for the replacement of collector and arterial street sidewalks in Silver City in Grant county;

57. fifty thousand dollars (\$50,000) for street chip sealing projects in Santa Clara in Grant county;

58. two hundred fifty thousand dollars (\$250,000) for phases 2 and 3 lighting improvements in Silver City in Grant county;

59. one hundred thousand dollars (\$100,000) for street improvements in Lordsburg in Hidalgo county;

60. thirty thousand dollars (\$30,000) for geometrics and grade improvements at the intersection of Carrizo Canyon road and United States highway 70 in Ruidoso in Lincoln county;

~~[61. thirty thousand dollars (\$30,000) for road improvements, including chip sealing, to gravel roads in subdivisions in Capitan in Lincoln county;][LINE-ITEM VETO]~~

62. fifty thousand dollars (\$50,000) to plan, design and acquire rights of way to expand New Mexico highway 118 to two lanes to serve Red Rock state park and the Church Rock chapter of the Navajo Nation in McKinley county;

63. fifty thousand dollars (\$50,000) for installation of a traffic light at the intersection of Toltec street and historic 66 avenue in Gallup in McKinley county;

64. sixty thousand dollars (\$60,000) to resurface Chino road in the Gamerco community in McKinley county;

65. one hundred two thousand dollars (\$102,000) for improvements on China Springs loop road in McKinley county;

66. thirty-six thousand seven hundred fifty dollars (\$36,750) for county road 27 improvements and equipment in McKinley county;

67. forty-three thousand dollars (\$43,000) to construct and equip county road 61 improvements in McKinley county;

68. forty thousand dollars (\$40,000) to construct and equip county road 19 improvements in McKinley county;

69. twenty thousand dollars (\$20,000) for improvements to county road A044, also known as Sierra Bonita north loop road, in Mora in Mora county;

70. thirty thousand dollars (\$30,000) for repavement of El Carmen road in Mora county;

~~71. twenty thousand dollars (\$20,000) for street improvements in Tularosa in Otero county;~~[[*LINE-ITEM VETO*]

72. twenty thousand dollars (\$20,000) for paving and drainage improvements to roads in county commission district 2 in Rio Arriba county;

73. twenty thousand dollars (\$20,000) to improve drainage and install cattle guards and to pave county road 62 in Dixon in Rio Arriba county;

74. twenty-five thousand dollars (\$25,000) for base course and other improvements to Rio Arriba county road 83 in Rio Arriba county;

75. sixty-five thousand seven hundred sixty dollars (\$65,760) for phase 1 improvements at the Pueblo of San Juan airport, including the reconstruction of runway 16-34, installation of medium-intensity runway edge lighting system and the installation of aviation navigational aids;

76. twenty thousand dollars (\$20,000) for planning, design and construction improvements to downtown Main street in Portales in Roosevelt county;

~~77. ten thousand dollars (\$10,000) for improvements to Kilgore street in Portales in Roosevelt county;~~[[*LINE-ITEM VETO*]

78. seven thousand one hundred fifty dollars (\$7,150) for chip seal overlay on county road 7150 in San Juan county;

79. forty thousand dollars (\$40,000) for county road 7900 improvements in San Juan county;

80. fifty thousand dollars (\$50,000) for county road 7900 improvements in San Juan county;
81. fifty thousand dollars (\$50,000) for county road 7950 improvements in San Juan county;
82. thirty thousand dollars (\$30,000) for base course and drainage improvements to El Llano road in San Miguel county;
83. fifteen thousand dollars (\$15,000) for improvements to county road A-3, also known as Las Dispensas, in San Miguel county;
84. fifty thousand dollars (\$50,000) for paving and drainage improvements to county road B51-A in San Miguel county;
85. fifteen thousand dollars (\$15,000) for road improvements in Ancon in San Miguel county;
86. fifteen thousand dollars (\$15,000) for road improvements in Tecolote in San Miguel county;
87. sixty thousand dollars (\$60,000) for road construction for Romero street in Las Vegas in San Miguel county;
88. fifteen thousand dollars (\$15,000) for El Llano road improvements in Las Vegas in San Miguel county;
89. fifteen thousand dollars (\$15,000) for Gonzales Ranch road improvements in Las Vegas in San Miguel county;
90. twenty-five thousand dollars (\$25,000) to pave La Madera road in Sandoval county;
91. thirty thousand dollars (\$30,000) for road improvements, including resurfacing, in Regina in Sandoval county;
92. fifty thousand dollars (\$50,000) for road improvements in Rio Rancho in Sandoval county;
- ~~93. fifty thousand dollars (\$50,000) to plan, design and construct Loma Larga road in Corrales in Sandoval county;][LINE-ITEM VETO]~~
94. ten thousand dollars (\$10,000) to purchase and install flashing lights at Eldorado elementary school in the Santa Fe public school district in Santa Fe county;
95. fifty thousand dollars (\$50,000) for reconstruction, including a low-water crossing, to county road 55-A in Santa Fe county;

96. thirty thousand dollars (\$30,000) for reconstruction, including base course, paving and drainage improvements, to county road 44A-B in Santa Fe county;

97. one hundred thousand dollars (\$100,000) to design and build an overlay for a portion of county road 16 in Edgewood in Santa Fe county;

98. one hundred thousand dollars (\$100,000) to design, purchase materials for and pave a section of county road 8 in Edgewood in Santa Fe county;

99. eighty thousand dollars (\$80,000) for materials for paving and drainage improvements to county road 88-B within the community of La Puebla in Santa Fe county;

100. forty-five thousand dollars (\$45,000) for materials for asphalt paving to county road 86 in Santa Fe county;

101. sixty thousand dollars (\$60,000) for materials for paving and drainage improvements to county road 103 in Santa Fe county;

102. forty-five thousand dollars (\$45,000) for materials for paving and drainage improvements to county road 74 in Tesuque in Santa Fe county;

~~103. forty thousand dollars (\$40,000) for materials to improve Churchill road in Santa Fe county;~~[[LINE-ITEM VETO]

104. forty thousand dollars (\$40,000) for materials to improve Entrada de Santiago, including design, grading, drainage and paving, in Santa Fe county;

105. thirty thousand dollars (\$30,000) for a concrete junction box and a drainage system between Pen road and Cerrillos road in Santa Fe in Santa Fe county;

106. two hundred twenty-two thousand dollars (\$222,000) for construction, drainage and improvements to and to purchase road equipment for the Water Canyon road between United States highway 60 and the Magdalena Ridge observatory in Socorro county;

107. ten thousand dollars (\$10,000) for culverts on county roads for the Arroyo Hondo acequia association in Taos county;

108. fifty thousand dollars (\$50,000) to plan, design and construct Mesa Vista road in Taos county;

109. twenty-five thousand dollars (\$25,000) to plan, design and construct Cuchilla Hill road in Taos county;

110. thirty-five thousand dollars (\$35,000) for base course preparation improvements to El Rito road in Taos county;

111. eighty thousand dollars (\$80,000) for grade and drainage improvements and hot mix overlay for phase 2 of county road C-021, also known as Santa Barbara road, in Taos county;

112. fifty thousand dollars (\$50,000) to construct, grade and install curbs and gutters, including striping and signage for county road C-091, also known as Cuchilla Hill road, in Taos county;

113. seventy-five thousand dollars (\$75,000) for road improvements in Red River in Taos county;

114. sixty-five thousand dollars (\$65,000) to make improvements, including repaving and improvements to drainage, to the county road leading to La Merced elementary school in the Belen consolidated school district in Valencia county;

115. seventy-five thousand dollars (\$75,000) for paving Golf Course road in the Rio communities in Valencia county;

116. ninety thousand four hundred dollars (\$90,400) for paving and drainage improvements along the Carson drive corridor in Los Lunas in Valencia county;

117. seventy-two thousand seven hundred twenty dollars (\$72,720) for improvements, including the addition of sidewalks to comply with the Americans with Disabilities Act of 1990 and road realignment, at the intersection of Juan Perea and Courthouse road in Los Lunas in Valencia county; and

118. thirty-three thousand dollars (\$33,000) for the asphalt paving of Cornelius road in Valencia county.

Chapter 126 Section 44 Laws 2004

Section 44. STATE BUILDING PROJECTS--PUBLIC BUILDINGS REPAIR FUND--CAPITAL PROJECTS FUND APPROPRIATION TO FUND--APPROPRIATION FROM FUND TO THE CAPITAL PROGRAM FUND.--

A. Eight million dollars (\$8,000,000) is appropriated from the capital projects fund to the public buildings repair fund for expenditure in fiscal years 2004 through 2009 for various capital improvements to state buildings throughout the state.

B. Seven million three hundred twenty thousand dollars (\$7,320,000) is appropriated from the public buildings repair fund to the capital program fund for expenditure in fiscal years 2004 through 2009 in the following amounts for the following purposes, and any unexpended balance remaining at the end of fiscal year 2009 shall revert to the public buildings repair fund:

(1) two hundred thousand dollars (\$200,000) to plan and design a new state office building in Las Cruces to reduce the cost of leasing and to co-locate state agencies in a state-owned facility;

(2) one hundred fifty thousand dollars (\$150,000) for floor replacement at the department of health's Fort Bayard medical center facility in Fort Bayard in Grant county;

(3) one hundred thousand dollars (\$100,000) to renovate and improve the James M. Murray building in Hobbs in Lea county;

(4) five hundred thousand dollars (\$500,000) for stabilization and repair of buildings at Fort Stanton to secure and protect from further deterioration;

(5) two hundred fifty thousand dollars (\$250,000) for phase 4 fire alarm and security camera installation at the department of health's Las Vegas medical center in San Miguel county;

(6) one hundred thousand dollars (\$100,000) for phase 1 fire sprinkler system installation at the department of health's Las Vegas medical center in San Miguel county;

(7) one hundred thousand dollars (\$100,000) for phase 2 installation of boilers at the department of health's Las Vegas medical center in San Miguel county;

(8) one hundred thousand dollars (\$100,000) to renovate and repair the Epi Duran Building in Las Vegas in San Miguel county;

(9) one hundred thousand dollars (\$100,000) to renovate and repair the Louise Brown building in Bernalillo in Sandoval county;

(10) one hundred thousand dollars (\$100,000) to replace boilers at the department of health's New Mexico state veterans home in Truth or Consequences in Sierra county;

(11) four hundred thousand dollars (\$400,000) to replace windows at the department of health's New Mexico state veterans home in Truth or Consequences in Sierra county;

(12) one hundred thousand dollars (\$100,000) to replace chillers at the department of health's New Mexico state veterans home in Truth or Consequences in Sierra county;

(13) one million eight hundred thousand dollars (\$1,800,000) to plan, design, construct, equip and furnish a new office complex to house health-related state agencies in Santa Fe in Santa Fe county;

(14) fifty thousand dollars (\$50,000) to plan and design renovations to meet the requirements of the Americans with Disabilities Act of 1990 at the youth diagnostic development center of the children, youth and families department located in Albuquerque in Bernalillo county;

(15) three hundred fifty thousand dollars (\$350,000) to plan, design and construct a fire suppression and detection system at the youth diagnostic development center of the children, youth and families department located in Albuquerque in Bernalillo county;

(16) two hundred thousand dollars (\$200,000) to plan, design and renovate the facilities at the New Mexico boys' school in Springer in Colfax county;

(17) one hundred thousand dollars (\$100,000) to renovate and repair the Rio Arriba income support division office in Rio Arriba county;

(18) one hundred thousand dollars (\$100,000) to renovate and repair the Santa Fe county income support division office in Santa Fe county;

(19) fifty thousand dollars (\$50,000) to plan, design and renovate office space at the public records library and archives building in Santa Fe in Santa Fe county;

(20) four hundred seventy thousand dollars (\$470,000) to provide security upgrades to correctional facilities statewide;

(21) one million dollars (\$1,000,000) to repair and renovate building systems statewide under the jurisdiction of the property control division of the general services department; and

(22) one million dollars (\$1,000,000) for facility and infrastructure improvements at the New Mexico state fair in Albuquerque in Bernalillo county.

Chapter 126 Section 45 Laws 2004

Section 45. WASTEWATER FACILITY CONSTRUCTION LOAN FUND--One million five hundred thousand dollars (\$1,500,000) is appropriated from the capital projects fund to the wastewater facility construction loan fund for expenditure in fiscal years 2004 through 2009 for financing construction of critical wastewater facilities statewide.

Chapter 126 Section 46 Laws 2004

Section 46. STATE CAPITOL PROJECT--LEGISLATIVE COUNCIL SERVICE--CASH BALANCE--STATE CAPITOL MAINTENANCE FUND.--

A. Eight hundred thousand dollars (\$800,000) is appropriated from legislative cash balances to the legislative council service for expenditure in fiscal years 2004 through 2009 to design and replace two boilers at the state capitol and to plan, design, repair, replace and construct the exterior steps on the west side of the state capitol, including design and installation of a snow melt system in Santa Fe in Santa Fe county.

B. Five hundred twenty-five thousand dollars (\$525,000) is appropriated from the state capitol maintenance fund to the legislative council service for expenditure in fiscal years 2004 through 2009 to design and replace two boilers at the state capitol and to plan, design, repair, replace and construct the exterior steps on the west side of the capitol, including design and installation of a snow melt system in Santa Fe in Santa Fe county.

Chapter 126 Section 47 Laws 2004

Section 47. LABOR DEPARTMENT BUILDING--APPROPRIATING PROCEEDS FROM SALE OF BUILDING FOR A REPLACEMENT BUILDING--PROVIDING FOR FEDERAL APPROVAL OF THE SALE AND PURCHASE.--

A. The provisions of Section 15-3B-20 NMSA 1978 notwithstanding, the proceeds from the sale of the labor department building in Santa Fe are appropriated to the property control division of the general services department for expenditure in fiscal years 2004 through 2008 to acquire land or a building and to plan, design, construct or renovate a building for a workforce development center for the labor department in Santa Fe. Any unexpended or unencumbered balance remaining at the end of fiscal year 2008 shall revert to the federal government.

B. The appropriation in Subsection A of this section is contingent upon the legislature's approval of the sale of the property at 301 west De Vargas street, more particularly described in the joint resolution before the legislature that proposes the sale, and the approval of the federal government to sell the property and to use the proceeds for a replacement building.

Chapter 126 Section 48 Laws 2004

Section 48. RIO BRAVO BOULEVARD EXTENSION--COMMISSIONER OF PUBLIC LANDS--STATE LANDS MAINTENANCE FUND.--One million dollars (\$1,000,000) is appropriated from the uncommitted balances of the advanced coal lease payments in the suspense account of the state lands maintenance fund to the commissioner of public lands for expenditure in fiscal year 2005 to plan, design and construct an extension of Rio Bravo boulevard to Mesa del Sol. Any unexpended or unencumbered balance remaining at the end of fiscal year 2005 shall revert to the general fund.

Chapter 126 Section 49 Laws 2004

Section 49. NORTH FOURTH REDEVELOPMENT--CHANGE PURPOSE AND AGENCY FOR LA AMISTAD SENIOR CENTER.--The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection 29 of Section 22 of Chapter 110 of Laws 2002 for purchasing, developing and improvements related to the North Fourth redevelopment project in Albuquerque in Bernalillo county shall not be expended for the original purpose but are reauthorized and appropriated to the state agency on aging for improvements and equipment for La Amistad senior center in Albuquerque in Bernalillo county.

Chapter 126 Section 50 Laws 2004

Section 50. CARLSBAD SENIOR CENTER ADDITION--EXPAND PURPOSE TO INCLUDE PLAN AND DESIGN.--The capital projects fund appropriation made in Subsection 4 of Section 29 of Chapter 429 of Laws 2003 to the state agency on aging to construct an addition to the Carlsbad senior center to provide an adult daycare group respite program in Eddy county may also be expended to plan and design an addition to the senior center for the adult daycare group respite program in Carlsbad in Eddy county.

Chapter 126 Section 51 Laws 2004

Section 51. DIXON MULTIPURPOSE CENTER--CHANGE PURPOSE AND AGENCY FOR DIXON SENIOR CENTER.--The project authorized in Subsection 181 of Section 22 of Chapter 110 of Laws 2002 to the local government division of the department of finance and administration and reappropriated in Laws 2003, Chapter 429, Section 76 to plan, design and construct a multipurpose community center in Dixon in Rio Arriba county is void. The state board of finance may issue and sell severance tax bonds upon certification by the state agency on aging that the need exists for the issuance of the bonds in the amount of fifty thousand dollars (\$50,000) for the planning, design and construction of a senior center in Dixon in Rio Arriba county.

Chapter 126 Section 52 Laws 2004

Section 52. SOUTH SIDE SENIOR CENTER--EXTEND EXPENDITURE PERIOD.--The period of time in which the balance of the proceeds from the sale of severance tax bonds appropriated to the state agency on aging pursuant to Subsection M of Section 2 of Chapter 4 of Laws 1996 (1st S.S.) to plan and design a south side senior citizen center in the city of Santa Fe in Santa Fe county may be expended is extended through fiscal year 2008. Any unexpended balance remaining at the end of fiscal year 2008 shall revert to the severance tax bonding fund.

Chapter 126 Section 53 Laws 2004

Section 53. SOUTH SIDE SENIOR CENTER--EXPAND PURPOSE TO INCLUDE PLAN AND DESIGN.--The proceeds from the sale of severance tax bonds appropriated to the state agency on aging pursuant to Subsection 69 of Section 4 of Chapter 429 of Laws 2003 to construct a senior center on the south side of Santa Fe in Santa Fe county may also be expended to plan and design the senior center.

Chapter 126 Section 54 Laws 2004

Section 54. EDUCATIONAL TELEVISION DIGITAL EQUIPMENT--EXTEND EXPENDITURE PERIOD OF A GENERAL OBLIGATION BOND APPROPRIATION.--The period of time in which the appropriation made from general obligation bond proceeds to the commission on higher education pursuant to Subparagraph (a) of Paragraph (2) of Subsection B of Section 10 of Chapter 21 of Laws 2000 (2nd S.S.) for educational television digital equipment at higher education institutions and constitutional special schools statewide may be expended is extended through fiscal year 2007. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the debt service fund.

Chapter 126 Section 55 Laws 2004

Section 55. SANTA ROSA WASTEWATER EFFLUENT LINE--EXPAND PURPOSE TO INCLUDE A REUSE IRRIGATION SYSTEM.--The capital projects fund appropriation made in Subsection 7 of Section 32 of Chapter 429 of Laws 2003 to the department of environment for a wastewater effluent reuse line in Santa Rosa in Guadalupe county may also be expended for a reuse irrigation system in Santa Rosa.

Chapter 126 Section 56 Laws 2004

Section 56. GAMERCO WATER AND SANITATION DISTRICT TANK AND IMPROVEMENTS--EXPAND PURPOSE TO INCLUDE PLAN AND DESIGN.--The proceeds from the sale of severance tax bonds appropriated to the department of environment pursuant to Subsection 21 of Section 15 of Chapter 110 of Laws 2002 to construct an additional storage tank and booster station and make related improvements in the Gamerco water and sanitation district in McKinley county may also be expended to plan and design for the construction of the additional storage tank and the improvements.

Chapter 126 Section 57 Laws 2004

Section 57. GALLINA WATER SYSTEM IMPROVEMENTS--EXPAND PURPOSE TO INCLUDE DESIGN AND CONSTRUCTION--EXTEND EXPENDITURE PERIOD.--The proceeds from the sale of severance tax bonds appropriated to the department of environment pursuant to Subsection U of Section 9 of Chapter 118 of Laws 1998 to complete community water system repairs in Gallina in Rio Arriba county may also be expended to design and construct water system improvements for the water system in Gallina in Rio Arriba county. The period of time in which this appropriation may be expended is extended through fiscal year 2005. Any unexpended balance remaining at the end of fiscal year 2005 shall revert to the severance tax bonding fund.

Chapter 126 Section 58 Laws 2004

Section 58. CANONES WATER SYSTEM IMPROVEMENTS--EXPAND PURPOSE TO INCLUDE DESIGN AND CONSTRUCTION--EXTEND EXPENDITURE PERIOD.--The proceeds from the sale of severance tax bonds appropriated to the department of environment pursuant to Subsection JJJ of Section 9 of Chapter 118 of Laws 1998 for the purchase of a new water tank and the installation of new water lines in Canones in Rio Arriba county may also be expended to design and construct water system improvements for the Canones mutual domestic water consumers association in Rio Arriba county. The period of time in which this appropriation may be expended is extended through fiscal year 2005. Any unexpended balance remaining at the end of fiscal year 2005 shall revert to the severance tax bonding fund.

Chapter 126 Section 59 Laws 2004

Section 59. WELL NUMBER TWO RESTORATION--CHANGE PURPOSE FOR WELL NUMBER FOUR RESTORATION.--The proceeds from the sale of severance tax bonds appropriated to the department of environment pursuant to Subsection 77 of Section 15 of Chapter 110 of Laws 2002 to restore well number two to reduce fluoride levels in Espanola in Rio Arriba county shall not be expended for the original purpose but are reauthorized and appropriated to restore well number four to reduce fluoride levels and install a disinfection unit in Espanola in Rio Arriba county.

Chapter 126 Section 60 Laws 2004

Section 60. AZTEC RESERVOIR--EXPAND PURPOSE TO INCLUDE ENGINEERING AND DESIGN OF A RAW WATER STORAGE FACILITY.--The proceeds from the sale of

severance tax bonds appropriated to the department of environment pursuant to Subsection 31 of Section 14 of Chapter 429 of Laws 2003 to construct a reservoir in Aztec in San Juan county may also be expended to engineer, design and construct, including archaeological and environmental assessments, a raw water storage facility in Aztec in San Juan county.

Chapter 126 Section 61 Laws 2004

Section 61. ALAMOGORDO STREET SPEED HUMPS--CHANGE PURPOSE TO VISTA GRANDE STREET.--The capital projects fund appropriation made to the state highway and transportation department pursuant to Subsection 2 of Section 34 of Chapter 429 of Laws 2003 to construct speed humps on Alamogordo street in Bernalillo county shall not be expended for the original purpose but is appropriated to the department of transportation for speed bumps on Vista Grande street in Bernalillo county.

Chapter 126 Section 62 Laws 2004

Section 62. LAS CRUCES BOYS' AND GIRLS' CLUB--CHANGE PURPOSE FOR THE MESQUITE HISTORICAL DISTRICT.--The general fund appropriation made to the local government division of the department of finance and administration pursuant to Subsection OO of Section 44 of Chapter 23 of Laws 2000 (2nd S.S.) to improve the boys' and girls' club in Las Cruces in Dona Ana county shall not be expended for the original purpose but is appropriated to plan, design and construct lighting, streetscapes, ornamental gardens, gateways and signage in the Mesquite historical district in Las Cruces in Dona Ana county.

Chapter 126 Section 63 Laws 2004

Section 63. SHENANDOAH ROAD--CHANGE PURPOSE FOR RODEY ROAD IMPROVEMENTS.--The proceeds from the sale of severance tax bonds appropriated to the state highway and transportation department pursuant to Subsection 43 of Section 18 of Chapter 429 of Laws 2003 to reconstruct Shenandoah road in Dona Ana county shall not be expended for the original purpose but are reauthorized and appropriated to the department of transportation to make road improvements in Rodey in Dona Ana county.

Chapter 126 Section 64 Laws 2004

Section 64. ANAPRA ROAD IMPROVEMENTS--CHANGE PURPOSE FOR EXTENSION OF SUNLAND PARK DRIVE.--The state road fund appropriation made pursuant to Paragraph (2) of Subsection A of Section 43 of Chapter 429 of Laws 2003 to the state highway and transportation department to reconstruct improvements to Anapra road between Columbus and Santa Teresa in Luna and Dona Ana counties shall not be expended for the original purpose but is appropriated to the department of transportation for extension of Sunland Park drive in Sunland Park in Dona Ana county.

Chapter 126 Section 65 Laws 2004

Section 65. IRIS BOULEVARD AT FORTIETH STREET IMPROVEMENTS--CHANGE PURPOSE TO IRIS BOULEVARD AND NEW MEXICO HIGHWAY 528.--The proceeds from the sale of severance tax bonds appropriated to the state highway and transportation department

pursuant to Subsection 81 of Section 18 of Chapter 429 of Laws 2003 to install traffic signals and construct turn lanes for traffic emerging onto Iris boulevard from the Rio Rancho mid-high school at Fortieth street and Rio Rancho high school at Loma Colorado in Rio Rancho in Sandoval county shall not be expended for the original purpose but are reauthorized and appropriated to the department of transportation to purchase and install traffic signals and construct turn lanes at Iris boulevard and New Mexico highway 528 in Rio Rancho in Sandoval county.

Chapter 126 Section 66 Laws 2004

Section 66. SANTA FE COUNTY ROAD 84E IMPROVEMENTS--CHANGE PURPOSE TO SANTA FE COUNTY ROAD 113 SOUTH.--The proceeds from the sale of severance tax bonds appropriated to the state department of public education pursuant to Subsection 175 of Section 23 of Chapter 110 of Laws 2002 and reauthorized pursuant to Laws 2003, Chapter 429, Section 217 to the state highway and transportation department for improvements, including paving and drainage, to county road 84E in Santa Fe county may also be expended by the department of transportation to include materials for paving and drainage improvements to county road 113 south, starting at county road 113-A in Santa Fe county.

Chapter 126 Section 67 Laws 2004

Section 67. COUNTY ROAD 103 IMPROVEMENTS--CHANGE PURPOSE TO NAMBE ROAD 103.--The proceeds from the sale of severance tax bonds appropriated to the state highway and transportation department pursuant to Subsection 73 of Section 19 of Chapter 110 of Laws 2002 for improvements to county road 103 from United States highway 84-285 to the pueblo of Nambe industrial park in Santa Fe county shall not be expended for the original purpose but are reauthorized and appropriated to the department of transportation for improvements to Nambe road 103 from United States highway 84-285 to the Pueblo of Nambe industrial park in Santa Fe county.

Chapter 126 Section 68 Laws 2004

Section 68. LAS CRUCES PARK LAND ACQUISITION--CHANGE PURPOSE AND AGENCY FOR THE MESILLA VALLEY BOSQUE STATE PARK.--The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection 174 of Section 22 of Chapter 429 of Laws 2003 to purchase land for a park in Las Cruces in Dona Ana county shall not be expended for the original purpose but are reauthorized and appropriated to the state parks division of the energy, minerals and natural resources department for land acquisition and park development at the Mesilla Valley Bosque state park in Dona Ana county.

Chapter 126 Section 69 Laws 2004

Section 69. DONA ANA COUNTY OUTDOOR NATURE CENTER--CHANGE PURPOSE AND AGENCY FOR MESILLA VALLEY BOSQUE STATE PARK.--The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection 178 of Section 22 of Chapter 429 of Laws 2003 for land purchase, parking, surveys, fencing, toilets, trails and signage for an outdoor nature center in Dona Ana county shall not be expended for the original purpose but are

reauthorized and appropriated to the state parks division of the energy, minerals and natural resources department for land acquisition and park development at the Mesilla Valley Bosque state park in Dona Ana county.

Chapter 126 Section 70 Laws 2004

Section 70. ELKS BUILDING RENOVATION--CHANGE PURPOSE FOR THE MOOSE LODGE BUILDING AND RENOVATIONS.--The capital projects fund appropriation made to the local government division of the department of finance and administration pursuant to Subsection 7 of Section 37 of Chapter 429 of Laws 2003 to purchase and renovate the old fraternal order of the Elks building on Edith boulevard in Albuquerque in Bernalillo county shall not be expended for the original purpose but is appropriated to purchase and renovate the old Moose lodge building on Edith boulevard in Albuquerque in Bernalillo county.

Chapter 126 Section 71 Laws 2004

Section 71. WESTGATE AREA SKATE PARK--EXPAND PURPOSE TO INCLUDE CONSTRUCTION.--The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection 50 of Section 22 of Chapter 110 of Laws 2002 to design a skate park in the Westgate area of Albuquerque in Bernalillo county may also be expended to construct a skate park in the Westgate area and to design and construct a skate park in the Alamosa area of Albuquerque in Bernalillo county.

Chapter 126 Section 72 Laws 2004

Section 72. WESTGATE AREA BICYCLE TRACK--EXPAND PURPOSE TO INCLUDE CONSTRUCTION.--The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection 48 of Section 22 of Chapter 110 of Laws 2002 to plan and design a bicycle track in the Westgate area of Albuquerque in Bernalillo county may also be expended to construct a bicycle track in the Westgate area and to design and construct a bicycle track in the Alamosa area of Albuquerque in Bernalillo county.

Chapter 126 Section 73 Laws 2004

Section 73. EXPLORA SCIENCE CENTER AND CHILDREN'S MUSEUM--EXTEND EXPENDITURE PERIOD.--The period of time in which the balance of the proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection 86 of Section 22 of Chapter 429 of Laws 2003 for exhibits, furniture, fixtures and equipment for the Explora science center and children's museum in Albuquerque in Bernalillo county may be expended is extended through fiscal year 2006. Any unexpended balance remaining at the end of fiscal year 2006 shall revert to the severance tax bonding fund.

Chapter 126 Section 74 Laws 2004

Section 74. CHAVES COUNTY MAMMOGRAPHY VAN--CHANGE PURPOSE FOR RADIOLOGY CLINIC.--The capital projects fund appropriation made in Subsection 21 of Section 37 of Chapter 429 of Laws 2003 to the local government division of the department of finance and administration for a mammography van for Chaves county shall not be expended for the original purpose but is appropriated to plan, design and construct a building for a radiology clinic or to acquire a building in Chaves county. The period of time in which this appropriation may be expended is extended through fiscal year 2009.

Chapter 126 Section 75 Laws 2004

Section 75. COLQUITT PARK IMPROVEMENTS--CHANGE PURPOSE AND EXTEND EXPENDITURE PERIOD FOR CHAPARRAL COMMUNITY ANNEX.--The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection LLLLLLLLLL of Section 17 of Chapter 2 of Laws 1999 (1st S.S.) and reauthorized pursuant to Subsection B of Section 59 of Chapter 23 of Laws 2000 (2nd S.S.) for improvements to Colquitt park in Chaparral in Dona Ana county shall not be expended for the original or reauthorized purpose but are reauthorized and appropriated to make improvements to the Chaparral community annex in Dona Ana county. The period of time in which this appropriation may be expended is extended through fiscal year 2007. Any unexpended balance remaining at the end of fiscal year 2007 shall revert to the severance tax bonding fund.

Chapter 126 Section 76 Laws 2004

Section 76. DONA ANA COUNTY STREETLIGHTS--CHANGE AGENCY AND PURPOSE FOR ANTHONY WATER AND SANITATION DISTRICT.--Thirty-three thousand dollars (\$33,000) of the proceeds from the sale of severance tax bonds appropriated to the state highway and transportation department pursuant to Subsection 36 of Section 19 of Chapter 110 of Laws 2002 to purchase and install streetlights in Chaparral, Mesquite and Anthony in Dona Ana county shall not be expended for the original purpose but is reauthorized and appropriated to the department of environment to purchase equipment and furniture for the Anthony water and sanitation district in Dona Ana county.

Chapter 126 Section 77 Laws 2004

Section 77. DONA ANA COUNTY STREETLIGHTS--CHANGE PURPOSE FOR TOUR ROLL-OFF CONTAINERS.--Twelve thousand dollars (\$12,000) of the proceeds from the sale of severance tax bonds appropriated to the state highway and transportation department pursuant to Subsection 36 of Section 19 of Chapter 110 of Laws 2002 to purchase and install streetlights in Chaparral, Mesquite and Anthony in Dona Ana county shall not be expended for the original purpose but is reauthorized and appropriated to the local government division of the department of finance and administration to purchase tour roll-off containers for Dona Ana county.

Chapter 126 Section 78 Laws 2004

Section 78. DONA ANA COUNTY EASTSIDE COMMUNITY CENTER--CHANGE PURPOSE AND AGENCY FOR LAS CRUCES DOWNTOWN REVITALIZATION.--The severance tax bond proceeds appropriated to the state agency on aging pursuant to Subsection B of Section 4 of Chapter 23 of Laws 2000 (2nd S.S.) and reauthorized in Laws 2002, Chapter

110, Section 75 to the local government division of the department of finance and administration to renovate the Eastside community center in Dona Ana county shall not be expended for the original or reauthorized purpose but are reauthorized and appropriated to plan, design and construct phase 2 of the downtown revitalization project, including gateways and signage, and phase 2 of the downtown plaza renovation in Las Cruces in Dona Ana county.

Chapter 126 Section 79 Laws 2004

Section 79. MEMORIAL MEDICAL CENTER EXPANSION--CHANGE PURPOSE FOR EQUIPMENT FOR RURAL MEDICAL RESIDENCY PROGRAM.--The capital projects fund appropriation made pursuant to Subsection 32 of Section 37 of Chapter 429 of Laws 2003 for expansion of the rural medical residency program facility at Memorial medical center in Las Cruces in Dona Ana county shall not be expended for the original purpose but is appropriated for equipment for the rural medical residency program facility at Memorial medical center in Las Cruces in Dona Ana county.

Chapter 126 Section 80 Laws 2004

Section 80. HIDALGO COUNTY MASTER ECONOMIC DEVELOPMENT PLAN--CHANGE AGENCY.--The capital projects fund appropriation made in Subsection 2 of Section 31 of Chapter 429 of Laws 2003 to the economic development department for a master economic development plan for Hidalgo county is appropriated to the local government division of the department of finance and administration for a master economic development plan for Hidalgo county.

Chapter 126 Section 81 Laws 2004

Section 81. NEW MEXICO STATE POLICE GALLUP OFFICE--EXPAND PURPOSE TO INCLUDE DESIGN, EQUIPMENT AND FURNITURE.--The public buildings repair fund appropriation made pursuant to Paragraph (12) of Subsection B of Section 25 of Chapter 429 of Laws 2003 to the capital program fund to complete construction of the New Mexico state police Gallup office in McKinley county may also be expended for design and purchase of equipment and furniture for the New Mexico state police Gallup office in McKinley county.

Chapter 126 Section 82 Laws 2004

Section 82. BUENA VISTA VOLUNTEER FIRE DEPARTMENT EQUIPMENT--EXPAND PURPOSE TO INCLUDE FIRE STATION CONSTRUCTION.--The severance tax bond proceeds appropriated to the local government division of the department of finance and administration pursuant to Subsection 168 of Section 22 of Chapter 110 of Laws 2002 and reauthorized in Laws 2003, Chapter 429, Section 73 to the local government division to purchase equipment for the Buena Vista volunteer fire department in Mora county may also be expended to plan, design and construct a fire station in Mora county.

Chapter 126 Section 83 Laws 2004

Section 83. FLICKINGER CENTER RENOVATION--EXPAND PURPOSE TO INCLUDE PLAN, DESIGN, EQUIPMENT AND FURNITURE.--The proceeds from the sale of severance

tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection 171 of Section 22 of Chapter 110 of Laws 2002 to renovate the Flickinger center for performing arts in Otero county may also be expended to plan, design, equip and furnish the Flickinger center.

Chapter 126 Section 84 Laws 2004

Section 84. FLICKINGER CENTER IMPROVEMENTS--CHANGE PURPOSE TO PLAN, DESIGN, EQUIP, FURNISH AND RENOVATE THE CENTER.--The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection 259 of Section 22 of Chapter 429 of Laws 2003 to renovate, repair and make improvements at the Flickinger center for performing arts in Alamogordo in Otero county shall not be expended for the original purpose but are reauthorized and appropriated to plan, design, equip, furnish and renovate the Flickinger center for performing arts in Otero county.

Chapter 126 Section 85 Laws 2004

Section 85. ALAMOGORDO CENTER OF PROTECTIVE ENVIRONMENT--CHANGE PURPOSE FOR DOMESTIC VIOLENCE SHELTER.--The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection 260 of Section 22 of Chapter 429 of Laws 2003 for the purchase of land and a building by Alamogordo for the center of protective environment in Alamogordo in Otero county shall not be expended for the original purpose but are reauthorized and appropriated to purchase and renovate a building for a domestic violence shelter in Alamogordo in Otero county.

Chapter 126 Section 86 Laws 2004

Section 86. CLOUDCROFT LITTLE LEAGUE FIELDS--CHANGE PURPOSE FOR FIELDS AND RECREATIONAL PARK.--The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection 170 of Section 22 of Chapter 110 of Laws 2002 for improvements to little league fields in Cloudcroft in Otero county shall not be expended for the original purpose but are reauthorized and appropriated to plan, design, construct and equip little league fields and a recreational park in Cloudcroft in Otero county.

Chapter 126 Section 87 Laws 2004

Section 87. SAN JUAN COLLEGE EAST CENTER LIBRARY AND EDUCATIONAL CENTER--CHANGE AGENCY.--The proceeds from the sale of severance tax bonds appropriated to the governing board of San Juan college pursuant to Paragraph (3) of Subsection H of Section 26 of Chapter 429 of Laws 2003 to plan, design, construct and equip a library and educational center at the San Juan college east center in Aztec in San Juan county shall not be expended for the original purpose but are reauthorized and appropriated to the local government division of the department of finance and administration to plan, design, construct and equip a public library and educational center for the city of Aztec in San Juan county.

Chapter 126 Section 88 Laws 2004

Section 88. LAS VEGAS DOWNTOWN REVITALIZATION AND CITY HALL CONSTRUCTION--CHANGE AGENCY.--The proceeds from the sale of severance tax bonds appropriated to the economic development department pursuant to Subsection 1 of Section 10 of Chapter 429 of Laws 2003 for the downtown revitalization project to include planning, designing and constructing a new city hall in Las Vegas in San Miguel county are reauthorized and appropriated to the local government division of the department of finance and administration for the downtown revitalization project to include planning, designing and constructing a new city hall in Las Vegas in San Miguel county.

Chapter 126 Section 89 Laws 2004

Section 89. ECONOMIC DEVELOPMENT PROJECT IN SANTA FE COUNTY--CHANGE AGENCY.--The capital projects fund appropriation made in Subsection 3 of Section 31 of Chapter 429 of Laws 2003 to the economic development department for an economic development project in Santa Fe in Santa Fe county is appropriated to the local government division of the department of finance and administration for an economic development project in Santa Fe in Santa Fe county.

Chapter 126 Section 90 Laws 2004

Section 90. LAW ENFORCEMENT ACADEMY--EXPAND PURPOSE TO INCLUDE DESIGN, EQUIPMENT AND FURNITURE.--The proceeds from the sale of severance tax bonds appropriated to the property control division of the general services department pursuant to Subsection 3 of Section 24 of Chapter 429 of Laws 2003 to construct phase 2 of the law enforcement academy in Santa Fe county may also be expended for design and purchase of equipment and furniture for the law enforcement academy in Santa Fe county.

Chapter 126 Section 91 Laws 2004

Section 91. TAOS SKI VALLEY MUNICIPAL COMPLEX--EXPAND PURPOSE TO INCLUDE LAND ACQUISITION--EXTEND EXPENDITURE PERIOD.--The balance of the proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection BBBBBB of Section 15 of Chapter 23 of Laws 2000 (2nd S.S.) to construct a municipal complex in Taos Ski Valley in Taos county may also be expended for land acquisition for a municipal complex in Taos Ski Valley in Taos county. The period of time in which this appropriation may be expended is extended through fiscal year 2009.

Chapter 126 Section 92 Laws 2004

Section 92. AFRICAN-AMERICAN AFFAIRS EXHIBITS AND ARTIFACTS--CHANGE PURPOSE AND AGENCY FOR THE STATEWIDE AFRICAN-AMERICAN PERFORMING AND CULTURAL ARTS EXHIBIT HALL.--The proceeds from the sale of severance tax bonds appropriated to the office on African-American affairs pursuant to Laws 2003, Chapter 429, Section 3 for the purchase of artifacts, exhibits and art of the African-American culture and heritage for the office on African-American affairs in Santa Fe county shall not be expended for

the original purpose but are reauthorized and appropriated to the office of cultural affairs for the purchase of artifacts, exhibits and art of the African-American culture and heritage for the statewide African-American performing and cultural arts exhibit hall in Albuquerque in Bernalillo county.

Chapter 126 Section 93 Laws 2004

Section 93. ALBUQUERQUE SMALL BUSINESS INCUBATOR--CHANGE PURPOSE AND AGENCY FOR THE STATEWIDE AFRICAN-AMERICAN PERFORMING AND CULTURAL ARTS EXHIBIT HALL.--The project authorized to the local government division of the department of finance and administration in Subsection 69 of Section 22 of Chapter 429 of Laws 2003 for the development of a small business incubator in southeast Albuquerque in Bernalillo county is void. The state board of finance may issue and sell severance tax bonds upon certification by the office of cultural affairs that the need exists for the issuance of the bonds in the amount of twenty thousand dollars (\$20,000) for the purchase of artifacts, exhibits and art of the African-American culture and heritage for the statewide African-American performing and cultural arts exhibit hall in Albuquerque in Bernalillo county.

Chapter 126 Section 94 Laws 2004

Section 94. PUBLIC LIBRARY ACQUISITIONS--EXTEND EXPENDITURE PERIOD OF A GENERAL OBLIGATION BOND APPROPRIATION.--The period of time in which the appropriations made from general obligation bond proceeds to the office of cultural affairs pursuant to Subsection D of Section 10 of Chapter 93 of Laws 2002 for public library acquisitions may be expended is extended through fiscal year 2007. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the debt service fund.

Chapter 126 Section 95 Laws 2004

Section 95. RAMAH NAVAJO WELLNESS CENTER CONSTRUCTION--CHANGE PURPOSE TO IMPROVEMENTS.--The proceeds from the sale of severance tax bonds appropriated to the New Mexico office of Indian affairs pursuant to Subsection 38 of Section 20 of Chapter 110 of Laws 2002 to plan, design and construct a wellness center for the Ramah Navajo community in Pine Hill in Cibola county shall not be expended for the original purpose but are reauthorized and appropriated for improvements, including flatwork, parking lot pavement, outdoor lighting, drainage and signage, for the wellness center for the Ramah Navajo community in Pine Hill in Cibola county.

Chapter 126 Section 96 Laws 2004

Section 96. STANDING ROCK CHAPTER HOUSE RENOVATION AND CONSTRUCTION--CHANGE AGENCY.--The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection 248 of Section 22 of Chapter 429 of Laws 2003 for renovation and construction of the Standing Rock chapter house of the Standing Rock chapter of the Navajo Nation in McKinley county are appropriated to the New Mexico office of Indian affairs for renovation and construction of the Standing Rock chapter house of the Standing Rock chapter of the Navajo Nation in McKinley county.

Chapter 126 Section 97 Laws 2004

Section 97. MEXICAN SPRINGS FOOD DISTRIBUTION CENTER--CHANGE PURPOSE TO RENOVATE BUILDING.--The proceeds from the sale of severance tax bonds appropriated to the New Mexico office of Indian affairs pursuant to Subsection B of Section 18 of Chapter 118 of Laws 1998 and reauthorized in Laws 2002, Chapter 99, Section 56 to plan, design and construct a food distribution center and warehouse in Mexican Springs in McKinley county shall not be expended for the original or reauthorized purpose but are reauthorized and appropriated to renovate an existing building in Mexican Springs in McKinley county.

Chapter 126 Section 98 Laws 2004

Section 98. STARLAKE AREA CHILD DEVELOPMENT CENTER--CHANGE PURPOSE FOR TORREON-STAR LAKE OFFICE COMPLEX.--The proceeds from the sale of severance tax bonds appropriated to the New Mexico office of Indian affairs pursuant to Subsection EE of Section 15 of Chapter 2 of Laws 1999 (1st S.S.) and extended in Laws 2003, Chapter 429, Section 100 to plan, design and prepare a site for a child development center in the Starlake area to serve five chapters in Cibola and Sandoval counties shall not be expended for the original purpose but are reauthorized and appropriated to the New Mexico office of Indian affairs for site preparation for an office complex for the Torreon-Starlake chapter of the Navajo Nation in Sandoval county.

Chapter 126 Section 99 Laws 2004

Section 99. EAST MOUNTAIN CHARTER HIGH SCHOOL AIR CONDITIONING SYSTEM--CHANGE PURPOSE TO PURCHASE A BUS.--The proceeds from the sale of severance tax bonds appropriated to the state department of public education pursuant to Subsection 8 of Section 23 of Chapter 429 of Laws 2003 to design and install an air conditioning system for the East Mountain charter high school in the Albuquerque public school district in Bernalillo county shall not be expended for the original purpose but are reauthorized and appropriated to the public education department to purchase a bus for the East Mountain charter high school in the Albuquerque public school district in Bernalillo county.

Chapter 126 Section 100 Laws 2004

Section 100. ERNIE PYLE MIDDLE SCHOOL GYMNASIUM FLOOR--CHANGE PURPOSE FOR LANDSCAPING AND IMPROVEMENTS TO THE PLAYGROUND AND SITE.-
-The proceeds from the sale of severance tax bonds appropriated to the state department of public education pursuant to Subsection HH of Section 16 of Chapter 23 of Laws 2000 (2nd S.S.) to improve the gymnasium floor at Ernie Pyle middle school in the Albuquerque public school district in Bernalillo county shall not be expended for the original purpose but are reauthorized and appropriated to the public education department for landscaping and improvements to the playground and site at Ernie Pyle middle school in the Albuquerque public school district in Bernalillo county.

Chapter 126 Section 101 Laws 2004

Section 101. WEST LAS VEGAS PUBLIC SCHOOL DISTRICT FENCING AND SCOREBOARD--CHANGE PURPOSE FOR LAS VEGAS CITY PUBLIC SCHOOL DISTRICT.--The proceeds from the sale of severance tax bonds appropriated to the state department of public education pursuant to Subsection 171 of Section 23 of Chapter 110 of Laws 2002 to purchase and install fencing and a scoreboard at the high school in the west Las Vegas public school district in San Miguel county shall not be expended for the original purpose but are reauthorized and appropriated to the public education department to purchase and install fencing and a scoreboard at the high school in the Las Vegas city public school district in San Miguel county.

Chapter 126 Section 102 Laws 2004

Section 102. SANTA FE HIGH SCHOOL BASEBALL FACILITY IMPROVEMENTS--CHANGE PURPOSE FOR SANTA FE HIGH SCHOOL AND CAPITAL HIGH SCHOOL BASEBALL FIELDS IMPROVEMENTS AND EQUIPMENT.--The proceeds from the sale of severance tax bonds appropriated to the state department of public education pursuant to Subsection 180 of Section 23 of Chapter 110 of Laws 2002 to construct or purchase and install benches, dugouts, batting cages and chainlink fencing and for other related improvements to the baseball facility at Santa Fe high school in the Santa Fe public school district in Santa Fe county shall not be expended for the original purpose but are reauthorized and appropriated to the public education department to make improvements to athletic fields and other associated facilities and to purchase equipment for the baseball programs at Santa Fe high school and Capital high school in the Santa Fe public school district in Santa Fe county.

Chapter 126 Section 103 Laws 2004

Section 103. CHARLIE MORRISEY RESEARCH HALL--CHANGE PURPOSE FOR AFRICAN-AMERICAN PERFORMING AND CULTURAL ARTS EXHIBIT HALL.--The capital projects fund appropriation to the board of regents of the university of New Mexico pursuant to Paragraph (1) of Subsection E of Section 39 of Chapter 429 of Laws 2003 for the acquisition, renovation, equipping and furnishing of a suitable location for the Charlie Morrissey research hall at the university of New Mexico in Bernalillo county shall not be expended for the original purpose but is appropriated to the state fair commission for the design, construction and equipping of the statewide African-American performing and cultural arts exhibit hall in Albuquerque in Bernalillo county.

Chapter 126 Section 104 Laws 2004

Section 104. UNIVERSITY OF NEW MEXICO ARCHITECTURE AND PLANNING BUILDING--EXTEND EXPENDITURE PERIOD OF A GENERAL OBLIGATION BOND APPROPRIATION.--The period of time in which the appropriation made from general obligation bond proceeds to the board of regents of the university of New Mexico pursuant to Subparagraph (a) of Paragraph (7) of Subsection B of Section 10 of Chapter 21 of Laws 2000 (2nd S.S.) to plan, design and construct an architecture and planning building at the university of New Mexico in Albuquerque in Bernalillo county may be expended is extended through fiscal year 2007. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the debt service fund.

Chapter 126 Section 105 Laws 2004

Section 105. PECAN PARK WATER LINES--CHANGE AGENCY AND PURPOSE TO RENOVATE MORGAN HALL IN DEMING.--The proceeds from the sale of severance tax bonds appropriated to the department of environment pursuant to Subsection 22 of Section 14 of Chapter 429 of Laws 2003 to plan, design and construct water lines to Pecan park in Deming in Luna county shall not be expended for the original purpose but are reauthorized and appropriated to the local government division of the department of finance and administration to renovate Morgan hall in Deming in Luna county.

Chapter 126 Section 106 Laws 2004

Section 106. 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 126 Section 107 Laws 2004

Section 107. NAVAJO NATION PROJECTS--GENERAL FUND APPROPRIATIONS.--Money appropriated from the general fund to several chapters of the Navajo Nation located in New Mexico for the same or similar purposes may be pooled by those chapters to create a regional or centralized project upon review of the New Mexico office of Indian affairs and approved by the state board of finance.

Chapter 126 Section 108 Laws 2004

Section 108. AGING PROJECTS--STATE AGENCY ON AGING--

SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the state agency on aging that the need exists for the issuance of the bonds, the following amounts are appropriated to the state agency on aging for the following purposes:

1. fifty thousand dollars (\$50,000) to renovate the senior center in Grants in Cibola county;
2. seventy-five thousand dollars (\$75,000) for upgrading and repairing the air conditioning and circulation system at the Meadowlark senior center in Rio Rancho in Sandoval county;
3. fifty thousand dollars (\$50,000) to purchase a bus for the division of senior services in Santa Fe in Santa Fe county;
4. fifty thousand dollars (\$50,000) for the purchase of a food delivery truck for the Mora senior center in Mora in Mora county;
5. fifty thousand dollars (\$50,000) for a passenger van for seniors in San Miguel county;

6. thirty thousand dollars (\$30,000) for improvements to the senior center, including repairing a heater and paving the back parking lot, in Tatum in Lea county;

7. seventy thousand dollars (\$70,000) for designing and replacing the heating, ventilation and air conditioning system at the Meadowlark senior center in Rio Rancho in Sandoval county;

8. eighty thousand dollars (\$80,000) for the purchase of a bus for senior citizens in Rio Arriba, San Miguel and Santa Fe counties;

9. one hundred thousand dollars (\$100,000) for planning, designing, construction and improvements for a senior center in the Eldorado area in Santa Fe county;

10. one hundred thousand dollars (\$100,000) for constructing the Eldorado senior center in Santa Fe county;

11. fifty thousand dollars (\$50,000) for office equipment for the senior centers at the Pueblo of San Juan in Rio Arriba county;

12. fifty thousand dollars (\$50,000) to plan, design and construct a senior center for the Iyanbito chapter of the Navajo Nation in McKinley county;

13. fifty thousand dollars (\$50,000) to plan, design and construct a senior center in the Pueblo of Pojoaque in Santa Fe county;

14. fifty thousand dollars (\$50,000) to purchase a bus for the division of senior services in Santa Fe in Santa Fe county;

15. one hundred thousand dollars (\$100,000) for renovations to the Valencia senior center in Belen in Valencia county;

16. one hundred thousand dollars (\$100,000) for the construction of an exercise room at the Los Volcanes senior center in Albuquerque in Bernalillo county; and

17. fifty-three thousand dollars (\$53,000) for repairs and renovation of the Los Volcanes senior center in Albuquerque in Bernalillo county.

Chapter 126 Section 109 Laws 2004

Section 109. COURT PROJECT--ELEVENTH JUDICIAL DISTRICT COURT--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the eleventh judicial district court that the need exists for the issuance of the bonds, three hundred fifty thousand dollars (\$350,000) is appropriated to the eleventh judicial district court for computer wiring, furnishings and equipment for the addition on the eleventh judicial district courthouse in Gallup in McKinley county.

Chapter 126 Section 110 Laws 2004

Section 110. CULTURAL PROJECTS--OFFICE OF CULTURAL AFFAIRS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the office of cultural affairs that the need exists for the issuance of the bonds, the following amounts are appropriated to the office of cultural affairs for the following purposes:

~~[1. five thousand dollars (\$5,000) for constructing an education complex and equipping a television studio at the national Hispanic cultural center in Albuquerque in Bernalillo county;~~

~~2. five thousand dollars (\$5,000) for the design, fabrication and construction of exhibits for the Mary Gavin family triassic hall in the New Mexico museum of natural history and science in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

3. thirty thousand dollars (\$30,000) for constructing an education complex and equipping a television studio at the national Hispanic cultural center in Albuquerque in Bernalillo county;

4. thirty-five thousand dollars (\$35,000) to design, fabricate and construct exhibits at the museum of natural history and science in Albuquerque in Bernalillo county;

5. twenty-five thousand dollars (\$25,000) for multimedia equipment for the Roy E. Disney center for the performing arts at the national Hispanic cultural center in Albuquerque in Bernalillo county;

~~[6. fifteen thousand dollars (\$15,000) for planning and building development for the national Hispanic cultural center in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

7. twenty-five thousand dollars (\$25,000) for constructing an education complex and equipping a television studio at the national Hispanic cultural center in Albuquerque in Bernalillo county;

8. fifty thousand dollars (\$50,000) for constructing an education complex and equipping a television studio at the national Hispanic cultural center in Albuquerque in Bernalillo county;

9. seventy-five thousand dollars (\$75,000) for an education complex and equipment for the television studio at the national Hispanic cultural center in Albuquerque in Bernalillo county;

10. twenty-five thousand dollars (\$25,000) for constructing an education complex and equipping a television studio at the national Hispanic cultural center in Albuquerque in Bernalillo county; and

11. one hundred twenty-five thousand dollars (\$125,000) for multimedia equipment for the Roy E. Disney center for the performing arts at the national Hispanic cultural center in Albuquerque in Bernalillo county.

Chapter 126 Section 111 Laws 2004

Section 111. STATE ENGINEER PROJECTS--OFFICE OF THE STATE ENGINEER--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. forty thousand dollars (\$40,000) to purchase water rights for Hagerman in Chaves county;
2. eighty thousand dollars (\$80,000) for the development of a collaborative, area-wide water system plan in Eddy county; and
3. one hundred twenty-five thousand dollars (\$125,000) for the acquisition of water rights for Agua Fria in Santa Fe county.

Chapter 126 Section 112 Laws 2004

Section 112. INTERSTATE STREAM PROJECT--INTERSTATE STREAM COMMISSION--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, fifty thousand dollars (\$50,000) is appropriated to the interstate stream commission for the design and construction of the lining project for the San Cristobal ditch association in Taos county.

Chapter 126 Section 113 Laws 2004

Section 113. ENVIRONMENT PROJECTS--DEPARTMENT OF ENVIRONMENT--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. eighty thousand dollars (\$80,000) to plan, design and construct phase 3 water system improvements in Tijeras in Bernalillo county;
2. twenty thousand dollars (\$20,000) for phase 1 of the waste conversion pilot project [~~in Bernalillo~~] in Sandoval county;[*LINE-ITEM VETO*]
3. fifty thousand dollars (\$50,000) to design and construct a foundation and purchase and install a water storage tank for the Carnuel mutual domestic water and wastewater consumers association in Bernalillo county;
4. twenty-five thousand dollars (\$25,000) to design and construct improvements to the wastewater collection, treatment and disposal system in Edgewood in Santa Fe county;
5. fifty thousand dollars (\$50,000) for water improvements in Wagon Mound in Mora county;

6. seventy-five thousand dollars (\$75,000) to plan, design and construct a wastewater sewer system in Edgewood in Santa Fe county;

7. forty thousand dollars (\$40,000) for a waste conversion pilot project in Sandoval county;

8. seventy-five thousand dollars (\$75,000) for water system improvements in Placitas in Sandoval county;

9. one hundred thousand dollars (\$100,000) for a Dona Ana mutual domestic water consumers association project, including the design and construction of a transmission line and a distribution line, in Dona Ana county;

~~10. twenty-five thousand dollars (\$25,000) for a waste conservation pilot project in Rio Rancho in Sandoval county;][LINE-ITEM VETO]~~

11. fifty thousand dollars (\$50,000) for improvements to the sewer line on Romero street in Las Vegas in San Miguel county;

12. twenty-five thousand dollars (\$25,000) to improve water lines in Roy in Harding county;

~~13. twelve thousand two hundred fifty dollars (\$12,250) for a water line installation project in Mosquero in Harding county;][LINE-ITEM VETO]~~

14. twenty-five thousand dollars (\$25,000) to repair and recondition a water tower in Clayton in Union county;

15. fifty thousand dollars (\$50,000) for water system improvements for the French domestic water users association in Springer in Colfax county;

16. fifty thousand dollars (\$50,000) for water and sewer improvements, including designing and constructing underground infrastructure, in Tucumcari in Quay county;

17. twenty-five thousand dollars (\$25,000) for a feasibility study on constructing a pipeline from Fort Sumner to Santa Rosa in De Baca county;

18. twenty-five thousand dollars (\$25,000) for improvements to the sewer system in Hagerman in Chaves county;

19. fifty thousand dollars (\$50,000) to plan, design and construct water system improvements for the Cumberland cooperative water users association in Chaves county;

20. twenty-five thousand dollars (\$25,000) to plan, design and construct water system improvements for the Fambrough water cooperative in Chaves county;

21. two hundred thousand dollars (\$200,000) for the final phase of the replacement and upgrade of the wastewater treatment plant in Cloudcroft in Otero county;

22. seventy-five thousand dollars (\$75,000) for water system improvements, including drilling a well and purchasing and installing a storage tank, for the Weed water users association in Otero county;

23. seventy-five thousand dollars (\$75,000) for well rehabilitation and drilling for the Timberon water and sanitation district in Otero county;

24. fifty thousand dollars (\$50,000) for phase 1 of the waste conversion pilot project to convert green waste and wastewater into fertilizer and soil enhancement products in Sandoval county;

25. fifty thousand dollars (\$50,000) for the North Star water users association United States highway 550 water line upgrades in San Juan county;

26. one hundred fifty thousand dollars (\$150,000) to engineer, design and construct, including archaeological and environmental assessments, a raw water storage facility in Aztec in San Juan county;

27. seventy thousand dollars (\$70,000) to replace the sewer system, install sewer mains and connect residences to the main in the general addition in Jal in Lea county;

28. one hundred thousand dollars (\$100,000) to upgrade the wastewater collection and treatment system in Loving in Eddy county;

29. fifty thousand dollars (\$50,000) for water system improvements for the San Miguel mutual domestic water consumers association in Dona Ana county;

30. seventy-five thousand dollars (\$75,000) to replace the failing sewer plant and disposal system in the White Cliffs mutual domestic water users association in McKinley county;

31. fifty thousand dollars (\$50,000) for replacement of the existing treatment facility with a new sewage pump station and force main for improvements of the Williams Acres water and sanitation district wastewater system in McKinley county;

32. sixty-three thousand dollars (\$63,000) to extend a sewer line from Rufina street to Agua Fria road through Camino Polvoso in Santa Fe county;

33. fifty thousand dollars (\$50,000) for a sewer line extension from Agua Fria road through Rumbo Al Sur road to the dead end and for improvements and stabilization to Rumbo Al Sur road in Santa Fe county;

34. fifty thousand dollars (\$50,000) for a sewer line extension from the northeast side of the intersection of Siler and Agua Fria roads east approximately one-third mile in Santa Fe county;

35. fifty thousand dollars (\$50,000) for water line replacement in Lordsburg in Hidalgo county;

36. one hundred thousand dollars (\$100,000) for an effluent water system in Truth or Consequences in Sierra county;

37. one hundred thousand dollars (\$100,000) for phase 1 planning, design and construction of a facility for a north area Sierra regional wastewater system in Elephant Butte in Sierra county;

38. one hundred thousand dollars (\$100,000) for a storm sewer and water reuse project in Deming in Luna county; and

39. fifty thousand dollars (\$50,000) to improve the water system, including distribution, supply and storage, and bring it into compliance with federal environmental regulations in Columbus in Luna county.

Chapter 126 Section 114 Laws 2004

Section 114. STATE FAIR PROJECT--STATE FAIR COMMISSION--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, twenty-five thousand dollars (\$25,000) is appropriated to the state fair commission for the design and construction of a statewide African-American research, performing and cultural arts exhibit hall, administrative offices and appurtenances at the state fairgrounds in Albuquerque in Bernalillo county.

Chapter 126 Section 115 Laws 2004

Section 115. INDIAN AFFAIRS PROJECTS--NEW MEXICO OFFICE OF INDIAN AFFAIRS--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the New Mexico office of Indian affairs that the need exists for the issuance of the bonds, the following amounts are appropriated to the New Mexico office of Indian affairs for the following purposes:

1. one hundred thousand dollars (\$100,000) for purchasing a fire truck for the Pueblo of Isleta in Bernalillo, Tarrant and Valencia counties;

2. one hundred thousand dollars (\$100,000) for planning and design of facilities at the Santa Fe Indian school in Santa Fe in Santa Fe county;

~~[3. fifteen thousand dollars (\$15,000) to construct, equip and furnish a center of lifelong learning on the institute of American Indian arts campus in Santa Fe county;]~~*[LINE-ITEM VETO]*

4. fifty thousand dollars (\$50,000) to plan, design and construct a wellness center in the Pueblo of Pojoaque in Santa Fe county;

5. fifty thousand dollars (\$50,000) for equipment and to plan, design and construct a field and running track for the Pueblo of Pojoaque in Santa Fe county;

6. fifty thousand dollars (\$50,000) to plan, design and construct the Poeh cultural center in the Pueblo of Pojoaque in Santa Fe county;

7. fifty thousand dollars (\$50,000) to plan, design and construct a facility for a classroom training institute for Native American police officers in the Pueblo of Tesuque in Santa Fe county;

8. fifty thousand dollars (\$50,000) for the eight northern Indian pueblos council to remodel and refurbish the commodities warehouse for the food distribution program at the Pueblo of Nambe in Santa Fe county;

9. fifty thousand dollars (\$50,000) to plan and design a westside fire station in the Pueblo of San Ildefonso in Santa Fe county;

10. fifty thousand dollars (\$50,000) to purchase equipment and a fire truck for the Pueblo of Sandia in Sandoval county;

~~11. fifty thousand dollars (\$50,000) to construct, equip and furnish a center of lifelong learning on the institute of American Indian arts campus in Santa Fe county;]~~*[LINE-ITEM VETO]*

12. fifty thousand dollars (\$50,000) to purchase three new ambulances for the Pueblo of Acoma in Cibola county;

13. one hundred thousand dollars (\$100,000) to construct phase 2 of the multipurpose community building at the Pueblo of Nambe in Santa Fe county;

14. ninety thousand dollars (\$90,000) to renovate the law enforcement headquarters building at the Pueblo of Nambe in Santa Fe county;

15. fifty thousand dollars (\$50,000) to construct, equip and furnish a center of lifelong learning on the institute of American Indian arts campus in Santa Fe county;

16. fifty thousand dollars (\$50,000) for planning, designing, constructing, equipping and furnishing a recreational activity center at the Pueblo of Santa Clara in Rio Arriba county;

17. fifty thousand dollars (\$50,000) to rehabilitate the existing education building in the Pueblo of Santa Clara in Rio Arriba county;

18. eighty thousand dollars (\$80,000) for a powerline extension project in the Tohatchi chapter of the Navajo Nation in McKinley county;

19. one hundred thirty-eight thousand dollars (\$138,000) to construct a water line extension for the Crystal chapter in the Navajo Nation in San Juan county;

20. forty-five thousand dollars (\$45,000) for a feasibility study for a new chapter house for the Sanostee chapter of the Navajo Nation in San Juan county;

21. fifty thousand dollars (\$50,000) to plan, design and construct a helicopter pad in the Nageezi chapter of the Navajo Nation in San Juan county;

22. five hundred thousand dollars (\$500,000) to construct a powerline in the Hogback chapter of the Navajo Nation in San Juan county;
23. fifty thousand dollars (\$50,000) to construct watering stations for homes with no running water and to repair stock wells to provide water for livestock for the Ramah chapter of the Navajo Nation in Cibola county;
24. fifty thousand dollars (\$50,000) for phase 1, including an engineering assessment and design, of the Nutria and Pescado irrigation revitalization project for an irrigation system for the Pueblo of Zuni in McKinley county;
25. fifty thousand dollars (\$50,000) for electrical wiring for homes in the Iyanbito chapter of the Navajo Nation in McKinley county;
26. fifty thousand dollars (\$50,000) for electrical wiring for homes in the Chichiltah chapter in the Navajo Nation in McKinley county;
27. fifty thousand dollars (\$50,000) to design, build and equip facilities at the wellness center, including a soccer field and running track, at the Pueblo of Pojoaque in Santa Fe county;
28. fifty thousand dollars (\$50,000) for building and parking improvements to the Poeh cultural center in the Pueblo of Pojoaque in Santa Fe county;
29. fifty thousand dollars (\$50,000) to plan, design and construct a ceremonial facility at the Pueblo of Pojoaque in Santa Fe county;
30. fifty thousand dollars (\$50,000) for designing and constructing a water storage tank at the Pueblo of Santa Ana in Sandoval county;
31. fifty thousand dollars (\$50,000) to purchase and install a security system for the Indian pueblo cultural center in Albuquerque in Bernalillo county;
32. fifty thousand dollars (\$50,000) to construct, equip and furnish a center of lifelong learning on the institute of American Indian arts campus in Santa Fe county;
33. fifty thousand dollars (\$50,000) to plan, design and construct a telephone system in the Rock Springs chapter of the Navajo Nation in McKinley county;
34. two hundred fifty-six thousand dollars (\$256,000) to plan, design and construct a water line for the White Horse Lake chapter of the Navajo Nation in McKinley county;
35. one hundred thousand dollars (\$100,000) to expand, through construction, the intergenerational center at the Pueblo of Zia in Sandoval county;
36. four hundred thousand dollars (\$400,000) for improvements for the road project in the Torreon chapter of the Navajo Nation in Sandoval county; and

37. sixty-two thousand dollars (\$62,000) to purchase patrol vehicles and equipment for the police department in the Pueblo of Jemez in Sandoval county.

Chapter 126 Section 116 Laws 2004

~~[Section 116. MARTIN LUTHER KING, JR. PROJECT--MARTIN LUTHER KING, JR. COMMISSION--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the Martin Luther King, Jr. commission that the need exists for the issuance of the bonds, thirteen thousand dollars (\$13,000) is appropriated to the commission to construct and equip a resource library and purchase and install information technology for the Martin Luther King, Jr. commission in Albuquerque in Bernalillo county.][LINE-ITEM VETO]~~

Chapter 126 Section 117 Laws 2004

Section 117. LOCAL GOVERNMENT PROJECTS--LOCAL GOVERNMENT DIVISION--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. fifty thousand dollars (\$50,000) to design and build a community baseball and softball complex in Capitan in Lincoln county;

~~[2. fifteen thousand dollars (\$15,000) for construction and maintenance and to purchase equipment for use by the boys' and girls' club in Roswell in Chaves county;~~

~~3. fifteen thousand dollars (\$15,000) to purchase equipment and to design and construct football fields and other facilities for use by the youth football league in Roswell in Chaves county;][LINE-ITEM VETO]~~

4. seventy-five thousand dollars (\$75,000) to design and build a city park on west Mescalero road in Roswell in Chaves county;

5. eighty-three thousand dollars (\$83,000) to design and build a senior league baseball field in Roswell in Chaves county;

~~[6. one hundred thousand dollars (\$100,000) for an addition and for designing, constructing, repairing and renovating a swimming pool and related facilities in Carrizozo in Lincoln county;~~

7. twenty-five thousand dollars (\$25,000) for design and construction of the final phase of a new archive building for the historical society for southeast New Mexico in Roswell in Chaves county;

8. fifteen thousand dollars (\$15,000) to plan, design and replace the heating, ventilation and air conditioning system in the museum in Roswell in Chaves county;

~~9. fifteen thousand dollars (\$15,000) to install lighting for the Cielo Grande hike and bike trail in Roswell in Chaves county;~~

~~10. forty thousand dollars (\$40,000) for the restoration, conversion and incorporation of the old power plant as part of the heritage museum and cultural center in Carrizozo in Lincoln county;~~

~~11. thirty thousand dollars (\$30,000) for improvements to the animal shelter in Roswell in Chaves county;][LINE-ITEM VETO]~~

12. fifty thousand dollars (\$50,000) for water supply and erosion control improvements for the Bataan memorial park in Grant county;

13. one hundred thousand dollars (\$100,000) for improvements at Penny park in Silver City in Grant county;

14. one hundred thousand dollars (\$100,000) for renovation of the sixth judicial district courthouse in Grant county;

15. fifty thousand dollars (\$50,000) for building improvements, equipment and books for the Bayard municipal library in Grant county;

16. seventy-five thousand dollars (\$75,000) for completion of the Glenwood community center and library in Catron county;

17. fifty thousand dollars (\$50,000) to plan, design and construct a retaining wall in La Capilla in Grant county;

18. fifty thousand dollars (\$50,000) for expansion and improvement of the town hall building in Hurley in Grant county;

19. fifty thousand dollars (\$50,000) for upgrade and replacement of equipment and technology in the municipal offices in Bayard in Grant county;

20. one hundred sixty-three thousand dollars (\$163,000) for ball field lighting for the Ben Altamirano sports complex in Silver City in Grant county;

21. fifty thousand dollars (\$50,000) to purchase land for the Elfego Baca memorial in Reserve in Catron county;

22. seventy-five thousand dollars (\$75,000) for renovation and construction of a south valley crisis shelter facility in Albuquerque in Bernalillo county;

23. one hundred seventy-five thousand dollars (\$175,000) for phase 1 construction of the Ambassador Edward L. Romero park in Albuquerque in Bernalillo county;

24. forty thousand dollars (\$40,000) for phase 2 expansion of therapeutic spaces at Peanut Butter and Jelly family services in Bernalillo county;

25. eighty thousand dollars (\$80,000) to acquire land in Eagle Nest in Colfax county;

~~[26. ten thousand dollars (\$10,000) for a police vehicle and law enforcement equipment for the Torrance county sheriff's department;][LINE-ITEM VETO]~~

27. forty thousand dollars (\$40,000) for design and construction of phase 1 improvements to the village information center in Tijeras in Bernalillo county;

28. twenty thousand dollars (\$20,000) for park improvements, shade structure and park furnishings at Los Vecinos community center in Bernalillo county;

29. forty-five thousand dollars (\$45,000) for information technology infrastructure for first responders in the east mountain area in Bernalillo county;

~~[30. fifteen thousand dollars (\$15,000) to purchase a security and exterior lighting system for the Sandoval county judicial complex;~~

~~31. ten thousand dollars (\$10,000) to renovate the El Zocalo compound as a community development center in Bernalillo in Sandoval county;][LINE-ITEM VETO]~~

32. one hundred thousand dollars (\$100,000) for phase 2 improvements of the Lomas boulevard and Tramway boulevard linear park in Albuquerque in Bernalillo county;

33. thirty-five thousand dollars (\$35,000) for welcome signage to be located by the yucca statue in Tijeras canyon in Bernalillo county;

~~[34. fifteen thousand dollars (\$15,000) for the design, construction and renovation of the Lomas library, including electrical, plumbing and concrete work, in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

35. forty thousand dollars (\$40,000) for improvements to the Tramway boulevard and Lomas boulevard median in Albuquerque in Bernalillo county;

~~[36. five thousand dollars (\$5,000) for improvements, including hill stabilization, sewer, drainage, road construction, fencing and gates, for Balloon Fiesta park in Albuquerque in Bernalillo county;~~

~~37. five thousand dollars (\$5,000) for construction of the support building and court renovation at the Jerry Cline park tennis complex in Albuquerque in Bernalillo county;~~

~~38. five thousand dollars (\$5,000) for construction and renovations, including replacing the roof, refurbishing the seating and constructing the fly-loft, at the Hiland theater in Albuquerque in Bernalillo county;~~

~~39. fifteen thousand dollars (\$15,000) to design, construct and renovate the Lomas library in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

40. twenty-five thousand dollars (\$25,000) for the design and construction of lighting, bleachers, landscaping and infrastructure at the New Mexico soccer tournament complex in Sandoval county;

41. twenty-five thousand dollars (\$25,000) for construction of the support building and court renovation at the Jerry Cline park tennis complex in Albuquerque in Bernalillo county;

42. sixty thousand dollars (\$60,000) to design, develop, construct, purchase and install exhibits, furniture, fixtures and equipment and to purchase vans, trucks, shade structures and window coverings for the Explora science center and children's museum in Albuquerque in Bernalillo county;

43. thirty-five thousand dollars (\$35,000) for improvements, including hill stabilization, sewer, drainage, road construction, fencing and gates, for Balloon Fiesta park in Albuquerque in Bernalillo county;

44. fifty thousand dollars (\$50,000) to plan, design, construct and equip the rifle pistol range in Las Vegas in San Miguel county;

45. fifty thousand dollars (\$50,000) for replacement of a fire hose and to purchase equipment for the fire department in Las Vegas in San Miguel county;

46. fifty thousand dollars (\$50,000) for renovations, including window replacement, heating and cooling system replacement, to the city hall and fire department in Vaughn in Guadalupe county;

47. fifty thousand dollars (\$50,000) for an addition to the fire department building in Mountainair in Torrance county;

48. one hundred thousand dollars (\$100,000) to upgrade and improve the Pinto Bean city park, including the playground, concession area and skate park, in Moriarty in Torrance county;

49. fifty thousand dollars (\$50,000) to construct, equip and furnish a medical facility in Estancia in Torrance county;

50. seventy thousand dollars (\$70,000) for improvements to Paradise Hills little league field and concession stand in Albuquerque in Bernalillo county;

51. thirty-five thousand dollars (\$35,000) for the purchase of an ambulance for Rio Rancho in Sandoval county;

52. ten thousand dollars (\$10,000) for construction of phase 1 of the waste conversion and recycling pilot project in Sandoval county;

53. eight thousand dollars (\$8,000) for the purchase and installation of an advanced security system for the Sandoval county justice complex in Sandoval county;

54. one hundred thousand dollars (\$100,000) to purchase equipment for the swimming pool at the Taos youth and family center in Taos in Taos county;

55. one hundred thousand dollars (\$100,000) to purchase road equipment for Taos county;

56. fifty thousand dollars (\$50,000) to design and construct a museum facility in Questa in Taos county;

57. one hundred thousand dollars (\$100,000) to plan, design and construct phase 1 of a fire station in Red River in Taos county;

58. sixty thousand dollars (\$60,000) to plan, design and construct a fire department facility to serve the Truchas and Cordova communities in Rio Arriba county;

59. fifty thousand dollars (\$50,000) to plan and design a community center in La Puebla in Santa Fe county;

60. twenty-eight thousand dollars (\$28,000) for purchasing field lighting materials for phase 1 of constructing two little league baseball fields in Espanola in Rio Arriba county;

61. fifty thousand dollars (\$50,000) to renovate the municipal swimming pool in Bernalillo in Sandoval county;

~~62. fifteen thousand dollars (\$15,000) to design and construct lighting, bleachers, landscaping and infrastructure for the New Mexico soccer tournament complex in Bernalillo in Sandoval county;~~

~~63. ten thousand dollars (\$10,000) for improvements to El Pueblo health services in Bernalillo in Sandoval county;][LINE-ITEM VETO]~~

64. fifty thousand dollars (\$50,000) for improvements to the county judicial complex in Bernalillo in Sandoval county;

65. forty thousand dollars (\$40,000) for maintenance and renovation of the Albuquerque railyard station in Albuquerque in Bernalillo county;

~~66. twenty thousand dollars (\$20,000) for improvements and turf installation at the Altamont little league property in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

67. one hundred thousand dollars (\$100,000) to plan, design and build the north Domingo Baca multigenerational center in Albuquerque in Bernalillo county;

~~68. ten thousand dollars (\$10,000) to plan, design, construct, equip and furnish the Unser children's discovery center and racing museum in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

69. thirty thousand dollars (\$30,000) for equipment and improvements at the Roadrunner little league fields in Albuquerque in Bernalillo county;

~~70. twenty thousand dollars (\$20,000) for improvements, including hill stabilization, sewer, drainage, road construction, fencing and gates, for Balloon Fiesta park in Albuquerque in Bernalillo county;~~

~~71. fifteen thousand dollars (\$15,000) for exhibits, furniture, fixtures, equipment, motor vehicles and shade structures for the Explora science center and children's museum in Albuquerque in Bernalillo county;~~

~~72. fifteen thousand dollars (\$15,000) for renovation of the El Zocalo compound as an economic development center in Sandoval county;~~

~~73. forty thousand dollars (\$40,000) to construct a clear-span metal canopy over an existing building as an independent structure on the fairgrounds in Otero county;][LINE-ITEM VETO]~~

74. one hundred fifty thousand dollars (\$150,000) to purchase communication, electronic and office equipment for the Tularosa safety facility in Tularosa in Otero county;

75. seventy-five thousand dollars (\$75,000) to renovate the Red Brick school house in Tularosa in Otero county;

76. forty-two thousand dollars (\$42,000) to construct a medical clinic in Chaparral in Otero county;

77. ninety-four thousand dollars (\$94,000) to construct a new road maintenance shop building in Otero county;

78. twenty thousand dollars (\$20,000) for purchasing and renovating an existing building and property for use as a safe-house shelter for victims of domestic violence in Alamogordo in Otero county;

~~79. ten thousand dollars (\$10,000) for the purchase of a veterinary mobile surgery clinic by Las Cruces in Dona Ana county for use statewide;][LINE-ITEM VETO]~~

80. fifty thousand dollars (\$50,000) to design, plan and construct the redevelopment of Fourth street from Douglas MacArthur avenue to Solar road in the north valley of Albuquerque in Bernalillo county;

81. fifty thousand dollars (\$50,000) for phase 1 renovation of the Albuquerque museum in Albuquerque in Bernalillo county;

82. fifty thousand dollars (\$50,000) for improvements, including engineering, design, right-of-way acquisition and construction of a pedestrian walkway, on New Mexico highway 4 in Jemez Springs in Sandoval county;

83. one hundred eight thousand dollars (\$108,000) for equipment for the bosque restoration and removal of non-native plants in Senate District 13 in Albuquerque in Bernalillo county;

84. eighty-five thousand dollars (\$85,000) for purchasing a brush-fire truck for fighting bosque fires in the north valley area of Albuquerque in Bernalillo county;

85. one hundred thousand dollars (\$100,000) for acquiring lots for parking and for renovating phase 2 of the historical and cultural museum in Cibola county;

86. eighty thousand dollars (\$80,000) to purchase equipment for the street department in Grants in Cibola county;

87. seventy-five thousand dollars (\$75,000) to purchase land for and make improvements to the cemetery in Grants in Cibola county;

88. seventy thousand dollars (\$70,000) to purchase equipment for the water department in Grants in Cibola county;

89. one hundred thousand dollars (\$100,000) for the replacement of playground equipment for recreation facilities and mini-parks in Socorro in Socorro county;

90. one hundred twenty thousand dollars (\$120,000) for improvement of the plaza area infrastructure in Socorro in Socorro county;

91. sixty-eight thousand dollars (\$68,000) for furniture and vehicles for the sheriff's department in Cibola county;

92. one hundred thousand dollars (\$100,000) for the purchase of equipment and vehicles for the county jail in Cibola county;

93. twenty-five thousand dollars (\$25,000) for police department renovations in Milan in Cibola county;

94. fifty thousand dollars (\$50,000) to purchase and install an electronic message sign for Grants in Cibola county;

95. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to the Mesquite historic district in Las Cruces in Dona Ana county;

96. one hundred thousand dollars (\$100,000) for constructing, furnishing and utility infrastructure for the Casa de Peregrinos emergency food bank and the Mesilla Valley community of hope case management and training offices in Las Cruces in Dona Ana county;

97. one hundred thousand dollars (\$100,000) to plan, design and construct the downtown revitalization project, including gateways, signage and phase 2 implementation of the downtown plaza, in Las Cruces in Dona Ana county;

98. one hundred thousand dollars (\$100,000) for phase 1 of a multipurpose center, including planning and land acquisition, in Rodey in Dona Ana county;

99. one hundred thousand dollars (\$100,000) for planning, design and construction of a judicial complex in Hatch in Dona Ana county;

100. eighty-eight thousand dollars (\$88,000) for the purchase of a veterinary mobile surgery clinic for Las Cruces in Dona Ana county for use statewide;

101. fifty thousand dollars (\$50,000) for the acquisition of land for the Radium Springs community recreational park in Radium Springs in Dona Ana county;

102. fifty thousand dollars (\$50,000) to build picnic tables and benches with barbeque pits in the Radium Springs community recreational park in Radium Springs in Dona Ana county;

103. fifty thousand dollars (\$50,000) to build a gazebo in the Radium Springs community recreational park in Radium Springs in Dona Ana county;

~~104. six thousand dollars (\$6,000) for repairs to Cabo San Ysidro in Corrales in Sandoval county;~~

~~105. five thousand dollars (\$5,000) for the purchase of furniture for the Los Ranchos de Albuquerque farmers' market in Los Ranchos de Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

106. twenty-five thousand dollars (\$25,000) for security systems and other improvements for the Sandoval county justice complex in Sandoval county;

107. fifty thousand dollars (\$50,000) for construction and the purchase of exhibits for the Anderson-Abruzzo international balloon museum in Albuquerque in Bernalillo county;

~~108. five thousand dollars (\$5,000) to design, develop, construct, purchase and install exhibits, furniture, fixtures and equipment and to purchase vans, trucks, shade structures and window coverings for the Explora science center and children's museum in Albuquerque in Bernalillo county;~~

~~109. twenty thousand dollars (\$20,000) for design and construction of the concession stand at the Alameda little league complex in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

110. eighty-seven thousand dollars (\$87,000) for design and construction for the Domingo Baca park community center in Albuquerque in Bernalillo county;

111. one hundred fifty thousand dollars (\$150,000) to purchase road equipment in Taos county;

112. fifty thousand dollars (\$50,000) to construct an ambulance station in Pecos in San Miguel county;

113. fifty thousand dollars (\$50,000) for phase 4 construction of the Tecolote community center in Tecolote in San Miguel county;

114. fifty-eight thousand dollars (\$58,000) for design and construction of the Pueblo fire department San Jose substation in San Miguel county;

115. fifty thousand dollars (\$50,000) to plan, design, construct and equip the San Ysidro community center in San Ysidro in San Miguel county;

116. twenty-five thousand dollars (\$25,000) to renovate, furnish and equip a facility for providing domestic violence shelter services in Springer in Colfax county;

117. twenty-five thousand dollars (\$25,000) to renovate historic public buildings, including the Shuler theater, the Raton museum and the Old Pass gallery, in Raton in Colfax county;

118. thirty-five thousand dollars (\$35,000) to construct phase 1 of a primary care clinic in Angel Fire in Colfax county;

119. fifty thousand dollars (\$50,000) to renovate a facility for the adult detention center in Curry county;

120. fifty thousand dollars (\$50,000) for the purchase and installation of a heating, ventilation and air conditioning system for offices on the second floor of the Harding county courthouse;

~~[121. nine thousand dollars (\$9,000) for the purchase of maintenance equipment for Mesquero in Harding county;][LINE-ITEM VETO]~~

122. twenty-five thousand dollars (\$25,000) for phase 4 of the civic center remodeling project in Clayton in Union county;

123. fifty thousand dollars (\$50,000) to purchase, design, construct and install the emergency medical services building in Logan in Quay county;

124. seventy-five thousand dollars (\$75,000) to plan, design and construct a building for city administrative offices in San Jon in Quay county;

125. twenty-five thousand dollars (\$25,000) for improvements at the Clovis-Curry county business development center in Curry county;

126. thirty thousand dollars (\$30,000) to plan, design and construct restroom facilities at the special events and rodeo arena at the Roosevelt county fairgrounds;

127. fifty thousand dollars (\$50,000) for road equipment for Roosevelt county;

128. twenty-five thousand dollars (\$25,000) for improvements to the mental health resource parking lot in Portales in Roosevelt county;

129. forty thousand dollars (\$40,000) to plan, design and construct improvements for streetscaping to the Main street area in Portales in Roosevelt county;

130. fifty thousand dollars (\$50,000) for purchasing equipment for the street department in Portales in Roosevelt county;

131. twenty-five thousand dollars (\$25,000) for repairs to the detention facility in De Baca county;

132. fifteen thousand dollars (\$15,000) for the purchase of vehicles and equipment for the sheriff's department in De Baca county;

133. twenty-five thousand dollars (\$25,000) for fairground repair in De Baca county;

134. ten thousand dollars (\$10,000) for repair work to the county annex building in De Baca county;

135. fifty thousand dollars (\$50,000) to purchase and install furniture and equipment for the expansion of the medical office building and equipment for the emergency room at the Roosevelt county hospital in Portales in Roosevelt county;

136. twenty-five thousand dollars (\$25,000) to purchase an ambulance for Floyd in Roosevelt county;

137. thirty thousand dollars (\$30,000) for improvements and playground equipment for the head start program run by the county's eastern plains community action agency in Clovis in Curry county;

~~138. five thousand dollars (\$5,000) for construction of a metal canopy at the fairgrounds in Otero county;~~

~~139. twenty thousand dollars (\$20,000) for information technology for a records management system for the police department in Roswell in Chaves county;~~

~~140. forty thousand dollars (\$40,000) for constructing the archive building for the historical society for southeast New Mexico, including purchasing a heating, air conditioning and ventilation unit and installing an elevator, landscaping, sidewalks and a parking lot, in Roswell in Chaves county;~~

~~141. twenty-three thousand dollars (\$23,000) for a parking lot at the train depot visitors' center in Artesia in Eddy county;][LINE-ITEM VETO]~~

142. thirty thousand dollars (\$30,000) for phase 4 improvements, including installing an irrigation system and purchasing mowing equipment, for the little league fields and sports complex in Hagerman in Chaves county;

~~143. ten thousand dollars (\$10,000) to improve the acoustics and to purchase electronic equipment for the community center in Hagerman in Chaves county;][LINE-ITEM VETO]~~

144. fifty thousand dollars (\$50,000) to plan, design and construct a drill tower and burn room for the fire department in Roswell in Chaves county;

~~145. ten thousand dollars (\$10,000) to replace the roof on the health clinic in Dexter in Chaves county;~~

~~146. ten thousand dollars (\$10,000) to renovate the swimming pool in Dexter in Chaves county;][LINE-ITEM VETO]~~

147. fifty thousand dollars (\$50,000) to plan, design and construct the central fire station in Dexter in Chaves county;

148. forty thousand dollars (\$40,000) for improvements to the Sidney Gutierrez middle school building owned by the city of Roswell in Chaves county;

149. seventy-five thousand dollars (\$75,000) for radio antenna replacement and improvements to the emergency fire radio for the Penasco volunteer fire department in Chaves county;

150. seventy thousand dollars (\$70,000) for a fire truck in Mescalero in Otero county;

~~151. twenty five thousand dollars (\$25,000) to plan, design and construct the Nancy Lopez addition to the Spring River golf course in Roswell in Chaves county;][LINE-ITEM VETO]~~

152. ten thousand dollars (\$10,000) for a statue to commemorate the Blackdom settlement pioneered by African-Americans in Roswell in Chaves county;

153. fifty thousand dollars (\$50,000) for a fuel storage system, equipment and expansion to two bays for the Dunken volunteer fire department in Chaves county;

~~154. ten thousand dollars (\$10,000) to repair and renovate the little league park in Lake Arthur in Chaves county;][LINE-ITEM VETO]~~

155. seventy thousand dollars (\$70,000) to renovate the cultural and educational center to develop a sound studio and purchase equipment for music and art programs in Chaves county;

156. fifty thousand dollars (\$50,000) to purchase and renovate the radiology building and to purchase equipment for the operation of a radiology clinic for the low-income, uninsured population in Chaves county;

157. twenty-five thousand dollars (\$25,000) to construct offices and a training room for the Texico volunteer fire department in Curry county;

158. thirty thousand dollars (\$30,000) to remodel and equip the enterprise center in Portales in Roosevelt county;

159. twenty-five thousand dollars (\$25,000) to make improvements to a building for the relocation of a judge's office in Tatum in Lea county;

160. twenty-five thousand dollars (\$25,000) to upgrade the fire protection system of Nor-Lea general hospital in Lovington in Lea county;

161. fifty thousand dollars (\$50,000) to renovate the recreation building and natatorium in Clovis in Curry county;

162. twenty-five thousand dollars (\$25,000) to purchase furnishings and equipment for expansion of the medical office building and equipment in the emergency room for the Roosevelt county hospital in Portales in Roosevelt county;

163. one hundred twenty-eight thousand dollars (\$128,000) to plan, design and engineer the roof replacement at the city library and city hall in Hobbs in Lea county;

164. twenty-five thousand dollars (\$25,000) to plan, design and construct the renovation of the Fletcher center into an educational facility operated by head start in Hobbs in Lea county;

165. eighty-five thousand dollars (\$85,000) for replacing the roof and the heating, ventilation and air conditioning system at the Troy J. Harris city center in Lovington in Lea county;

166. one hundred thousand dollars (\$100,000) for construction of a juvenile area in the Lea county detention facility in Lea county;

167. twenty-five thousand dollars (\$25,000) to purchase, construct, design and remodel the business development center in Clovis in Curry county;

168. fifty thousand dollars (\$50,000) to purchase equipment for the public works department in Portales in Roosevelt county;

~~[169. twenty thousand dollars (\$20,000) to construct phase 2 of the main street streetscape master plan in Hobbs in Lea county;][LINE-ITEM VETO]~~

170. twenty-five thousand dollars (\$25,000) to plan, design and construct improvements for the streetscape in the historic district related to the main street project in Clovis in Curry county;

~~[171. forty thousand dollars (\$40,000) for a roof for the exhibit building at the county fairgrounds in Otero county;][LINE-ITEM VETO]~~

172. fifty thousand dollars (\$50,000) to purchase a backhoe for the municipal water department in Lovington in Lea county;

173. fifty thousand dollars (\$50,000) to construct the restroom and concession stand facility at the horse council arena in Eddy county;

~~[174. twenty-five thousand dollars (\$25,000) for parking lot and access improvements at the Monument fire department and community center in Lea county;~~

~~175. twenty-five thousand dollars (\$25,000) for the purchase of a veterinary mobile surgery clinic by Las Cruces in Dona Ana county for use statewide;][LINE-ITEM VETO]~~

176. two hundred thirty-eight thousand dollars (\$238,000) for renovations to the public library in Carlsbad in Eddy county;

177. one hundred ten thousand dollars (\$110,000) for improvements to sidewalks on Lisbon avenue and Tarpon avenue in Rio Rancho in Sandoval county;

178. one hundred thousand dollars (\$100,000) for security and exterior lighting systems for the judicial complex in Sandoval county;

179. fifty thousand dollars (\$50,000) for improvements, including sod and irrigation systems, for the Loma Colorado multipurpose field complex in Sandoval county;

180. one hundred thousand dollars (\$100,000) for improvements to the Bernalillo swimming pool in Bernalillo in Sandoval county;

181. one hundred thousand dollars (\$100,000) for remodeling the old fire house in Corrales in Sandoval county;

182. fifty thousand dollars (\$50,000) for improvements, including hill stabilization, phase 4 sewer, main street surface and bollards, drainage, road construction, fencing and gates, at Balloon Fiesta park in Albuquerque in Bernalillo county;

183. fifty-three thousand dollars (\$53,000) to purchase equipment and furniture for the boys' and girls' club in Bloomfield in San Juan county;

184. fifty thousand dollars (\$50,000) for construction of a veterans' memorial park in Farmington in San Juan county;

185. one hundred thousand dollars (\$100,000) for park improvements, including landscaping and purchasing playground equipment, in Bloomfield in San Juan county;

186. fifty thousand dollars (\$50,000) to replace the city hall heating and cooling system in Bloomfield in San Juan county;

187. three hundred thousand dollars (\$300,000) to expand McGee park fairgrounds by acquiring eighty acres of land adjacent to McGee park in San Juan county;

188. thirty thousand dollars (\$30,000) to purchase a new backhoe for the Lovington municipal water supply in Lovington in Lea county;

189. fifty thousand dollars (\$50,000) to replace the flooring, roof and heating and air conditioning units in the youth center in Lovington in Lea county;

190. seventy-five thousand dollars (\$75,000) for construction of a juvenile area in the Lea county detention facility in Lea county;

191. ninety-five thousand dollars (\$95,000) to replace the roofs at the library and at city hall in Hobbs in Lea county;

192. fifty thousand dollars (\$50,000) for roofing municipal buildings in Eunice in Lea county;

193. thirty thousand dollars (\$30,000) to purchase and install playground equipment for the park in Eunice in Lea county;

194. thirty thousand dollars (\$30,000) to repair the roof on city hall in Jal in Lea county;

195. twenty thousand dollars (\$20,000) for the design and construction of a battered families shelter in Carlsbad in Eddy county;

196. thirty-three thousand dollars (\$33,000) to improve the cemetery in Carlsbad in Eddy county;

197. fifty thousand dollars (\$50,000) to design and construct a youth sports complex in Carlsbad in Eddy county;

198. twenty-five thousand dollars (\$25,000) to upgrade the fire protection system of Nor-Lea general hospital in Lovington in Lea county;

199. one hundred eighty-eight thousand dollars (\$188,000) for park improvements in the Westgate Heights in Albuquerque in Bernalillo county;

200. one hundred thousand dollars (\$100,000) to replace the roof and upgrade the Hubbell house facility in Albuquerque in Bernalillo county;

201. two hundred thousand dollars (\$200,000) to design and construct the south valley health facility in Albuquerque in Bernalillo county;

202. two hundred eight thousand dollars (\$208,000) for the planning, designing and construction of an addition to and retrofitting the interior infrastructure of the Alto street medical and dental clinic in Santa Fe in Santa Fe county;

203. one hundred twenty-five thousand dollars (\$125,000) to construct the southside library in Santa Fe in Santa Fe county;

204. one hundred thousand dollars (\$100,000) for phase 1 of the building project for the Santa Fe farmers' market in Santa Fe in Santa Fe county;

205. fifty thousand dollars (\$50,000) to design, acquire land for and construct facilities for the health commons project, which will be owned by the county and include housing for the health centers of northern New Mexico, Las Cumbres learning services and the public health office, in Espanola in Rio Arriba county;

206. fifty thousand dollars (\$50,000) for improvements to the Oate center, including re-roofing, replacing woodworking, site preparation, demolition, preparing the foundation for and constructing a stage, in Alcalde in Rio Arriba county;

207. fifty thousand dollars (\$50,000) to plan, design and construct an animal shelter in Chama in Rio Arriba county;

208. sixty-five thousand dollars (\$65,000) to purchase roofed dugout shelters and bleachers for phase 1 of constructing two little league baseball fields in Espanola in Rio Arriba county;

209. fifty thousand dollars (\$50,000) for preparing the site for and constructing an addition to the Alcalde fire station in Rio Arriba county;

210. fifty thousand dollars (\$50,000) to plan, design, construct, equip and furnish the El Rito multipurpose facility in Rio Arriba county;

211. fifty thousand dollars (\$50,000) for purchasing land and constructing a building for the Agua Sana volunteer fire department in Rio Arriba county;

212. seventy-three thousand dollars (\$73,000) for installation of ambient and humidity control and security and lighting systems for phase 2 of the reredos and retablos project located in the San Gabriel mission on the plaza de Espanola in Espanola in Rio Arriba county;

213. one hundred thousand dollars (\$100,000) to purchase property and to design and construct a convention center in Espanola in Rio Arriba county;

214. fifty thousand dollars (\$50,000) to plan, design and construct a courthouse in the first judicial district court in Espanola in Rio Arriba county;

215. fifty thousand dollars (\$50,000) for the purchase of equipment for the Rio Arriba county sheriff's office in Rio Arriba county;

216. eighty-eight thousand dollars (\$88,000) to renovate the Hiland theater in Albuquerque in Bernalillo county;

217. two hundred thousand dollars (\$200,000) for the paving and construction of sidewalks on the Meadow Vista, Riverside and Santa Teresita areas and at public facilities in Sunland Park in Dona Ana county;

218. two hundred thousand dollars (\$200,000) for land procurement and phase 1 planning for the community park and multipurpose center in Anthony in Dona Ana county;

219. fifty thousand dollars (\$50,000) to acquire land for, plan, design and construct a community center in La Mesa in Dona Ana county;

220. fifty thousand dollars (\$50,000) to acquire land for, plan, design and construct a community center in San Miguel in Dona Ana county;

221. fifty thousand dollars (\$50,000) to improve and equip phase 2 improvements at Tortugas park in Dona Ana county;

222. fifty thousand dollars (\$50,000) for ball park improvements in Chamberino in Dona Ana county;

223. fifty thousand dollars (\$50,000) for park improvements in Mesquite in Dona Ana county;

224. two hundred thirteen thousand dollars (\$213,000) to plan, design and construct the downtown revitalization project, including gateways, signage and phase 2 implementation of the downtown plaza, in Las Cruces in Dona Ana county;

225. fifty thousand dollars (\$50,000) for improvements and equipment at Mesilla park community center in Dona Ana county;

226. fifty thousand dollars (\$50,000) to acquire land for, construct and equip Del Cerro community center in Dona Ana county;

227. fifty thousand dollars (\$50,000) for acquiring land and making improvements to drainage, utilities, streets, sidewalks and facilities for the Las Cruces affordable housing development to provide houses for the mentally ill in Las Cruces in Dona Ana county;

~~228. thirty thousand dollars (\$30,000) to design and construct phases 3 and 4 improvements for Casa Grande linear park in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

229. seventy-six thousand dollars (\$76,000) for purchasing land for the Roadrunner little league in Albuquerque in Bernalillo county;

~~230. ten thousand dollars (\$10,000) for the design and construction of lighting, bleachers, landscaping and infrastructure at the New Mexico soccer tournament complex in Sandoval county;][LINE-ITEM VETO]~~

231. fifty thousand dollars (\$50,000) to design, develop, construct, purchase and install exhibits, furniture, fixtures and equipment and to purchase vans, trucks, shade structures and window coverings for the Explora science center and children's museum in Albuquerque in Bernalillo county;

232. fifty thousand dollars (\$50,000) for phase 1 construction and renovation of the Albuquerque museum of art and history in Albuquerque in Bernalillo county;

~~233. ten thousand dollars (\$10,000) for improvements, including hill stabilization, phase 4 sewer, main street surface and bollards, drainage, road construction, fencing and gates, at Balloon Fiesta park in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

234. fifty thousand dollars (\$50,000) to purchase a scan fingerprint system and vehicles for the sheriff's department in McKinley county;

~~[235. twenty five thousand dollars (\$25,000) to plan, design and construct the downtown revitalization project, including gateways, signage and phase 2 implementation of the downtown plaza, in Las Cruces in Dona Ana county;][LINE-ITEM VETO]~~

236. twenty-five thousand dollars (\$25,000) for phase 3 of the Mesilla Valley community of hope, including a building, equipment and furnishings, in Las Cruces in Dona Ana county;

~~[237. twenty five thousand dollars (\$25,000) to plan, design and construct a multipurpose building at the fairgrounds in Sierra county;~~

~~238. fifty thousand dollars (\$50,000) for waterless composting toilets and improvements at the Chihuahuan desert nature park in Las Cruces in Dona Ana county;][LINE-ITEM VETO]~~

239. fifty thousand dollars (\$50,000) to design and construct lighting, bleachers, landscaping and infrastructure improvements at the New Mexico soccer tournament complex in Sandoval county;

~~[240. ninety five thousand dollars (\$95,000) to renovate, construct and equip the southwest velodrome park in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

241. fifty-eight thousand dollars (\$58,000) for athletic equipment and furnishings at Cesar Chavez and Mesa Verde community centers in Albuquerque in Bernalillo county;

242. fifty thousand dollars (\$50,000) to design and construct the maintenance yard and caretaker's quarters and improve the visitors' center and memorial garden at Phil Chacon park and veterans' memorial park in Albuquerque in Bernalillo county;

243. fifty thousand dollars (\$50,000) to purchase and install Olympic powerlifting equipment at High Desert athletic club in Santa Fe county;

244. twenty-five thousand dollars (\$25,000) for construction of the support building and court renovation at the Jerry Cline park tennis complex in Albuquerque in Bernalillo county;

245. fifty thousand dollars (\$50,000) to construct and equip phase 2 of the youth shelter and family services complex in Santa Fe county;

246. fifty thousand dollars (\$50,000) to acquire land and make improvements to secure a protective corridor for the Camino Real river trail in Santa Fe county;

247. fifty thousand dollars (\$50,000) for improving the fairgrounds in Santa Fe county;

248. one hundred thousand dollars (\$100,000) to design, construct and equip a branch library in the south area of Santa Fe in Santa Fe county;

249. sixty thousand dollars (\$60,000) for phase 2 expansion of therapeutic spaces at Peanut Butter and Jelly family services in Bernalillo county;
250. one hundred thousand dollars (\$100,000) for renovations to Spruce park to comply with the Americans with Disabilities Act of 1990 in Albuquerque in Bernalillo county;
251. fifty thousand dollars (\$50,000) for phase 3 implementation of a reforestation, irrigation and landscaping plan for the Silver Hill neighborhood in Albuquerque in Bernalillo county;
252. fifty thousand dollars (\$50,000) for equipping a performing arts theater building owned by the city with technical and assistive devices for people with disabilities in Albuquerque in Bernalillo county;
253. seventy thousand dollars (\$70,000) to plan, design, construct or renovate the West Mesa community center in Albuquerque in Bernalillo county;
254. fifty thousand dollars (\$50,000) for planning, design and construction of a ballfield and ball courts, and equipment at the Atrisco and Serna little league park in Albuquerque in Bernalillo county;
255. ninety thousand dollars (\$90,000) for planning, design and construction of the east Atrisco Kimbar park in Albuquerque in Bernalillo county;
256. one hundred thousand dollars (\$100,000) to develop the site for, plan, design, construct and equip phase 1 of a multipurpose family service center in the south valley of Bernalillo county;
257. one hundred fifty thousand dollars (\$150,000) to plan, design and construct the Unser children's discovery center and racing museum in Albuquerque in Bernalillo county;
258. one hundred five thousand dollars (\$105,000) for sidewalks on Atrisco southwest between Five Points road and Bridge boulevard in Bernalillo county;
259. fifty thousand dollars (\$50,000) for improvements to Ladera golf course in Albuquerque in Bernalillo county;
260. one hundred six thousand dollars (\$106,000) for phase 3 improvements, including an addition, to the Daniel Fernandez multipurpose youth center in Los Lunas in Valencia county;
261. two hundred seven thousand dollars (\$207,000) for improvements to the multipurpose recreation park, including lighting, roads, parking lots, landscaping and furnishings, in Belen in Valencia county;
262. fifty thousand dollars (\$50,000) to purchase and equip a crime scene unit for the county sheriff's department in Valencia county;

263. seventy-five thousand dollars (\$75,000) to plan, design and construct a community center in Jarales in Valencia county;

264. seventy-five thousand dollars (\$75,000) for phase 2 construction of the fire station and community center for the Highland Meadows community in Valencia county;

265. seventy-five thousand dollars (\$75,000) to construct a veterans' memorial park in Farmington in San Juan county;

266. one hundred twenty-five thousand dollars (\$125,000) to replace the roof at the old clinic building in Lordsburg in Hidalgo county;

267. fifty thousand dollars (\$50,000) to renovate Morgan hall in Deming in Luna county;

268. one hundred eighty-eight thousand dollars (\$188,000) to renovate Luna county courthouse in Luna county;

269. fifty thousand dollars (\$50,000) to plan, design and construct a civic events center building, including governmental office space, in Sierra county;

~~[270. two thousand dollars (\$2,000) for the design and construction of lighting, bleachers, landscaping and infrastructure at the New Mexico soccer tournament complex in Sandoval county;][LINE-ITEM VETO]~~

271. seventy-five thousand dollars (\$75,000) for design, construction and renovation of the Albuquerque museum in Bernalillo county;

~~[272. two thousand dollars (\$2,000) for construction of the support building and court renovation at the Jerry Cline park tennis complex in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

273. sixty-four thousand dollars (\$64,000) to acquire land, plan, design, landscape and make improvements for an off-leash dog park for the Hodgin neighborhood association in Albuquerque in Bernalillo county;

~~[274. twenty thousand dollars (\$20,000) for construction and renovations, including replacing the roof, refurbishing the seating and constructing the fly-loft, at the Hiland theater in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

275. seventy-five thousand dollars (\$75,000) to design, construct and renovate Alvarado park in Albuquerque in Bernalillo county;

~~[276. one hundred thousand dollars (\$100,000) to plan, design and construct median landscaping on McKinney between Forrest Hills drive and Harper drive in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

277. twenty-five thousand dollars (\$25,000) to purchase thermal imaging cameras for the fire department in Albuquerque in Bernalillo county;

~~[278. ten thousand dollars (\$10,000) to plan, design, construct, equip and furnish the Unser children's discovery center and racing museum in Albuquerque in Bernalillo county;~~

~~279. five thousand dollars (\$5,000) to design, develop, construct, purchase and install exhibits, furniture, fixtures and equipment and to purchase vans, trucks, shade structures and window coverings for the Explora science center and children's museum in Albuquerque in Bernalillo county;~~

~~280. one hundred thousand dollars (\$100,000) for median landscaping on Burlison drive between Academy road and Esther avenue in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

281. twenty thousand dollars (\$20,000) to construct a shade structure for livestock at the fairgrounds in Sandoval county; and

282. seventy-five thousand dollars (\$75,000) to purchase road maintainers for building and maintaining roads in Roosevelt county.

Chapter 126 Section 118 Laws 2004

Section 118. PUBLIC EDUCATION PROJECTS--PUBLIC EDUCATION DEPARTMENT--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. twenty thousand dollars (\$20,000) to purchase athletic equipment and supplies for the Capitan municipal school district in Lincoln county;][LINE-ITEM VETO]~~

2. fifty thousand dollars (\$50,000) to purchase vocational agriculture and drivers' education vehicles for Corona high school in the Corona public school district in Lincoln county;

3. fifty thousand dollars (\$50,000) for improvements, including lights, bleachers and other construction, to the Goddard high school baseball field in the Roswell independent school district in Chaves county;

~~[4. fifty thousand dollars (\$50,000) to purchase and equip a vehicle for the football and baseball programs at Goddard high school in the Roswell independent school district in Chaves county;~~

~~5. thirty thousand dollars (\$30,000) for educational technology and athletic equipment and for construction and maintenance at Del Norte elementary school in the Roswell independent school district in Chaves county;][LINE-ITEM VETO]~~

6. fifty thousand dollars (\$50,000) for construction and improvements to the football field and other practice facilities at Goddard high school in the Roswell independent school district in Chaves county;

7. fifty thousand dollars (\$50,000) for educational technology for Military Heights elementary school in the Roswell independent school district in Chaves county;

8. one hundred thousand dollars (\$100,000) to replace ~~[football]~~ bleachers ~~[at Silver high school]~~ in the Silver consolidated school district in Grant county; *[LINE-ITEM VETO]*

9. eighteen thousand dollars (\$18,000) for planning, design and construction of basketball courts for the Mountain View elementary school in the Albuquerque public school district in Bernalillo county;

10. fifty thousand dollars (\$50,000) for educational technology for Mountain View elementary school in the Albuquerque public school district in Bernalillo county;

11. one hundred fifty thousand dollars (\$150,000) to plan, design, remodel, furnish and equip a library and restroom at Lowell elementary school in the Albuquerque public school district in Bernalillo county;

12. fifty thousand dollars (\$50,000) to build a grass sports field and running track at East San Jose elementary school in the Albuquerque public school district in Bernalillo county;

~~[13. ten thousand dollars (\$10,000) for educational technology, including computers, cameras, scanners and printers, for A. Montoya elementary school in the Albuquerque public school district in Bernalillo county;~~

~~14. ten thousand dollars (\$10,000) for educational technology for Apache elementary school in the Albuquerque public school district in Bernalillo county;]~~ *[LINE-ITEM VETO]*

15. fifty thousand dollars (\$50,000) for educational technology for Roosevelt middle school in the Albuquerque public school district in Bernalillo county;

~~[16. ten thousand dollars (\$10,000) for educational technology for San Antonito elementary school in the Albuquerque public school district in Bernalillo county;]~~ *[LINE-ITEM VETO]*

17. fifty thousand dollars (\$50,000) for educational technology at Jackson middle school in the Albuquerque public school district in Bernalillo county;

18. fifty thousand dollars (\$50,000) to purchase a mobile computer laboratory for Jackson middle school in the Albuquerque public school district in Bernalillo county;

19. twenty-five thousand dollars (\$25,000) for an athletic storage building at Manzano high school in the Albuquerque public school district in Bernalillo county;

20. thirty thousand dollars (\$30,000) for a portable building at East Mountain high school in the Albuquerque public school district in Bernalillo county;

21. twenty thousand dollars (\$20,000) to purchase a bus for East Mountain high school in the Albuquerque public school district in Bernalillo county;

22. thirty thousand dollars (\$30,000) for playground equipment for Matheson Park elementary school in the Albuquerque public school district in Bernalillo county;

~~23. twenty three thousand dollars (\$23,000) for an air conditioning system for portable buildings at East Mountain high school in the Albuquerque public school district in Bernalillo county;~~[[LINE-ITEM VETO]

24. thirty thousand dollars (\$30,000) for library resources and educational technology at South Valley high school charter school in the Albuquerque public school district in Bernalillo county;

25. thirty thousand dollars (\$30,000) for educational technology at Bellehaven elementary school in the Albuquerque public school district in Bernalillo county;

26. thirty thousand dollars (\$30,000) for educational technology at Inez elementary school in the Albuquerque public school district in Bernalillo county;

27. thirty thousand dollars (\$30,000) for library books and materials and for educational technology at Mitchell elementary school in the Albuquerque public school district in Bernalillo county;

28. fifty thousand dollars (\$50,000) to refurbish the lecture hall and for telecommunication updates at Sandia high school in the Albuquerque public school district in Bernalillo county;

29. fifty thousand dollars (\$50,000) for educational technology for Eldorado high school in the Albuquerque public school district in Bernalillo county;

30. thirty thousand dollars (\$30,000) for landscaping and upgrades to the playground at Collet Park elementary school in the Albuquerque public school district in Bernalillo county;

31. thirty thousand dollars (\$30,000) for educational technology at Grant middle school in the Albuquerque public school district in Bernalillo county;

32. thirty thousand dollars (\$30,000) for educational technology at Madison middle school in the Albuquerque public school district in Bernalillo county;

33. thirty thousand dollars (\$30,000) to develop a "smart" laboratory at the creative education preparatory institute number 2 charter school in the Albuquerque public school district in Bernalillo county;

34. thirty thousand dollars (\$30,000) to construct classrooms at Osuna elementary school in the Albuquerque public school district in Bernalillo county;

35. thirty thousand dollars (\$30,000) to construct and design an outside learning environment for Hayes middle school in the Albuquerque public school district in Bernalillo county;

36. thirty thousand dollars (\$30,000) for educational technology at the Twenty-First Century charter school in the Albuquerque public school district in Bernalillo county;

~~37. fifteen thousand dollars (\$15,000) for educational technology at Sombra del Monte elementary school in the Albuquerque public school district in Bernalillo county;][LINE-ITEM VETO]~~

38. thirty thousand dollars (\$30,000) for educational technology and library resources at Amy Biehl charter school in the Albuquerque public school district in Bernalillo county;

~~39. fifteen thousand dollars (\$15,000) for landscaping and patio construction at Sombra del Monte elementary school in the Albuquerque public school district in Bernalillo county;][LINE-ITEM VETO]~~

40. thirty thousand dollars (\$30,000) for educational technology for Eubank elementary school in the Albuquerque public school district in Bernalillo county;

41. thirty thousand dollars (\$30,000) for educational technology at the Southwest secondary learning center in the Albuquerque public school district in Bernalillo county;

42. eighty-eight thousand dollars (\$88,000) for replacement of windows at the central office of the Las Vegas city public school district in San Miguel county;

43. fifty thousand dollars (\$50,000) for the purchase of heavy equipment for the Vaughn municipal school district in Guadalupe county;

44. fifty thousand dollars (\$50,000) for replacement of a retaining wall for the Wagon Mound public school district in Mora county;

45. fifty thousand dollars (\$50,000) for educational technology for the Eugene Field elementary school in the Albuquerque public school district in Bernalillo county;

46. twenty-five thousand dollars (\$25,000) for educational technology at Martin Luther King, Jr. elementary school in the Rio Rancho public school district in Sandoval county;

47. twenty-five thousand dollars (\$25,000) for educational technology at Puesta del Sol elementary school in the Rio Rancho public school district in Sandoval county;

48. twenty-five thousand dollars (\$25,000) for educational technology for Marie M. Hughes elementary school in the Albuquerque public school district in Bernalillo county;

49. twenty-five thousand dollars (\$25,000) for educational technology for Sierra Vista elementary school in the Albuquerque public school district in Bernalillo county;

50. twenty-five thousand dollars (\$25,000) for educational technology for Chamiza elementary school in the Albuquerque public school district in Bernalillo county;

51. twenty-five thousand dollars (\$25,000) for educational technology for Chaparral elementary school in the Albuquerque public school district in Bernalillo county;

52. twenty-five thousand dollars (\$25,000) for capital improvements to Lyndon B. Johnson middle school in the Albuquerque public school district in Bernalillo county;

53. twenty-five thousand dollars (\$25,000) for educational technology for Jimmy E. Carter middle school in the Albuquerque public school district in Bernalillo county;

54. twenty-five thousand dollars (\$25,000) for educational technology for Lyndon B. Johnson middle school in the Albuquerque public school district in Bernalillo county;

55. twenty-five thousand dollars (\$25,000) for educational technology for James Monroe middle school in the Albuquerque public school district in Bernalillo county;

56. twenty-five thousand dollars (\$25,000) for capital improvements to Sierra Vista elementary school in the Albuquerque public school district in Bernalillo county;

57. twenty-five thousand dollars (\$25,000) for capital improvements to Jimmy E. Carter middle school in the Albuquerque public school district in Bernalillo county;

58. twenty-five thousand dollars (\$25,000) for capital improvements to Marie M. Hughes elementary school in the Albuquerque public school district in Bernalillo county;

59. twenty-five thousand dollars (\$25,000) for capital improvements to Chamiza elementary school in the Albuquerque public school district in Bernalillo county;

60. twenty-five thousand dollars (\$25,000) for capital improvements at Chaparral elementary school in the Albuquerque public school district in Bernalillo county;

61. twelve thousand dollars (\$12,000) for improvements to the baseball fields at Cibola high school in the Albuquerque public school district in Bernalillo county;

62. thirteen thousand dollars (\$13,000) for capital improvements to Cibola high school in the Albuquerque public school district in Bernalillo county;

63. twenty-five thousand dollars (\$25,000) for educational technology for Cibola high school in the Albuquerque public school district in Bernalillo county;

64. forty thousand dollars (\$40,000) for the purchase of a bus for the athletic teams at West Mesa high school in the Albuquerque public school district in Bernalillo county;

~~65. ten thousand dollars (\$10,000) for library improvements at Eisenhower middle school in the Albuquerque public school district in Bernalillo county;~~

~~66. ten thousand dollars (\$10,000) for building improvements at East Mountain charter high school in the Albuquerque public school district in Bernalillo county;~~

~~67. ten thousand dollars (\$10,000) for library improvements at Hubert Humphrey elementary school in the Albuquerque public school district in Bernalillo county;~~

~~68. ten thousand dollars (\$10,000) for renovations at the charter vocational high school in the Albuquerque public school district in Bernalillo county;~~

~~69. ten thousand dollars (\$10,000) for educational technology at Georgia O'Keefe elementary school in the Albuquerque public school district in Bernalillo county;~~

~~70. ten thousand dollars (\$10,000) for educational technology at Eisenhower middle school in the Albuquerque public school district in Bernalillo county;~~

~~71. ten thousand dollars (\$10,000) for educational technology at Hubert Humphrey elementary school in the Albuquerque public school district in Bernalillo county;~~

~~72. ten thousand dollars (\$10,000) for educational technology at La Cueva high school in the Albuquerque public school district in Bernalillo county;~~

~~73. eighteen thousand dollars (\$18,000) to renovate and equip instructional space, common areas and administrative areas at the Amy Biehl charter high school in Albuquerque in Bernalillo county;~~

~~74. ten thousand dollars (\$10,000) for educational technology for Desert Ridge middle school in the Albuquerque public school district in Bernalillo county;~~

~~75. ten thousand dollars (\$10,000) for educational technology for James Madison middle school in the Albuquerque public school district in Bernalillo county;~~

~~76. ten thousand dollars (\$10,000) for educational technology for Double Eagle elementary school in the Albuquerque public school district in Bernalillo county;~~

~~77. ten thousand dollars (\$10,000) for educational technology for Dennis Chavez elementary school in the Albuquerque public school district in Bernalillo county;~~

~~78. ten thousand dollars (\$10,000) for playground equipment and improvements at Osuna elementary school in the Albuquerque public school district in Bernalillo county;~~

~~79. ten thousand dollars (\$10,000) for educational technology for the Twenty-First Century charter school in the Albuquerque public school district in Bernalillo county;][*LINE-ITEM VETO*]~~

~~80. ninety thousand dollars (\$90,000) to resurface the running track at Tularosa high school in the Tularosa municipal school district in Otero county;~~

81. eighty-two thousand dollars (\$82,000) to purchase and install indoor bleachers for the Chaparral middle school gymnasium in the Alamogordo public school district in Otero county;

82. seventy-five thousand dollars (\$75,000) for educational technology at the Southwest secondary learning center in the Albuquerque public school district in Bernalillo county;

83. thirty-five thousand dollars (\$35,000) to purchase and install outdoor portable bleachers for Mountain View middle school in the Alamogordo public school district in Otero county;

84. one hundred thousand dollars (\$100,000) for a grass field at Douglas MacArthur elementary school in the Albuquerque public school district in Bernalillo county;

85. fifty thousand dollars (\$50,000) for educational technology and a mobile laboratory at Del Norte high school in the Albuquerque public school district in Bernalillo county;

86. fifty thousand dollars (\$50,000) for educational technology, including the purchase of digital video cameras, at Taft middle school in the Albuquerque public school district in Bernalillo county;

87. one hundred thousand dollars (\$100,000) for educational technology and network wiring at Valley high school in the Albuquerque public school district in Bernalillo county;

88. fifty thousand dollars (\$50,000) for educational technology at Garfield middle school in the Albuquerque public school district in Bernalillo county;

89. one hundred thousand dollars (\$100,000) for a grass field at Alvarado elementary school in the Albuquerque public school district in Bernalillo county;

90. fifty thousand dollars (\$50,000) for books and equipment for a reading program at Duranes elementary school in the Albuquerque public school district in Bernalillo county;

~~91. twenty thousand dollars (\$20,000) for educational technology for Seven Bar elementary school in the Albuquerque public school district in Bernalillo county;~~

~~92. twenty thousand dollars (\$20,000) for educational technology for Double Eagle elementary school in the Albuquerque public school district in Bernalillo county;~~

~~93. twenty thousand dollars (\$20,000) for educational technology for Dennis Chavez elementary school in the Albuquerque public school district in Bernalillo county;~~

~~94. twenty thousand dollars (\$20,000) for educational technology for Edmund G. Ross elementary school in the Albuquerque public school district in Bernalillo county;~~

~~95. twenty thousand dollars (\$20,000) for educational technology for Alameda elementary school in the Albuquerque public school district in Bernalillo county;~~

~~96. twenty thousand dollars (\$20,000) for educational technology for Mission Avenue elementary school in the Albuquerque public school district in Bernalillo county;~~

~~97. twenty thousand dollars (\$20,000) for educational technology for Petroglyph elementary school in the Albuquerque public school district in Bernalillo county;~~

~~98. ten thousand dollars (\$10,000) for educational technology for Corrales elementary school in the Albuquerque public school district in Bernalillo county;~~

~~99. ten thousand dollars (\$10,000) for educational technology for McKinley middle school in the Albuquerque public school district in Bernalillo county;~~

~~100. ten thousand dollars (\$10,000) for educational technology for Madison middle school in the Albuquerque public school district in Bernalillo county;~~

~~101. twenty thousand dollars (\$20,000) for educational technology for Desert Ridge middle school in the Albuquerque public school district in Bernalillo county;~~

~~102. twenty thousand dollars (\$20,000) for educational technology for Alvarado elementary school in the Albuquerque public school district in Bernalillo county;~~

~~103. twenty thousand dollars (\$20,000) for educational technology for La Cueva high school in the Albuquerque public school district in Bernalillo county;~~

~~104. twenty thousand dollars (\$20,000) for educational technology for Valley high school in the Albuquerque public school district in Bernalillo county;~~

~~105. twenty thousand dollars (\$20,000) for educational technology for James Monroe middle school in the Albuquerque public school district in Bernalillo county;~~

~~106. twenty thousand dollars (\$20,000) for educational technology for Taylor middle school in the Albuquerque public school district in Bernalillo county;~~

~~107. twenty thousand dollars (\$20,000) for educational technology for Del Norte high school in the Albuquerque public school district in Bernalillo county;~~

~~108. twenty thousand dollars (\$20,000) for educational technology for Los Ranchos elementary school in the Albuquerque public school district in Bernalillo county;~~

~~109. twenty thousand dollars (\$20,000) for educational technology for Taft middle school in the Albuquerque public school district in Bernalillo county;~~

~~110. twenty thousand dollars (\$20,000) for educational technology for Eagle Ridge middle school in the Rio Rancho public school district in Sandoval county;~~

~~111. twenty thousand dollars (\$20,000) for educational technology for Lincoln middle school in the Rio Rancho public school district in Sandoval county;~~

~~112. twenty thousand dollars (\$20,000) for educational technology for Rio Rancho high school in the Rio Rancho public school district in Sandoval county;~~

~~113. twenty thousand dollars (\$20,000) for educational technology for Rio Rancho elementary school in the Rio Rancho public school district in Sandoval county;~~

~~114. twenty thousand dollars (\$20,000) for educational technology for Martin Luther King, Jr. elementary school in the Rio Rancho public school district in Sandoval county;][LINE-ITEM VETO]~~

115. forty-five thousand dollars (\$45,000) for an activity bus for the Springer municipal school district in Colfax county;

116. twenty-five thousand dollars (\$25,000) to repair, renovate and upgrade the Amistad charter school gymnasium in the Clayton public school district in Union county;

117. thirty thousand dollars (\$30,000) for educational technology and playground repairs at the Ranchvale elementary school in the Clovis municipal school district in Curry county;

118. twenty-five thousand dollars (\$25,000) for educational technology for the Fort Sumner municipal school district in De Baca county;

119. twenty-five thousand dollars (\$25,000) for purchase of vocational agricultural equipment for the Fort Sumner municipal school district in De Baca county;

120. twenty thousand dollars (\$20,000) for educational technology for the Elida municipal school district in Roosevelt county;

121. fifty thousand dollars (\$50,000) for educational technology for the Clovis municipal school district in Curry county;

122. twenty-five thousand dollars (\$25,000) for educational technology at Berrendo middle school in the Roswell independent school district in Chaves county;

~~[123. ten thousand dollars (\$10,000) to purchase portable bleachers for the middle school in the Dexter consolidated school district in Chaves county;~~

~~124. ten thousand dollars (\$10,000) to purchase playground equipment for the kindergarten and early childhood center in the Dexter consolidated school district in Chaves county;][LINE-ITEM VETO]~~

125. forty-five thousand dollars (\$45,000) to upgrade the auditorium and replace the stage curtains and carpet in the Texico municipal school district in Curry county;

126. twenty-five thousand dollars (\$25,000) to renovate the performing arts center at Portales high school in the Portales municipal school district in Roosevelt county;

127. sixty thousand dollars (\$60,000) to plan, design and construct a field house, including restrooms, locker rooms, a concession stand and a utility room, at the soccer field at Carlsbad high school in the Carlsbad municipal school district in Eddy county;

128. one hundred ten thousand dollars (\$110,000) for replacing the roof at Lincoln middle school in the Rio Rancho public school district in Sandoval county;

129. fifty thousand dollars (\$50,000) for a new concession stand, including restroom facilities, to comply with food service regulations and with the Americans with Disabilities Act of 1990 at the Cibola high school baseball facility in the Albuquerque public school district in Bernalillo county;

130. seventy-five thousand dollars (\$75,000) for a new heating, ventilation and air conditioning system for the cafeteria and hallway and for a new floor for the cafeteria for Jal elementary school in the Jal public school district in Lea county;

131. twenty-five thousand dollars (\$25,000) for educational technology at Rio Grande high school in the Albuquerque public school district in Bernalillo county;

132. twenty-five thousand dollars (\$25,000) for library books at Rio Grande high school in the Albuquerque public school district in Bernalillo county;

133. fifty thousand dollars (\$50,000) for equipment, design and construction of a facility for the Nuestros Valores charter school in Albuquerque in Bernalillo county;

134. twenty-five thousand dollars (\$25,000) for educational technology at the South Valley academy in the Albuquerque public school district in Bernalillo county;

135. twenty-five thousand dollars (\$25,000) for library books for the South Valley academy in the Albuquerque public school district in Bernalillo county;

136. twenty-five thousand dollars (\$25,000) for educational technology at the West Mesa high school in the Albuquerque public school district in Bernalillo county;

137. twenty-five thousand dollars (\$25,000) for library books at the West Mesa high school in the Albuquerque public school district in Bernalillo county;

138. one hundred thousand dollars (\$100,000) to plan, design, construct and furnish a technology learning laboratory at the Carlos F. Vigil middle school in the Espanola public school district in Rio Arriba county;

139. fifty thousand dollars (\$50,000) for educational technology for Zia elementary school in the Albuquerque public school district in Bernalillo county;

140. fifty thousand dollars (\$50,000) for educational technology for Wilson middle school in the Albuquerque public school district in Bernalillo county;

141. fifty thousand dollars (\$50,000) for educational technology and supplies for Jefferson middle school in the Albuquerque public school district in Bernalillo county;

142. fifty thousand dollars (\$50,000) for educational technology for Albuquerque high school in the Albuquerque public school district in Bernalillo county;

143. fifty thousand dollars (\$50,000) for educational technology for Monte Vista elementary school in the Albuquerque public school district in Bernalillo county;

144. fifty thousand dollars (\$50,000) for educational technology for Bandelier elementary school in the Albuquerque public school district in Bernalillo county;

145. fifty thousand dollars (\$50,000) for educational technology for Kirtland elementary school in the Albuquerque public school district in Bernalillo county;

146. fifty thousand dollars (\$50,000) for educational technology for Montezuma elementary school in the Albuquerque public school district in Bernalillo county;

147. fifty thousand dollars (\$50,000) for educational technology for Mark Twain elementary school in the Albuquerque public school district in Bernalillo county;

148. fifty thousand dollars (\$50,000) for educational technology for Whittier elementary school in the Albuquerque public school district in Bernalillo county;

149. fifty thousand dollars (\$50,000) for educational technology for Jefferson middle school in the Albuquerque public school district in Bernalillo county;

150. eighty-eight thousand dollars (\$88,000) to purchase equipment and a portable building for the music department at Gadsden high school in the Gadsden independent school district in Dona Ana county;

151. fifty thousand dollars (\$50,000) for equipping the playground at Mesilla elementary school in the Las Cruces public school district in Dona Ana county;

152. one hundred thirty-five thousand dollars (\$135,000) for library improvements for the Eldorado cluster in the Albuquerque public school district in Bernalillo county;

153. seventy-five thousand dollars (\$75,000) for furnishing the Southwest Secondary learning center charter school in the Albuquerque public school district in Bernalillo county;

~~154. twenty-two thousand dollars (\$22,000) for developing a "smart" lab for the creative education preparatory institute number 2 charter school in the Albuquerque public school district in Bernalillo county;~~

~~155. twenty thousand dollars (\$20,000) for improvements at Chelwood elementary school, including bus lane and parent loading zone, in the Albuquerque public school district in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

156. one hundred sixty thousand dollars (\$160,000) for education technology for schools in the Eldorado high school cluster in the Albuquerque public school district in Bernalillo county;

157. seventy-five thousand dollars (\$75,000) for education technology for schools in the Manzano high school cluster in the Albuquerque public school district in Bernalillo county;

158. seventy-five thousand dollars (\$75,000) for improvements for fields and athletic facilities at Gallup high school in the Gallup-McKinley county public schools in McKinley county;

159. fifty thousand dollars (\$50,000) for improvements and equipment at the Manzano and Highland high school weight rooms in the Albuquerque public school district in Bernalillo county;

160. one hundred thousand dollars (\$100,000) for television and film production and broadcast equipment at the Manzano cluster in the Albuquerque public school district in Bernalillo county;

161. one hundred sixty thousand dollars (\$160,000) for television and film production and broadcast equipment at Highland cluster in the Albuquerque public school district in Bernalillo county;

162. fifty thousand dollars (\$50,000) for equipment and construction for the Nuestros Valores charter school in the Albuquerque public school district in Bernalillo county;

163. fifty-three thousand dollars (\$53,000) to build a grass sports field and running track at East San Jose elementary school in the Albuquerque public school district in Bernalillo county;

164. fifty thousand dollars (\$50,000) for communications media systems at the Southwest Secondary learning center charter school in the Albuquerque public school district in Bernalillo county;

165. fifty thousand dollars (\$50,000) for educational technology at the Valle Vista elementary school in the Albuquerque public school district in Bernalillo county;

166. fifty thousand dollars (\$50,000) to purchase and install a portable classroom building at the Twenty-First Century charter school in the Albuquerque public school district in Bernalillo county;

167. fifty thousand dollars (\$50,000) for the purchase of library equipment for the South Valley academy school in the Albuquerque public school district in Bernalillo county;

168. fifty thousand dollars (\$50,000) to renovate and equip instructional space, common areas and administrative areas at the Amy Biehl charter high school in Albuquerque in Bernalillo county;

169. seventy-five thousand dollars (\$75,000) for constructing a playground at Willanna D. Carroll elementary school in the Bernalillo public school district in Sandoval county;

170. fifty thousand dollars (\$50,000) for purchase of photonics laboratory equipment for the West Mesa high school advanced manufacturing academy in the Albuquerque public school district in Bernalillo county;

171. one hundred seventy-five thousand dollars (\$175,000) to replace the football field lights at Belen high school in the Belen consolidated school district in Valencia county;

172. two hundred thousand dollars (\$200,000) for a field house at Los Lunas high school in the Los Lunas public school district in Valencia county;

~~173. fifteen thousand dollars (\$15,000) for playground equipment and improvements at Osuna elementary school in the Albuquerque public school district in Bernalillo county;][LINE-ITEM VETO]~~

174. thirty thousand dollars (\$30,000) for educational technology for Comanche elementary school in the Albuquerque public school district in Bernalillo county;

175. fifty thousand dollars (\$50,000) for educational technology at McKinley middle school in the Albuquerque public school district in Bernalillo county;

176. seventy-five thousand dollars (\$75,000) for educational technology at Sandia high school in the Albuquerque public school district in Bernalillo county;

177. forty thousand dollars (\$40,000) for educational technology at Zuni elementary school in the Albuquerque public school district in Bernalillo county; and

178. forty thousand dollars (\$40,000) for educational technology at Del Norte high school in the Albuquerque public school district in Bernalillo county.

Chapter 126 Section 119 Laws 2004

Section 119. TRANSPORTATION PROJECTS--DEPARTMENT OF TRANSPORTATION--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. twenty-five thousand dollars (\$25,000) to repair the railroad crossing at state highway 285 at the entrance to the Roswell industrial air center in Roswell in Chaves county;

2. fifty thousand dollars (\$50,000) to improve Diaz avenue in Hurley in Grant county;

3. fifty thousand dollars (\$50,000) to pave La Madera road in Bernalillo in Sandoval county;

~~4. twenty five thousand dollars (\$25,000) to plan, design and construct median landscaping along Montgomery boulevard beginning at Morris and continuing west to Eubank in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

5. seventy-five thousand dollars (\$75,000) for improvements to El Llano road in San Miguel county;

6. three hundred thousand dollars (\$300,000) for the Paseo del Norte extension project in Albuquerque in Bernalillo county;

7. fifty thousand dollars (\$50,000) to plan, design and construct El Rito road in Taos county;

8. two hundred thousand dollars (\$200,000) to improve south Florida avenue to handle increased traffic flow in Alamogordo in Otero county;

9. fifty thousand dollars (\$50,000) to construct sidewalks and Americans with Disabilities Act of 1990-compliant ramps at the cemetery and in Washington park along east First street in Alamogordo in Otero county;

10. forty-five thousand dollars (\$45,000) for constructing the streetscape at Los Candelarias village center at Twelfth street and Candelaria NW in Albuquerque in Bernalillo county;

11. fifty thousand dollars (\$50,000) for paving and lighting streets and roads in El Milagro in Dona Ana county;

12. seventy-five thousand dollars (\$75,000) for the planning and construction of the Loma Larga road project in Corrales in Sandoval county;

13. fifty thousand dollars (\$50,000) for road improvements in Los Ranchos de Albuquerque in Bernalillo county;

14. ninety thousand dollars (\$90,000) for improvements to Romero street, between Loudon avenue and the city limits in Las Vegas in San Miguel county;

15. fifty thousand dollars (\$50,000) for repair and construction of the San Jose bridge on county road B-41-D in San Jose in San Miguel county;

~~16. ten thousand dollars (\$10,000) to plan, design and construct improvements for the streetscape in the historic district related to the main street project in Clovis in Curry county;][LINE-ITEM VETO]~~

17. one hundred twenty-one thousand seven hundred fifty dollars (\$121,750) to plan, design and construct improvements to roads and streets in Curry county;
18. fifty thousand dollars (\$50,000) to improve El Rito road in Taos county;
19. twenty-five thousand dollars (\$25,000) to improve roads, streets and bridges for the liberty square project in Angel Fire in Colfax county;
20. fifty thousand dollars (\$50,000) to improve road and drainage at Conchas dam in San Miguel county;
21. fifty thousand dollars (\$50,000) for road improvements, including chip sealing and reconstruction, in Roosevelt county;
22. fifty thousand dollars (\$50,000) for repairs and chip sealing to county road RR2N in Curry county;
23. twenty-five thousand dollars (\$25,000) to plan, design and reconstruct Kansas street in Lake Arthur in Chaves county;
24. seventy-five thousand dollars (\$75,000) for street improvements in Lordsburg in Hidalgo county;
25. fifty thousand dollars (\$50,000) to improve county road K from county road 4 to county road 6 in Curry county;
26. ninety-eight thousand dollars (\$98,000) for road improvements for the intersection of Fortieth street and Northern boulevard in Rio Rancho in Sandoval county;
27. one hundred thirty-five thousand dollars (\$135,000) for road improvements in Bloomfield in San Juan county;
- ~~28. fifty thousand dollars (\$50,000) for road improvements and speed bumps in the south valley in Albuquerque in Bernalillo county;~~
- ~~29. fifty thousand dollars (\$50,000) for speed bumps in the Valley gardens in the south valley and in Westgate heights in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~
30. fifty thousand dollars (\$50,000) to purchase and install traffic lights at the intersection of Mildred and Fourth streets in Albuquerque in Bernalillo county;
31. sixty thousand dollars (\$60,000) to purchase materials for the asphalt paving of county road 67J in Santa Fe county;
32. three hundred thousand dollars (\$300,000) for road improvements in Sunland Park in Dona Ana county;
33. one hundred thousand dollars (\$100,000) for road improvements in Mesquite in Dona Ana county;

34. fifty thousand dollars (\$50,000) for improving road and utility infrastructure and storm drainage on Bell and Manzo streets in Las Cruces in Dona Ana county;

35. seventy-five thousand dollars (\$75,000) to make improvements to Holguin, Moyers, Lechuga and Cilantro roads in Mesquite and Vado to improve access for emergency response vehicles in these areas of Dona Ana county;

36. fifty thousand dollars (\$50,000) for road improvements and a maintenance yard at the Bread Springs chapter of the Navajo Nation in McKinley county;

37. sixty-three thousand dollars (\$63,000) for improvements to the Twin Buttes and Crestview Loop road in Gallup in McKinley county;

38. two hundred thousand dollars (\$200,000) to construct improvements, including paving, curbs and gutters, sidewalks and lighting, to Reynolds drive from Porter road to Inspiration lane in the east mesa area of Las Cruces in Dona Ana county;

39. seventy-five thousand dollars (\$75,000) to plan, design and construct improvements to Hondo road in Dona Ana county;

~~[40. twenty-eight thousand dollars (\$28,000) to plan, design and construct improvements to Sandhill road in Dona Ana county;][LINE-ITEM VETO]~~

41. one hundred ten thousand dollars (\$110,000) to plan, design and construct improvements to Dragon Fly avenue in Dona Ana county;

42. one hundred seventy-five thousand dollars (\$175,000) for Tewa street drainage improvements in Elephant Butte in Sierra county;

~~[43. twenty-five thousand dollars (\$25,000) for the Water street paving and drainage project in Elephant Butte in Sierra county;][LINE-ITEM VETO]~~

44. fifty thousand dollars (\$50,000) for improvements and stabilization of a low-water crossing and river bank on Camino Carlos Rael in Santa Fe county;

45. seventy thousand dollars (\$70,000) for road improvements on Townsend and Trujillo SW in Albuquerque in Bernalillo county;

46. fifty thousand dollars (\$50,000) for county road 3250 and 3450 improvements in San Juan county;

47. fifty thousand dollars (\$50,000) for county road 6480 improvements in San Juan county; and

48. one hundred thousand dollars (\$100,000) for phase 3 improvements for county road 3500 in San Juan county.

Chapter 126 Section 120 Laws 2004

Section 120. UNIVERSITIES AND COLLEGES--SEVERANCE TAX BONDS.--Pursuant to the provisions of Section 1 of this act, upon certification by the following institutions of higher learning that the need exists for the issuance of the bonds, the following amounts are appropriated to the following institutions of higher learning for the following purposes:

A. to the board of regents of eastern New Mexico university:

~~(1) twenty-five thousand dollars (\$25,000) for phase 1 expansion and roof replacement at the Ruidoso branch in Lincoln county;~~

~~(2) fifty thousand dollars (\$50,000) to purchase equipment and upgrade information technology for remote broadcasting for KENW-TV News 3 at the main campus in Portales in Roosevelt county;~~

~~(3) thirty thousand dollars (\$30,000) for teacher education distance learning program units for satellites in multiple counties;][LINE-ITEM VETO]~~

(4) twenty-five thousand dollars (\$25,000) to purchase and install instructional communications equipment, including information technology, a public address system and editing bays, at the main campus in Portales in Roosevelt county;

(5) thirty-three thousand dollars (\$33,000) to purchase and install bleachers for the Lewis Cooper arena at the main campus in Portales in Roosevelt county;

(6) ninety thousand dollars (\$90,000) to purchase a bus for use by student-athletes, coaches and staff at the main campus in Portales in Roosevelt county;

(7) forty thousand dollars (\$40,000) for renovation, repair and additional lighting of campus sidewalks at the main campus in Portales in Roosevelt county;

(8) twenty-five thousand dollars (\$25,000) to refurbish, equip and construct a sound stage for the Roswell branch in Chaves county;

~~(9) twenty-five thousand dollars (\$25,000) to purchase an activity bus for the program for students with special needs at the Roswell branch in Chaves county;~~

~~(10) thirty thousand dollars (\$30,000) to refurbish, equip and construct a sound stage for the Roswell branch in Chaves county;][LINE-ITEM VETO]~~

(11) twenty-five thousand dollars (\$25,000) to purchase and install instructional communications equipment, including information technology, a public address system and editing bays, at the main campus in Portales in Roosevelt county; and

~~(12) twenty-five thousand dollars (\$25,000) for a distance learning program in Eddy county;][LINE-ITEM VETO]~~

B. to the governing board of Luna vocational-technical institute, fifty thousand dollars (\$50,000) for the restoration of King stadium in San Miguel county;

C. to the board of regents of New Mexico highlands university, fifty thousand dollars (\$50,000) to equip a game room at the main campus in Las Vegas in San Miguel county;

~~[D. to the board of regents of New Mexico institute of mining and technology, thirty thousand dollars (\$30,000) for technology equipment for a professional development program for the math, engineering and science achievements program at the New Mexico institute of mining and technology in Socorro county;][LINE-ITEM VETO]~~

E. to the board of regents of New Mexico state university:

~~[(1) twenty-five thousand dollars (\$25,000) for equipment for the rodeo program at the main campus in Las Cruces in Dona Ana county;][LINE-ITEM VETO]~~

(2) fifty thousand dollars (\$50,000) to make system improvements, including replacing pipes and valves, for the Happy Valley irrigation project in the Carlsbad soil and water conservation district in Eddy county;

(3) twenty-five thousand dollars (\$25,000) for phase 2 remodeling, including constructing offices, electrical upgrades and floors, of the Carlsbad soil and water conservation district building in Eddy county;

(4) fifty thousand dollars (\$50,000) for acquiring equipment to convert to digital television broadcast technology for KRWG-TV at the main campus in Las Cruces in Dona Ana county;

(5) fifty thousand dollars (\$50,000) for improvements and equipment for the baseball and softball complexes for the athletic department at the main campus in Las Cruces in Dona Ana county; and

(6) one hundred thousand dollars (\$100,000) for infrastructure for recreational and bicycle trails at "A" mountain park in Las Cruces in Dona Ana county;

F. to the community college board of Santa Fe community college, sixty-five thousand dollars (\$65,000) for information technology for a unified accounting system to integrate with northern New Mexico state school and New Mexico junior college;

G. to the governing board of San Juan college:

~~[(1) two hundred sixty-three thousand dollars (\$263,000) to expand the fine arts department at the San Juan college in San Juan county;][LINE-ITEM VETO]~~

(2) one hundred fifty thousand dollars (\$150,000) to expand the west campus facility of San Juan college in San Juan county; and

~~[(3) one hundred seventy-five thousand dollars (\$175,000) to construct an outdoor learning center at San Juan college in San Juan county; and][LINE-ITEM VETO]~~

H. to the board of regents of the university of New Mexico:

(1) fifty thousand dollars (\$50,000) for improvements to the women's softball complex at the main campus in Albuquerque in Bernalillo county;

~~[(2) fifteen thousand dollars (\$15,000) to purchase equipment and furniture for the photography department at the main campus in Albuquerque in Bernalillo county;~~

~~(3) ten thousand dollars (\$10,000) for equipment and information technology for the student support services programs at the main campus in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

(4) thirty-five thousand dollars (\$35,000) for improvements to the women's softball complex at the main campus in Albuquerque in Bernalillo county;

~~[(5) ten thousand dollars (\$10,000) for improvements to the women's softball complex at the main campus in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

(6) one hundred thousand dollars (\$100,000) to renovate and repair philosophy department facilities at the main campus in Albuquerque in Bernalillo county;

(7) one hundred thousand dollars (\$100,000) to renovate and repair the political science department facilities at the main campus in Albuquerque in Bernalillo county;

(8) fifty thousand dollars (\$50,000) for information technology and acquisitions for the school of law library at the main campus in Albuquerque in Bernalillo county;

(9) one hundred thousand dollars (\$100,000) for improvements to the women's softball complex at the main campus in Albuquerque in Bernalillo county;

(10) fifty thousand dollars (\$50,000) for improvements to the women's softball complex at the main campus in Albuquerque in Bernalillo county;

(11) twenty-five thousand dollars (\$25,000) for equipment and information technology for the student support services programs at the main campus in Albuquerque in Bernalillo county;

(12) fifty thousand dollars (\$50,000) for television and broadcast equipment at the athletic department at the main campus in Albuquerque in Bernalillo county;

(13) fifty thousand dollars (\$50,000) for an aquatic therapy and conditioning pool at the L.F. "Tow" Diehm trainers' room at the main campus in Albuquerque in Bernalillo county;

(14) fifty thousand dollars (\$50,000) to purchase and install equipment at the L.F. "Tow" Diehm athletic facility at the main campus in Albuquerque in Bernalillo county; and

~~(15) thirty five thousand dollars (\$35,000) for improvements to the women's softball complex at the university of New Mexico in Albuquerque in Bernalillo county].~~[*LINE-ITEM VETO*]

Chapter 126 Section 121 Laws 2004

Section 121. STATE LAND OFFICE PROJECT--STATE LANDS MAINTENANCE FUND.--Three hundred fifty thousand dollars (\$350,000) is appropriated from the state lands maintenance fund to the state land office for expenditure in fiscal years 2004 through 2006 for stucco and the first year of the phased in replacement of elevators, windows, carpets and drip irrigation systems at the Edward J. Lopez building in Santa Fe county. Any unexpended or unencumbered balance remaining at the end of fiscal year 2006 shall revert to the state lands maintenance fund.

Chapter 126 Section 122 Laws 2004

Section 122. NEW MEXICO IRRIGATION WORKS CONSTRUCTION FUND PROJECT.--Sixty thousand dollars (\$60,000) is appropriated from the New Mexico irrigation works construction fund to the interstate stream commission for expenditure in fiscal years 2004 through 2006 to design and construct improvements and repairs to the ditch for the irrigation district in Fort Sumner in De Baca county. Any unexpended or unencumbered balance remaining at the end of fiscal year 2006 shall revert to the New Mexico irrigation works construction fund.

Chapter 126 Section 123 Laws 2004

Section 123. APPROPRIATION FROM THE GENERAL FUND TO THE CAPITAL PROJECTS FUND.--Forty million one hundred sixty-eight thousand dollars (\$40,168,000) is appropriated from the general fund to the capital projects fund for expenditure in fiscal years 2004 through 2009. ~~[Any unexpended balance remaining at the end of fiscal year 2009 shall revert to the capital projects fund. Money in the capital projects fund shall not revert to any other fund at the end of a fiscal year.]~~[*LINE-ITEM VETO*]

Chapter 126 Section 124 Laws 2004

Section 124. AGING PROJECTS--STATE AGENCY ON AGING--CAPITAL PROJECTS FUND.--The following amounts are appropriated from the capital projects fund to the state agency on aging for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, for the following purposes:

1. one hundred fifty thousand dollars (\$150,000) to renovate the senior center in Grants in Cibola county;
2. twenty-five thousand dollars (\$25,000) for upgrading and repairing the air conditioning and circulation system at the Meadowlark senior center in Rio Rancho in Sandoval county;

3. one hundred thousand dollars (\$100,000) to design and construct a senior center in Pecos in San Miguel county;
4. fifteen thousand dollars (\$15,000) for replacement of the cooling system in the San Miguel senior center [~~in San Miguel~~] in San Miguel county; [*LINE-ITEM VETO*]
5. twenty-five thousand dollars (\$25,000) for renovating and equipping the senior center in Wagon Mound in Mora county;
- ~~6. forty thousand dollars (\$40,000) to plan, design and construct an addition to the senior center in Artesia in Eddy county; [*LINE-ITEM VETO*]~~
7. forty-five thousand dollars (\$45,000) to replace vans for the senior center in Hobbs in Lea county;
8. fifty thousand dollars (\$50,000) to replace the roof and flooring at the Billy McKibben senior center in Lovington in Lea county;
9. fifty-two thousand dollars (\$52,000) to design and construct an addition to the Artesia senior center for a meal site in Artesia in Eddy county;
10. one hundred thousand dollars (\$100,000) for planning, designing, construction and improvements for a senior center in the Eldorado area in Santa Fe county;
11. fifty thousand dollars (\$50,000) to renovate and construct a senior center in Dixon in Rio Arriba county;
12. twenty-five thousand dollars (\$25,000) to equip the Munson senior center in Dona Ana county;
13. twenty-five thousand dollars (\$25,000) for equipping Benavides senior center in Dona Ana county;
14. fifty thousand dollars (\$50,000) to plan, design and construct a senior center for the Iyanbito chapter of the Navajo Nation in McKinley county;
15. thirty thousand dollars (\$30,000) for making improvements at the south side senior center in Gallup in McKinley county;
16. thirty thousand dollars (\$30,000) for making improvements at the north side senior center in Gallup in McKinley county;
17. one hundred thousand dollars (\$100,000) to plan, design and construct a senior center in the Pueblo of Pojoaque in Santa Fe county;
18. two hundred thousand dollars (\$200,000) for the construction of an exercise room at the Los Volcanes senior center in Albuquerque in Bernalillo county;

19. seventeen thousand dollars (\$17,000) for equipment, furniture and a membership card system for the Los Volcanes senior center in Albuquerque in Bernalillo county;

20. fifteen thousand dollars (\$15,000) to plan, design, construct and equip the kitchen facilities for the senior center in Valencia county;

21. forty thousand dollars (\$40,000) for facility and grounds improvement to the Palo Duro senior center in Albuquerque in Bernalillo county;

22. one hundred thousand dollars (\$100,000) for expansion of the Pueblo of San Felipe elderly center in Sandoval county;

23. one hundred thousand dollars (\$100,000) to plan, design, purchase or construct a senior center at the Whitehorse Lake chapter of the Navajo Nation in McKinley county; and

24. five hundred thousand dollars (\$500,000) to plan, design and construct a senior center at the Pueblo of Taos in Taos County.

Chapter 126 Section 125 Laws 2004

Section 125. CAPITAL PROGRAM FUND PROJECTS--CAPITAL PROJECTS FUND.--The following amounts are appropriated from the capital projects fund to the capital program fund for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, for the following purposes:

~~1. thirty thousand dollars (\$30,000) for improvements to the restrooms at Fort Stanton in Lincoln county; and~~[[LINE-ITEM VETO]

2. one hundred thousand dollars (\$100,000) for stabilization, repair and improvement of buildings and purchase of equipment at Fort Stanton in Lincoln county.

Chapter 126 Section 126 Laws 2004

Section 126. CHILDREN, YOUTH AND FAMILIES DEPARTMENT PROJECT--CAPITAL PROJECTS FUND.--Twenty-eight thousand dollars (\$28,000) is appropriated from the capital projects fund to the children, youth and families department for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, for the purchase of vehicles to transport homeless children for the children, youth and families department in Albuquerque in Bernalillo county.

Chapter 126 Section 127 Laws 2004

Section 127. CULTURAL AFFAIRS PROJECTS--OFFICE OF CULTURAL AFFAIRS--CAPITAL PROJECTS FUND.--The following amounts are appropriated from the capital projects fund to the office of cultural affairs for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, for the following purposes:

~~1. ten thousand dollars (\$10,000) for constructing an education complex and equipping a television studio at the national Hispanic cultural center in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

2. seventy-one thousand four hundred twenty-nine dollars (\$71,429) for constructing an education complex and equipping a television studio at the national Hispanic cultural center in Albuquerque in Bernalillo county;

3. seventy-one thousand four hundred twenty-eight dollars (\$71,428) to design, fabricate and construct exhibits at the museum of natural history and science in Albuquerque in Bernalillo county;

4. twenty thousand dollars (\$20,000) for multimedia equipment for the Roy E. Disney center for the performing arts at the national Hispanic cultural center in Albuquerque in Bernalillo county;

5. two hundred thousand dollars (\$200,000) to plan, design and construct exhibits for the New Mexico farm and ranch heritage museum in Las Cruces in Dona Ana county;

6. ten thousand dollars (\$10,000) for planning and building development for the national Hispanic cultural center in Albuquerque in Bernalillo county;

7. twenty-five thousand dollars (\$25,000) to plan and design the New Mexico rodeo hall of fame in Las Cruces in Dona Ana county;

8. ten thousand dollars (\$10,000) for multimedia equipment for the Roy E. Disney center for the performing arts at the national Hispanic cultural center in Albuquerque in Bernalillo county;

9. fifty thousand dollars (\$50,000) for an education complex and equipment for the television studio at the national Hispanic cultural center in Albuquerque in Bernalillo county;

10. sixty thousand dollars (\$60,000) to plan, design and construct a greenhouse exhibit building at the New Mexico farm and ranch heritage museum in Las Cruces in Dona Ana county;

11. twenty-five thousand dollars (\$25,000) to plan and design an archaeological storage and research center for the office of archaeological studies in the museum of New Mexico in Santa Fe in Santa Fe county;

12. three hundred thousand dollars (\$300,000) for the design, fabrication and construction of exhibits for the Mary Gavin family triassic hall in the New Mexico museum of natural history and science in Albuquerque in Bernalillo county; and

13. twenty-five thousand dollars (\$25,000) for multimedia equipment for the Roy E. Disney center for the performing arts at the national Hispanic cultural center in Albuquerque in Bernalillo county.

Chapter 126 Section 128 Laws 2004

Section 128. DISTRICT COURT PROJECTS--CAPITAL PROJECTS FUND.--The following amounts are appropriated from the capital projects fund to the following judicial district courts for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, for the following purposes:

1. twenty thousand dollars (\$20,000) for the purchase of furniture and equipment for the judicial complex in the first judicial district in Rio Arriba county;
2. thirty thousand dollars (\$30,000) for electronic monitoring equipment and a satellite tracking device for domestic violence purposes for the second judicial district court in Bernalillo county;
3. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and equip an annex to the fourth judicial district courthouse in Las Vegas in San Miguel county;
4. twenty thousand dollars (\$20,000) to purchase a vehicle for the thirteenth judicial district in Cibola county; and
5. five thousand dollars (\$5,000) for equipment and information technology for imaging court documents for the thirteenth judicial district court in Valencia, Sandoval and Cibola counties.

Chapter 126 Section 129 Laws 2004

Section 129. STATE ENGINEER PROJECTS--OFFICE OF THE STATE ENGINEER--CAPITAL PROJECTS FUND.--The following amounts are appropriated from the capital projects fund to the office of the state engineer for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, for the following purposes:

1. fifty thousand dollars (\$50,000) to rehabilitate the community ditch reservoir in Tularosa in Otero county;
2. twenty-five thousand dollars (\$25,000) to plan, design and construct the Galisteo watershed conservation initiative, including acquiring easements, for the preservation of the Galisteo watershed in Santa Fe county;
3. one hundred thousand dollars (\$100,000) to purchase heavy equipment vehicles for the Arch Hurley conservancy district Tucumcari irrigation project in Quay county;
4. thirty thousand dollars (\$30,000) to purchase water rights for Hagerman in Chaves county;
5. seventy thousand dollars (\$70,000) for the development of a collaborative, area-wide water system plan in Eddy county;
6. fifteen thousand dollars (\$15,000) to develop a well for the park in Berino in Dona Ana county; and

7. one hundred twenty-five thousand dollars (\$125,000) for the acquisition of water rights for Agua Fria in Santa Fe county.

Chapter 126 Section 130 Laws 2004

Section 130. STATE FAIR PROJECT--CAPITAL PROJECTS FUND.--Twenty thousand dollars (\$20,000) is appropriated from the capital projects fund to the state fair commission for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, for the design and construction of a statewide African-American research, performing and cultural arts exhibit hall, administrative offices and appurtenances at the state fairgrounds in Albuquerque in Bernalillo county.

Chapter 126 Section 131 Laws 2004

Section 131. INDIAN AFFAIRS PROJECTS--CAPITAL PROJECTS FUND.--The following amounts are appropriated from the capital projects fund to the New Mexico office of Indian affairs for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, for the following purposes:

1. twenty thousand dollars (\$20,000) to construct, equip and furnish a center of lifelong learning on the institute of American Indian arts campus in Santa Fe county;
2. one hundred thousand dollars (\$100,000) for purchasing a fire truck for the Pueblo of Isleta in Bernalillo, Torrance and Valencia counties;
3. fifty thousand dollars (\$50,000) for planning and design of existing and future facilities at the Santa Fe Indian school in Santa Fe in Santa Fe county;
4. twenty-five thousand dollars (\$25,000) for planning, designing and constructing a soccer field for the Pueblo of Santa Ana in Sandoval county;
5. fifty thousand dollars (\$50,000) to plan, design and construct a wellness center in the Pueblo of Pojoaque in Santa Fe county;
6. twenty-five thousand dollars (\$25,000) to construct, equip and furnish a center of lifelong learning on the institute of American Indian arts campus in Santa Fe county;
7. twenty-five thousand dollars (\$25,000) to purchase equipment and a fire truck for the Pueblo of Sandia in Sandoval county;
8. twenty-three thousand dollars (\$23,000) for a lighting and sound system at the Indian pueblo cultural center in Albuquerque in Bernalillo county;
9. sixteen thousand dollars (\$16,000) for equipment and furniture for the living village at the Indian pueblo cultural center in Albuquerque in Bernalillo county;
10. thirty thousand dollars (\$30,000) to purchase a new van for after-school activities in the Pueblo of Acoma in Cibola county;

11. twenty thousand dollars (\$20,000) to purchase a police transport van in the Pueblo of Acoma in Cibola county;
12. one hundred thousand dollars (\$100,000) for planning, design and construction of phase 1 of an education and administration building on the campus of the Santa Fe Indian school in Santa Fe county;
13. sixty-two thousand dollars (\$62,000) for planning, designing, constructing, equipping and furnishing a recreational activity center at the Pueblo of Santa Clara in Rio Arriba county;
14. ten thousand dollars (\$10,000) for phase 2 construction of the recreational field complex at Santa Fe Indian school in Santa Fe county;
15. ten thousand dollars (\$10,000) to construct, equip and furnish a center of lifelong learning on the institute of American Indian arts campus in Santa Fe county;
16. four hundred thousand dollars (\$400,000) to construct an adult residential treatment center in Shiprock in San Juan county;
17. one hundred thousand dollars (\$100,000) to construct and equip the farm irrigation system project for the Gadii'ahi chapter of the Navajo Nation in San Juan county;
18. fifty thousand dollars (\$50,000) to construct, equip and furnish a center of lifelong learning on the institute of American Indian arts campus in Santa Fe county;
19. fifty thousand dollars (\$50,000) to improve the boys' and girls' club building in the Shiprock chapter of the Navajo Nation in San Juan county;
20. one hundred fifty thousand dollars (\$150,000) to extend the municipal street lighting system in the Shiprock chapter of the Navajo Nation in San Juan county;
21. eighty-six thousand dollars (\$86,000) for purchasing and equipping vehicles for the Navajo Nation veterans transportation system in San Juan and McKinley counties;
22. fifty thousand dollars (\$50,000) for phase 2 construction of bathroom additions in the Pine Hill vicinity for the Ramah chapter of the Navajo Nation in Cibola county;
23. thirty-five thousand dollars (\$35,000) for bathroom additions in the Pinehaven road area for the Bread Springs chapter of the Navajo Nation in McKinley county;
24. thirty thousand dollars (\$30,000) for improvements and equipment for the chapter house for the Chichiltah chapter of the Navajo Nation in McKinley county;
25. thirty thousand dollars (\$30,000) for a climate-controlled computer room and a security door for the Red Rock chapter of the Navajo Nation in McKinley county;

26. fifty thousand dollars (\$50,000) for phase 1, including an engineering assessment and design, of the Nutria and Pescado irrigation revitalization project for an irrigation system for the Pueblo of Zuni in McKinley county;

27. fifty thousand dollars (\$50,000) to purchase a bookmobile for the Pueblo of Zuni in McKinley county;

28. thirty thousand dollars (\$30,000) to repair the building, heating and plumbing systems at the chapter house in the Tsayatoh chapter in the Navajo Nation in McKinley county;

29. thirty thousand dollars (\$30,000) to repair the building, heating and plumbing systems at the chapter house in the Bread Springs chapter in the Navajo Nation in McKinley county;

30. thirty thousand dollars (\$30,000) to repair the building, heating and plumbing systems at the chapter house in the Chichiltah chapter in the Navajo Nation in McKinley county;

31. thirty thousand dollars (\$30,000) to repair the building, heating and plumbing systems at the chapter house in the Manuelito chapter in the Navajo Nation in McKinley county;

32. thirty thousand dollars (\$30,000) to repair the building, heating and plumbing systems at the chapter house in the Iyanbito chapter in the Navajo Nation in McKinley county;

33. thirty thousand dollars (\$30,000) to repair the building, heating and plumbing systems at the chapter house in the Red Rock chapter in the Navajo Nation in McKinley county;

~~34. one thousand dollars (\$1,000) to construct, equip and furnish a center of lifelong learning on the institute of American Indian arts campus in Santa Fe county;~~[[*LINE-ITEM VETO*]]

35. ten thousand dollars (\$10,000) for electrical wiring for homes in the Iyanbito chapter of the Navajo Nation in McKinley county;

36. twenty-five thousand dollars (\$25,000) to pave a parking lot in the Chichiltah chapter in the Navajo Nation in McKinley county;

37. fifty thousand dollars (\$50,000) for electrical wiring for homes in the Chichiltah chapter in the Navajo Nation in McKinley county;

38. fifty thousand dollars (\$50,000) to install powerlines in the Chichiltah chapter in the Navajo Nation in McKinley county;

39. seventy-five thousand dollars (\$75,000) to design, build and equip facilities at the wellness center, including a soccer field and running track, at the Pueblo of Pojoaque in Santa Fe county;

40. fifty thousand dollars (\$50,000) for building and parking improvements to the Poeh cultural center in the Pueblo of Pojoaque in Santa Fe county;

41. ten thousand dollars (\$10,000) to purchase and install a security system for the Indian pueblo cultural center in Albuquerque in Bernalillo county;

42. three hundred forty-four thousand dollars (\$344,000) to plan, design and construct a water line for the White Horse Lake chapter of the Navajo Nation in McKinley county;

43. two hundred twenty-one thousand dollars (\$221,000) to expand, improve and construct road yards and highway maintenance facilities for the chapters of the Navajo Nation in northwest New Mexico; and

44. six hundred thousand dollars (\$600,000) for phase 2 construction of the Santa Fe Indian School recreational field complex, including artificial turf, bleachers and lighting, in Santa Fe county.

Chapter 126 Section 132 Laws 2004

Section 132. ENVIRONMENT PROJECTS--DEPARTMENT OF ENVIRONMENT--CAPITAL PROJECTS FUND.--The following amounts are appropriated from the capital projects fund to the department of environment for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, for the following purposes:

1. one hundred twenty thousand dollars (\$120,000) to plan, design and construct phase 3 water system improvements in Tijeras in Bernalillo county;

2. ten thousand dollars (\$10,000) for phase 1 of the waste conversion pilot project [~~in Bernalillo~~] in Sandoval county;[*LINE-ITEM VETO*]

3. fifty thousand dollars (\$50,000) to design and construct a foundation and purchase and install a water storage tank for the Carnuel mutual domestic water and wastewater consumers association in Bernalillo county;

4. twenty-five thousand dollars (\$25,000) to design and construct improvements to the wastewater collection, treatment and disposal system in Edgewood in Santa Fe county;

5. seventy-five thousand dollars (\$75,000) for planning, design, surveys, easements and construction of a wastewater system for El Valle de los Ranchos water and sanitation district in Taos county;

6. fifty thousand dollars (\$50,000) for the water system improvement project, including the design, construction and inspection of a water supply well, concrete vault and water storage tank and trenching and installation of water lines, gate valves and fire hydrants, for El Rito mutual domestic water consumers association in Taos county;

7. ten thousand dollars (\$10,000) for a waste conversion pilot project in Sandoval county;

8. two hundred thousand dollars (\$200,000) to purchase and install a portable water storage tank in Tularosa in Otero county;

9. one hundred eleven thousand dollars (\$111,000) to design, purchase and install a storage system for reclaimed water in Alamogordo in Otero county;

10. twenty thousand dollars (\$20,000) for a water line for the Jemez Springs domestic water users association in Sandoval county;

11. fifty thousand dollars (\$50,000) for a water and sewer system for the Cubero water association in Cibola county;

12. fifty thousand dollars (\$50,000) for a new sewer system for the San Mateo mutual domestic water consumers association in Cibola county;

13. twenty-eight thousand dollars (\$28,000) to design and construct a wastewater treatment, collection and surface water treatment plant for the Dona Ana mutual domestic water consumers association in Dona Ana county;

14. fifty thousand dollars (\$50,000) for a Dona Ana mutual domestic water consumers association project, including the design and construction of a transmission line and a distribution line, in Dona Ana county;

15. two hundred thousand dollars (\$200,000) for a Dona Ana mutual domestic water consumers association project, including the construction of a one-million-gallon water storage reservoir and a new well with a backup generator, in Dona Ana county;

~~16. one hundred thousand dollars (\$100,000) for a waste conservation pilot project in Rio Rancho in Sandoval county;]~~*[LINE-ITEM VETO]*

17. twenty-five thousand dollars (\$25,000) for water line repairs and replacement for Del Rio mutual domestic water consumers association in Mora county;

18. fifty thousand dollars (\$50,000) for water line improvements for Ledoux mutual domestic water association in Mora county;

19. twenty-five thousand dollars (\$25,000) for water line improvements for Buena Vista mutual domestic water consumers association in Mora county;

20. twenty-five thousand dollars (\$25,000) for water system improvements for Wagon Mound in Mora county;

21. fifty thousand dollars (\$50,000) to improve water lines in Roy in Harding county;

22. forty thousand dollars (\$40,000) for the replacement and upgrade of the water system in Mosquero in Harding county;

23. forty thousand dollars (\$40,000) to repair and recondition a water tower in Clayton in Union county;

24. one hundred thousand dollars (\$100,000) for water and sewer improvements, including designing and constructing underground infrastructure, in Tucumcari in Quay county;

25. one hundred fifty thousand dollars (\$150,000) to purchase and install a water tank in Melrose in Curry county;

26. two hundred thousand dollars (\$200,000) for the final phase of the replacement and upgrade of the wastewater treatment plant in Cloudcroft in Otero county;

27. forty-eight thousand dollars (\$48,000) for water system improvements, including drilling a well and purchasing and installing a storage tank, for the Weed water users association in Otero county;

28. twenty-five thousand dollars (\$25,000) for well rehabilitation and drilling for the Timberon water and sanitation district in Otero county;

29. one hundred thousand dollars (\$100,000) to improve the water system and replace water tanks for the Timberon water and sanitation district in Otero county;

30. five thousand dollars (\$5,000) for planning, design, construction and purchase of a wastewater collection, treatment and disposal system in Edgewood in Santa Fe county;

31. fifty thousand dollars (\$50,000) for North Star water users association United States highway 550 water line upgrades in San Juan county;

32. fifty thousand dollars (\$50,000) to engineer, design and construct, including archaeological and environmental assessments, a raw water storage facility in Aztec in San Juan county;

33. sixty-five thousand dollars (\$65,000) to renovate the water storage tank at the west field booster station in Jal in Lea county;

34. seven thousand dollars (\$7,000) for purchase of a trailer-mounted sewer jetter in Loving in Eddy county;

35. forty thousand dollars (\$40,000) to upgrade the water tanks and make water system improvements for the Canjilon mutual domestic water consumers association in Rio Arriba county;

36. fifty thousand dollars (\$50,000) to build a new Bayo wastewater treatment plant, demolish the old facility and restore the old site in Los Alamos county;

37. forty-five thousand dollars (\$45,000) for installation of a sewer line for the Anthony water and sanitation district in Anthony in Dona Ana county;

38. three hundred thousand dollars (\$300,000) to construct a wastewater collection and treatment facility in Chaparral in Dona Ana county;

39. one hundred thousand dollars (\$100,000) for water line extensions and water system improvements in La Mesilla in Dona Ana county;

40. one hundred thousand dollars (\$100,000) to plan, design and construct a wastewater system in Gallup in McKinley county;

41. fifty thousand dollars (\$50,000) for phase 1 planning, design and construction of a facility for a north area Sierra regional wastewater system in Elephant Butte in Sierra county;

42. ninety thousand dollars (\$90,000) for water line extensions from Cactus lane to Rancho Siringo road and Rancho Siringo lane in Santa Fe county;

43. one hundred fifty thousand dollars (\$150,000) to replace water well number 4, including drilling and related equipment and installation, in Belen in Valencia county;

44. one hundred thousand dollars (\$100,000) to complete remediation, demolition and construction in accordance with the department of environment approved work plan for the Peru Hill mill remediation activities in Deming in Luna county;

45. sixty-three thousand dollars (\$63,000) to plan, design and construct city and county landfill facilities in Deming in Luna county; and

46. seventy thousand dollars (\$70,000) for a water line for the Jemez Springs domestic water users association in Sandoval county.

Chapter 126 Section 133 Laws 2004

Section 133. INTERSTATE STREAM COMMISSION PROJECTS--CAPITAL PROJECTS FUND.--The following amounts are appropriated from the capital projects fund to the interstate stream commission for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, for the following purposes:

1. five thousand dollars (\$5,000) to develop water management and water conservation plans for acequias in Mora county;

2. ten thousand dollars (\$10,000) for rebuilding and repairing the San Miguel community ditch [~~in San Miguel~~][*LINE-ITEM VETO*] in San Miguel county;

3. fifty thousand dollars (\$50,000) for planning, design and construction of the Acequia de La Cienega project in La Cienega in Santa Fe county;

4. ten thousand dollars (\$10,000) for repair and cleaning to El Llano de la Presa acequia ditch in Las Vegas in San Miguel county;

5. ten thousand dollars (\$10,000) for cleaning and repairing El Ancon ditch in San Miguel county;

6. twenty-five thousand dollars (\$25,000) to repair culverts and arroyo crossings, install sand traps, replace headgates and make other improvements to acequias for the Chimayo district ditch in Rio Arriba county;

7. fifty thousand dollars (\$50,000) for improving and upgrading the Acequia de la Mesa Prieta in Ojo Caliente in Rio Arriba county; and

8. forty-five thousand dollars (\$45,000) for improvements to increase water flow for the Acequia del Llano in Espanola in Rio Arriba county.

Chapter 126 Section 134 Laws 2004

Section 134. LOCAL GOVERNMENT PROJECTS--LOCAL GOVERNMENT DIVISION OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION--CAPITAL PROJECTS FUND.-
-The following amounts are appropriated from the capital projects fund to the local government division of the department of finance and administration for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, for the following purposes:

1. two hundred fifty thousand dollars (\$250,000) to plan, design and construct a fire station in Ruidoso in Lincoln county;

2. five thousand dollars (\$5,000) to design, develop, construct, purchase and install exhibits, furniture, fixtures and equipment and to purchase vans, trucks, shade structures and window coverings for the Explora science center and children's museum in Albuquerque in Bernalillo county;

3. fifty thousand dollars (\$50,000) to design and build a community baseball and softball complex in Capitan in Lincoln county;

4. thirty-seven thousand dollars (\$37,000) to design and build a senior league baseball field in Roswell in Chaves county;

~~5. twenty-five thousand dollars (\$25,000) for design and construction of the final phase of a new archive building for the historical society for southeast New Mexico in Roswell in Chaves county;~~

~~6. ten thousand dollars (\$10,000) to plan, design and replace the heating, ventilation and air conditioning system in the museum in Roswell in Chaves county;~~

~~7. five thousand dollars (\$5,000) to plan, design and install a records management system and digital conversion for the police department in Roswell in Chaves county;][LINE-ITEM VETO]~~

8. twenty thousand dollars (\$20,000) to plan, design and do utility work for phase 1 of the special events center at the Cielo Grande recreation area in Roswell in Chaves county;

~~9. five thousand dollars (\$5,000) to construct a skate park at the Cielo Grande recreation area in Roswell in Chaves county;][LINE-ITEM VETO]~~

10. fifty thousand dollars (\$50,000) to plan, design and construct a community center for Capitan in Lincoln county;
11. twenty thousand dollars (\$20,000) for the restoration, conversion and incorporation of the old power plant as part of the heritage museum and cultural center in Carrizozo in Lincoln county;
12. ten thousand dollars (\$10,000) for equipment and a tower at the fire department in Roswell in Chaves county;
13. ten thousand dollars (\$10,000) to purchase equipment and information technology for the police department in Roswell in Chaves county;
14. one hundred fifty thousand dollars (\$150,000) to establish and improve the community park in Socorro in Socorro county;
15. twenty-five thousand dollars (\$25,000) for building improvements, equipment and books for the Bayard municipal library in Grant county;
16. fifty thousand dollars (\$50,000) for improvements at Penny park in Silver City in Grant county;
17. twenty-five thousand dollars (\$25,000) for completion of the Glenwood community center and library in Catron county;
18. twenty-five thousand dollars (\$25,000) to plan, design and construct a retaining wall in La Capilla in Grant county;
19. twenty-five thousand dollars (\$25,000) for expansion and improvement of the town hall building in Hurley in Grant county;
20. twenty thousand dollars (\$20,000) for ball field lighting for the Ben Altamirano sports complex in Silver City in Grant county;
21. twenty-five thousand dollars (\$25,000) to purchase land for the Elfego Baca memorial in Reserve in Catron county;
22. twenty-five thousand dollars (\$25,000) for phase 1 construction of the Ambassador Edward L. Romero park in Albuquerque in Bernalillo county;
23. fifty thousand dollars (\$50,000) for phase 2 expansion of therapeutic spaces at Peanut Butter and Jelly family services in Bernalillo county;
24. forty thousand dollars (\$40,000) to construct a shade structure for livestock at the fairgrounds in Sandoval county;
25. ten thousand dollars (\$10,000) for a police vehicle and law enforcement equipment for the Torrance county sheriff's department;

26. one hundred thousand dollars (\$100,000) for design and construction of phase 1 improvements to the village information center in Tijeras in Bernalillo county;

27. forty thousand dollars (\$40,000) for information technology infrastructure for first responders in the east mountain area in Bernalillo county;

28. fifteen thousand dollars (\$15,000) for park improvements, shade structures and park furnishings at Los Vecinos community center in Bernalillo county;

~~29. ten thousand dollars (\$10,000) to renovate El Zocalo compound as a community development center in Bernalillo in Sandoval county;~~

~~30. ten thousand dollars (\$10,000) to purchase a security and exterior lighting system for the Sandoval county judicial complex;][LINE-ITEM VETO]~~

31. one hundred thirty thousand dollars (\$130,000) for phase 2 improvements of the Lomas boulevard and Tramway boulevard linear park in Albuquerque in Bernalillo county;

~~32. sixty thousand dollars (\$60,000) for improvements to the Tramway boulevard and Lomas boulevard median in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

33. seventy-one thousand four hundred twenty-nine dollars (\$71,429) for the design and construction of lighting, bleachers, landscaping and infrastructure at the New Mexico soccer tournament complex in Sandoval county;

34. seventy-one thousand four hundred twenty-eight dollars (\$71,428) to design, develop, construct, purchase and install exhibits, furniture, fixtures and equipment and to purchase vans, trucks, shade structures and window coverings for the Explora science center and children's museum in Albuquerque in Bernalillo county;

~~35. seventy-one thousand four hundred twenty-eight dollars (\$71,428) for improvements, including hill stabilization, sewer, drainage, road construction, fencing and gates, for Balloon Fiesta park in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

36. one hundred fifty thousand dollars (\$150,000) to plan, design, construct and equip the city hall in Las Vegas in San Miguel county;

37. one hundred thousand dollars (\$100,000) for renovation of the courthouse in Guadalupe county;

38. one hundred fifty-two thousand dollars (\$152,000) to plan, design and construct a library for Anton Chico in Guadalupe county;

39. seventy-five thousand dollars (\$75,000) to upgrade and improve the Pinto Bean city park, including playground, concession area and skate park, in Moriarty in Torrance county;

40. seventy-five thousand dollars (\$75,000) for improvements at the Santa Rosa power dam softball complex in Guadalupe county;

41. one hundred fifty thousand dollars (\$150,000) for constructing and equipping the community center in Watrous in Mora county;

42. ten thousand dollars (\$10,000) for construction of phase 1 of the waste conversion and recycling pilot project in Sandoval county;

43. twelve thousand dollars (\$12,000) for the purchase and installation of an advanced security system for the Sandoval county judicial complex in Sandoval county;

44. fifty thousand dollars (\$50,000) to renovate, equip and improve the infrastructure for El Prado community center in El Prado in Taos county;

45. one hundred thousand dollars (\$100,000) to plan, design, construct and equip the agricultural center in Taos county;

46. eighty thousand dollars (\$80,000) to plan, design, construct and equip La Lama fire district and community center in Taos county;

47. twenty-five thousand dollars (\$25,000) to plan, design and construct a facility and to purchase firefighting equipment for the Pot Creek volunteer fire department in Taos county;

48. twenty-five thousand dollars (\$25,000) to furnish and equip the Rio Grande alcohol treatment facility in Embudo in Rio Arriba county;

49. one hundred twenty-five thousand dollars (\$125,000) to purchase a water tender for the fire department in Questa in Taos county;

50. fifty thousand dollars (\$50,000) to purchase and install computer technology, furniture and other equipment for the Hoy recovery program's medically monitored detoxification component at the facility in Velarde in Rio Arriba county;

51. fifteen thousand dollars (\$15,000) to plan, design and construct a playground at the Ledoux fire department in Mora in Mora county;

52. one hundred thousand dollars (\$100,000) to purchase a new aerial ladder truck for the fire department in Taos in Taos county;

53. thirty thousand dollars (\$30,000) for parking lot improvements at the Penasco health clinic in Taos county;

54. twenty-three thousand dollars (\$23,000) for improvements to the veterans' memorial on the plaza in Taos in Taos county;

~~55. five thousand dollars (\$5,000) to design and construct lighting, bleachers, landscaping and infrastructure for the New Mexico soccer tournament complex in Bernalillo in Sandoval county;][LINE-ITEM VETO]~~

56. fifteen thousand dollars (\$15,000) for improvements to El Pueblo health services in Bernalillo in Sandoval county;

57. one hundred fifty thousand dollars (\$150,000) to renovate the municipal swimming pool in Bernalillo in Sandoval county;

58. one hundred thousand dollars (\$100,000) for improvements to the county judicial complex in Bernalillo in Sandoval county;

59. thirty-five thousand dollars (\$35,000) for maintenance and renovation of the Albuquerque railyard station in Albuquerque in Bernalillo county;

60. thirty-five thousand dollars (\$35,000) for improvements and turf installation at the Altamont little league property in Albuquerque in Bernalillo county;

61. two hundred thousand dollars (\$200,000) to plan, design and build the north Domingo Baca multigenerational center in Albuquerque in Bernalillo county;

62. fifteen thousand dollars (\$15,000) to plan, design, construct, equip and furnish the Unser children's discovery center and racing museum in Albuquerque in Bernalillo county;

63. seventeen thousand dollars (\$17,000) for equipment and improvements at the Roadrunner little league fields in Albuquerque in Bernalillo county;

64. eighteen thousand dollars (\$18,000) for improvements, including hill stabilization, sewer, drainage, road construction, fencing and gates, for Balloon Fiesta park in Albuquerque in Bernalillo county;

65. fifteen thousand dollars (\$15,000) for exhibits, furniture, fixtures, equipment, motor vehicles and shade structures for the Explora science center and children's museum in Albuquerque in Bernalillo county;

~~66. five thousand dollars (\$5,000) for renovation of El Zocalo compound as an economic development center in Sandoval county;][LINE-ITEM VETO]~~

67. twenty-five thousand dollars (\$25,000) to purchase communication, electronic and office equipment for the Tularosa safety facility in Tularosa in Otero county;

68. two hundred thousand dollars (\$200,000) to remodel the interior and exterior of the Tularosa fire department in Tularosa in Otero county;

69. twenty-five thousand dollars (\$25,000) to renovate the Red Brick school house in Tularosa in Otero county;

~~70. one hundred eleven thousand dollars (\$111,000) to construct a new road maintenance shop building in Otero county;][LINE-ITEM VETO]~~

71. sixty thousand dollars (\$60,000) for purchasing and renovating an existing building and property for use as a safe-house shelter for victims of domestic violence in Alamogordo in Otero county;

72. fifty thousand dollars (\$50,000) for phase 1 renovation of the Albuquerque museum in Albuquerque in Bernalillo county;

73. fifty thousand dollars (\$50,000) for trail development in Los Ranchos de Albuquerque in Bernalillo county;

74. one hundred thousand dollars (\$100,000) for equipment for the bosque restoration and removal of non-native plants in Senate District 13 in Albuquerque in Bernalillo county;

75. fifty thousand dollars (\$50,000) for technical equipment for a facility serving people with developmental disabilities in the north valley of Albuquerque in Bernalillo county;

76. twenty thousand dollars (\$20,000) to design, develop, construct, purchase and install exhibits, furniture, fixtures and equipment and to purchase vans, trucks, shade structures and window coverings for the Explora science center and children's museum in Albuquerque in Bernalillo county;

77. twenty-five thousand dollars (\$25,000) for renovation for the Downtown community education center in Albuquerque in Bernalillo county;

78. nine thousand dollars (\$9,000) for improvements, including hill stabilization, phase 4 sewer, main street surface and bollards, drainage, road construction, fencing and gates, at Balloon Fiesta park in Albuquerque in Bernalillo county;

79. one hundred thousand dollars (\$100,000) to renovate the district attorney's office in the county court complex in Grants in Cibola county;

80. ten thousand dollars (\$10,000) to purchase computer technology for court use in Grants in Cibola county;

81. fifty thousand dollars (\$50,000) for a community soccer field and fitness trail at the future foundations family center in Grants in Cibola county;

82. sixty thousand dollars (\$60,000) to purchase police vehicles for Grants in Cibola county;

83. one hundred thousand dollars (\$100,000) for the replacement of playground equipment for recreation facilities and mini-parks in Socorro in Socorro county;

84. one hundred thirty thousand dollars (\$130,000) for improvement of the plaza area infrastructure in Socorro in Socorro county;

85. fifty thousand dollars (\$50,000) for furniture and vehicles for the sheriff's department in Cibola county;

86. ten thousand dollars (\$10,000) to purchase and install a perimeter fence in San Rafael in Cibola county;

87. one hundred fifty thousand dollars (\$150,000) to renovate the historic Rio Grande theater in Las Cruces in Dona Ana county;

88. one hundred thousand dollars (\$100,000) for phase 1 of a multipurpose center, including planning and land acquisition, in Rodey in Dona Ana county;

89. fifty thousand dollars (\$50,000) for installation of lighting of the parking lot of the Radium Springs community recreational park in Radium Springs in Dona Ana county;

90. twenty-four thousand dollars (\$24,000) for repairs to Cabo San Ysidro in Corrales in Sandoval county;

~~91. five thousand dollars (\$5,000) for the purchase of furniture for Los Ranchos de Albuquerque farmers' market in Los Ranchos de Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

92. fifty thousand dollars (\$50,000) for security systems and other improvements for the Sandoval county judicial complex in Sandoval county;

93. twenty-five thousand dollars (\$25,000) for the construction and purchase of exhibits for the Anderson-Abruzzo international balloon museum in Albuquerque in Bernalillo county;

94. five thousand dollars (\$5,000) to design, develop, construct, purchase and install exhibits, furniture, fixtures and equipment and to purchase vans, trucks, shade structures and window coverings for the Explora science center and children's museum in Albuquerque in Bernalillo county;

95. eighty thousand dollars (\$80,000) for design and construction of the concession stand at the Alameda little league complex in Albuquerque in Bernalillo county;

96. two hundred sixty-nine thousand dollars (\$269,000) for design and construction for the Domingo Baca park community center in Albuquerque in Bernalillo county;

~~97. fifty-seven thousand dollars (\$57,000) for purchase of tree removal equipment for the bosque in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

98. one hundred thousand dollars (\$100,000) to construct an ambulance station in Pecos in San Miguel county;

99. one hundred thousand dollars (\$100,000) to purchase a bus barn for use by the head start program in Mora county;

100. thirty thousand dollars (\$30,000) for phase 4 construction of the Tecolote community center in Tecolote in San Miguel county;

101. one hundred twenty-five thousand dollars (\$125,000) for purchase of patrol cars for the Mora county sheriff in Mora county;

102. thirteen thousand dollars (\$13,000) for design and construction of the Pueblo fire department San Jose substation in San Miguel county;

103. ten thousand dollars (\$10,000) for repair and renovation of the Talpa community center in Taos county;

104. fifty thousand dollars (\$50,000) for the purchase and installation of an enclosure and playground equipment, constructing picnic shelters and installing tables, constructing a concession stand and installing a well pump and irrigation system for the baseball field for San Ysidro in Sandoval county;

105. fifteen thousand dollars (\$15,000) for completion of the San Juan community center in San Miguel county;

106. thirty thousand dollars (\$30,000) for renovation, including electrical work, windows, doors, flooring, wall repair and painting, of El Pueblo community center in El Pueblo in San Miguel county;

107. seventy-five thousand dollars (\$75,000) to renovate historic public buildings, including the Shuler theater, the Raton museum and the Old Pass gallery, in Raton in Colfax county;

108. fifty thousand dollars (\$50,000) to plan, design and construct additional space and to renovate existing space for a facility for youth and family services in Raton in Colfax county;

109. seventy-five thousand dollars (\$75,000) to renovate the natatorium and the recreation building in Clovis in Curry county;

110. fifty thousand dollars (\$50,000) to acquire land in Eagle Nest in Colfax county;

111. sixty thousand dollars (\$60,000) for improvement and upgrade to Union county general hospital in Union county;

112. twenty-five thousand dollars (\$25,000) to purchase and equip an emergency vehicle ambulance for San Jon in Quay county;

113. fifty thousand dollars (\$50,000) for road equipment for Roosevelt county;

114. fifty thousand dollars (\$50,000) for purchasing equipment for the street department in Portales in Roosevelt county;

115. ten thousand dollars (\$10,000) for the purchase of vehicles and equipment for the sheriff's department in De Baca county;

116. fifteen thousand dollars (\$15,000) for fairground repair in De Baca county;

117. twenty-five thousand dollars (\$25,000) for vehicles, computers and communications equipment for the police department in Elida in Roosevelt county;

118. twenty-five thousand dollars (\$25,000) to purchase an ambulance for Floyd in Roosevelt county;

~~119. ten thousand dollars (\$10,000) for construction of a metal canopy at the fairgrounds in Otero county;~~

~~120. sixty thousand dollars (\$60,000) for constructing the archive building for the historical society for southeast New Mexico, including purchasing a heating, air conditioning and ventilation unit and installing an elevator, landscaping, sidewalks and a parking lot, in Roswell in Chaves county;][LINE-ITEM VETO]~~

121. twenty thousand dollars (\$20,000) for a parking lot at the train depot visitors' center in Artesia in Eddy county;

~~122. seventy thousand dollars (\$70,000) for construction of a restroom and concession stand facility at the fairgrounds in Eddy county;~~

~~123. twenty-five thousand dollars (\$25,000) to plan, design and construct a motorcycle training track at the Artesia vocational training center in Eddy county;][LINE-ITEM VETO]~~

124. ten thousand dollars (\$10,000) for phase 4 improvements, including installing an irrigation system and purchasing mowing equipment, for the little league fields and sports complex in Hagerman in Chaves county;

~~125. one hundred thousand dollars (\$100,000) for phase 1 improvements to the Cielo Grande recreation area special events area in Roswell in Chaves county;~~

~~126. fifty thousand dollars (\$50,000) for improvements, including lighting, to the Cielo Grande hike and bike trail in Roswell in Chaves county;~~

~~127. twenty thousand dollars (\$20,000) for phase 3 improvements to the Cielo Grande recreation area skate park in Roswell in Chaves county;][LINE-ITEM VETO]~~

128. one hundred thousand dollars (\$100,000) to plan, design and construct a drill tower and burn room for the fire department in Roswell in Chaves county;

129. twenty thousand dollars (\$20,000) to replace the sprinkler system and improve the parking lot at the sports complex in Dexter in Chaves county;

130. ten thousand dollars (\$10,000) to replace the roof on the health clinic in Dexter in Chaves county;

131. one hundred thousand dollars (\$100,000) to purchase an x-ray machine for Artesia general hospital in Artesia in Eddy county;

132. forty thousand dollars (\$40,000) for improvements to the Sidney Gutierrez middle school building owned by the city of Roswell in Chaves county;

133. twenty thousand dollars (\$20,000) for radio antenna replacement and improvements to the emergency fire radio for the Penasco volunteer fire department in Chaves county;

134. fifty thousand dollars (\$50,000) for equipment and facility improvements at the Roswell boys' and girls' club in Chaves county;

135. ten thousand dollars (\$10,000) for a fire truck in Mescalero in Otero county;

~~136. fifty thousand dollars (\$50,000) to plan, design and construct the Nancy Lopez addition to the Spring River golf course in Roswell in Chaves county;~~

~~137. twenty thousand dollars (\$20,000) to construct a memorial honoring citizens of Chaves county who gave their lives in heroic acts;][LINE-ITEM VETO]~~

138. twenty thousand dollars (\$20,000) for a statue to commemorate the Blackdom settlement pioneered by African-Americans in Roswell in Chaves county;

139. ten thousand dollars (\$10,000) for a fuel storage system, equipment and expansion to two bays for the Dunken volunteer fire department in Chaves county;

140. twenty-five thousand dollars (\$25,000) to construct offices and a training room for the Texico volunteer fire department in Curry county;

141. fifty thousand dollars (\$50,000) for equipment for Portales in Roosevelt county;

142. ten thousand dollars (\$10,000) to remodel and equip the enterprise center in Portales in Roosevelt county;

143. twenty thousand dollars (\$20,000) to construct fire truck bays in Causey in Roosevelt county;

144. twenty-five thousand dollars (\$25,000) to upgrade the fire protection system of Nor-Lea general hospital in Lovington in Lea county;

145. fifty thousand dollars (\$50,000) for building improvements, including roof repair and building renovation, to city buildings in Portales in Roosevelt county;

146. twenty-five thousand dollars (\$25,000) to plan, design and construct the renovation of the Fletcher center into an educational facility operated by head start in Hobbs in Lea county;

147. twenty-five thousand dollars (\$25,000) for sports field and park improvements at Del Norte park or all-weather paving of the parking lots at Bensing baseball park in Hobbs in Lea county;

148. seventy-five thousand dollars (\$75,000) to replace the roof, the heating, ventilation and air conditioning system, and the flooring at the youth center in Lovington in Lea county;

149. fifty thousand dollars (\$50,000) to develop a direct supervision housing facility for female inmates at the Lea county detention facility in Lea county;

150. eighteen thousand dollars (\$18,000) for improvements and additions, equipment and a closed air system for the medical unit at the Lea county detention facility in Lea county;

151. twenty-five thousand dollars (\$25,000) to purchase, construct, design and remodel the business development center in Clovis in Curry county;

~~152. one hundred eleven thousand one hundred seventy dollars (\$111,170) to plan, design, construct and equip, including a closed air system, the medical unit at the detention facility in Lea county;][LINE-ITEM VETO]~~

153. seventy-five thousand dollars (\$75,000) to replace the roof; the heating, ventilation and air conditioning system and the flooring at the youth center in Lovington in Lea county;

154. twenty-five thousand dollars (\$25,000) to design phase 1 of the Carlsbad battered family residential shelter in Eddy county;

~~155. fifty thousand dollars (\$50,000) to construct the restroom and concession stand facility at the horse council arena in Eddy county;~~

~~156. fifteen thousand dollars (\$15,000) to plan, design and construct village restrooms in Cloudercroft in Otero county;][LINE-ITEM VETO]~~

157. one hundred thousand dollars (\$100,000) to purchase an x-ray machine for Artesia general hospital in Artesia in Eddy county;

158. five thousand dollars (\$5,000) for the design and construction of lighting, bleachers, landscaping and infrastructure at the New Mexico soccer tournament complex in Sandoval county;

159. seventeen thousand dollars (\$17,000) to purchase and install shade structures and drinking fountains at two recreation areas operated by the city of Rio Rancho for Sandoval county;

160. thirty-one thousand dollars (\$31,000) for purchasing and installing improvements, including shade structures, drinking fountains and playground equipment, at Star Heights park operated by the city of Rio Rancho for Sandoval county;

161. fifty thousand dollars (\$50,000) for improvements, including sod and irrigation systems, for the Loma Colorado multipurpose field complex in Sandoval county;

162. ten thousand dollars (\$10,000) for design, construction and purchase of exhibits and related equipment and furnishings for the Anderson-Abruzzo international balloon museum in Albuquerque in Bernalillo county;

163. one hundred thousand dollars (\$100,000) for improvements to the Bernalillo swimming pool in Bernalillo in Sandoval county;

164. one hundred sixty-five thousand dollars (\$165,000) for remodeling the old fire house in Corrales in Sandoval county;

165. three hundred thousand dollars (\$300,000) for the planning, design and construction of a fire department substation with a well and water storage tank in Corrales in Sandoval county;

166. ten thousand dollars (\$10,000) to purchase a pool cover for the recreation center in Corrales in Sandoval county;

167. ten thousand dollars (\$10,000) for medical equipment for a health facility in Bernalillo in Sandoval county;

168. ten thousand dollars (\$10,000) to design, develop, construct, purchase and install exhibits, furniture, fixtures and equipment and to purchase vans, trucks, shade structures and window coverings for the Explora science center and children's museum in Albuquerque in Bernalillo county;

169. fifteen thousand dollars (\$15,000) for construction and renovations, including replacing the roof, refurbishing the seating and constructing the fly-loft, at the Hiland theater in Albuquerque in Bernalillo county;

170. fifty thousand dollars (\$50,000) to purchase equipment and furniture for the boys' and girls' club in Bloomfield in San Juan county;

171. one hundred thousand dollars (\$100,000) for construction of a veterans' memorial park in Farmington in San Juan county;

~~172. fifty thousand dollars (\$50,000) for public safety communication system enhancements in Bloomfield in San Juan county;~~

~~173. fifty thousand dollars (\$50,000) to purchase a parks and recreation office building and workshop in Bloomfield in San Juan county;~~

~~174. fifty thousand dollars (\$50,000) to replace the city hall heating and cooling system in Bloomfield in San Juan county;][LINE-ITEM VETO]~~

175. one hundred thousand dollars (\$100,000) to expand McGee park fairgrounds by acquiring eighty acres of land adjacent to McGee park in San Juan county;

176. one hundred twenty-seven thousand five hundred dollars (\$127,500) to replace the flooring, roof and heating and air conditioning units in the youth center in Lovington in Lea county;

177. seventy-five thousand dollars (\$75,000) for construction of a juvenile area in the Lea county detention facility in Lea county;

178. one hundred thousand dollars (\$100,000) for improvements and additions, equipment and a closed air system for the medical unit at the Lea county detention facility in Lea county;

179. fifty thousand dollars (\$50,000) to renovate the Fletcher center into an educational facility operated by head start in Hobbs in Lea county;

180. eighty-two thousand dollars (\$82,000) to replace the roofs at the library and at city hall in Hobbs in Lea county;

181. ten thousand dollars (\$10,000) for the design of the little league complex in Loving in Eddy county;

182. fifty thousand dollars (\$50,000) for construction of sidewalks from Fourth street to Eighth street on Cedar street in Loving in Eddy county;

183. fifty thousand dollars (\$50,000) for the purchase of a command and crime scene vehicle for the sheriff's department in Eddy county;

184. one hundred nineteen thousand dollars (\$119,000) to improve the cemetery in Carlsbad in Eddy county;

185. three hundred thousand dollars (\$300,000) to design and construct the south valley health facility in Albuquerque in Bernalillo county;

~~186. eighty thousand dollars (\$80,000) for park improvements in the Westgate Heights in Albuquerque in Bernalillo county;~~[[LINE-ITEM VETO]

187. twenty thousand dollars (\$20,000) to design, develop, construct, purchase and install exhibits, furniture, fixtures and equipment and to purchase vans, trucks, shade structures and window coverings for the Explora science center and children's museum in Albuquerque in Bernalillo county;

188. twenty thousand dollars (\$20,000) to plan, design, construct, equip and furnish the Unser children's discovery center and racing museum in Albuquerque in Bernalillo county;

189. twenty thousand dollars (\$20,000) for improvements, including hill stabilization, sewer, drainage, road construction, fencing and gates, for Balloon Fiesta park in Albuquerque in Bernalillo county;

190. two hundred thousand dollars (\$200,000) for the planning, designing and construction of an addition to and retrofitting the interior infrastructure of the Alto street medical and dental clinic in Santa Fe in Santa Fe county;

191. one hundred thousand dollars (\$100,000) to construct the south side library in Santa Fe in Santa Fe county;

192. one hundred thousand dollars (\$100,000) for phase 1 of the building project for the Santa Fe farmers' market in Santa Fe in Santa Fe county;

193. three hundred thousand dollars (\$300,000) for purchasing a modular structure for a center for recovering alcoholics in Santa Fe county;

194. fifty thousand dollars (\$50,000) to design, acquire land for and construct facilities for the health commons project, which will be owned by the county and include housing for the health centers of northern New Mexico, Las Cumbres learning services and the public health office, in Espanola in Rio Arriba county;

195. fifty thousand dollars (\$50,000) for improvements to the Onate center, including re-roofing, replacing woodworking, site preparation, demolition, preparing the foundation for and constructing a stage, in Alcalde in Rio Arriba county;

196. seventy thousand dollars (\$70,000) for phase 1 construction, including a survey, land leveling and electricity, of the convention and economic development center in Jemez Springs in Sandoval county;

197. thirty thousand dollars (\$30,000) to construct a wall, purchase and install lighting, construct a patio area and purchase and install playground equipment and patio furniture at the crisis center of New Mexico in Espanola in Rio Arriba county;

198. fifty thousand dollars (\$50,000) to acquire land for and plan, design and construct the Agua Sana volunteer fire department in Rio Arriba county;

199. twenty thousand dollars (\$20,000) for site development, improvements and equipment at the Alcalde multipurpose center in Rio Arriba county;

200. twenty-five thousand dollars (\$25,000) for purchasing and installing audio and video equipment and constructing a production facility for the public access channel in Espanola in Rio Arriba county;

201. eighteen thousand dollars (\$18,000) to plan, design, construct, equip and furnish El Rito multipurpose facility in Rio Arriba county;

202. twenty thousand dollars (\$20,000) for purchasing and installing information technology and cameras in the Rio Arriba county assessor's office;

203. fifty thousand dollars (\$50,000) to design, construct and equip a fire station in Truchas in Rio Arriba county;

204. fifty thousand dollars (\$50,000) to plan, design and construct a courthouse in the first judicial district court in Espanola in Rio Arriba county;

205. six hundred thousand dollars (\$600,000) to renovate the Hiland theater in Albuquerque in Bernalillo county;

206. thirty thousand dollars (\$30,000) to purchase, install and construct a filtration system for the Highland pool in Albuquerque in Bernalillo county;

207. one hundred thirty thousand dollars (\$130,000) for phase 1 of pedestrian lighting improvements to complement street lighting enhancements and intersection improvements in Albuquerque in Bernalillo county;

208. thirty thousand dollars (\$30,000) for the purchase and installation of playground equipment for Summit park in Albuquerque in Bernalillo county;

209. three hundred thousand dollars (\$300,000) for the paving and construction of sidewalks in the Meadow Vista, Riverside and Santa Teresita areas and at public facilities in Sunland Park in Dona Ana county;

210. one hundred ninety-two thousand five hundred dollars (\$192,500) for land procurement and phase 1 planning for the community park and multipurpose center in Anthony in Dona Ana county;

211. fifteen thousand dollars (\$15,000) to install streetlights in Berino in Dona Ana county;

212. twenty-five thousand dollars (\$25,000) to acquire land for, plan, design and construct a community center in La Mesa in Dona Ana county;

213. twenty-five thousand dollars (\$25,000) to acquire land for, plan, design and construct a community center in San Miguel in Dona Ana county;

214. fifty thousand dollars (\$50,000) to improve and equip phase 2 improvements at Tortugas park in Dona Ana county;

215. eighteen thousand dollars (\$18,000) for improvements at Zenith park in Cloudcroft in Otero county;

216. twenty-five thousand dollars (\$25,000) for park improvements in Mesquite in Dona Ana county;

217. fifty thousand dollars (\$50,000) to plan, design and construct the community of Hope homeless shelter complex in Las Cruces in Dona Ana county;

218. ninety-seven thousand dollars (\$97,000) to plan, design and construct the downtown revitalization project, including gateways, signage and phase 2 implementation of the downtown plaza, in Las Cruces in Dona Ana county;

219. fifty thousand dollars (\$50,000) for improvements and equipment at the Berino park in Dona Ana county;

220. twenty-five thousand dollars (\$25,000) for improvements and equipment at Mesilla Park community center in Dona Ana county;

221. forty thousand dollars (\$40,000) for a victim information and notification system for the sheriff's department in Dona Ana county;

222. fifty thousand dollars (\$50,000) for phase 3 furnishings and equipment for the Mesilla valley community of hope in Las Cruces in Dona Ana county;

223. twenty-five thousand dollars (\$25,000) for acquiring land and making improvements to drainage, utilities, streets, sidewalks and facilities for the Las Cruces affordable housing development to provide houses for the mentally ill in Las Cruces in Dona Ana county;

~~224. twenty thousand dollars (\$20,000) to design and construct phase 3 and 4 improvements for Casa Grande linear park in Albuquerque in Bernalillo county;]~~*[LINE-ITEM VETO]*

225. twenty-four thousand dollars (\$24,000) for purchasing land for the Roadrunner little league in Albuquerque in Bernalillo county;

226. thirty-one thousand dollars (\$31,000) for phase 1 construction and renovation of the Albuquerque museum of art and history in Albuquerque in Bernalillo county;

227. thirty thousand dollars (\$30,000) for improvements, including hill stabilization, phase 4 sewer, main street surface and bollards, drainage, road construction, fencing and gates, at Balloon Fiesta park in Albuquerque in Bernalillo county;

228. sixty-four thousand dollars (\$64,000) for four civil transport vehicles for the sheriff's department in McKinley county;

229. four thousand dollars (\$4,000) for a plaque in recognition of the 200th coast artillery anti-aircraft battery "D" in the McKinley courthouse plaza in Gallup in McKinley county;

230. thirty-five thousand dollars (\$35,000) for purchasing equipment for a community-based program for children with developmental delays or disabilities and children at risk for developmental delays in Gallup in McKinley county;

231. forty-four thousand dollars (\$44,000) to purchase a scan fingerprint system and vehicles for the sheriff's department in McKinley county;

232. fifty thousand dollars (\$50,000) for constructing a fire training tower in Gallup in McKinley county;

233. twenty-five thousand dollars (\$25,000) for purchase of solid waste transportation equipment for Thoreau in McKinley county;

~~[234. one thousand dollars (\$1,000) for improvements, including hill stabilization, sewer, drainage, road construction, fencing and gates, for Balloon Fiesta park in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

235. thirty thousand dollars (\$30,000) for a victim information and notification system for the sheriff's department in Dona Ana county;

236. fifty thousand dollars (\$50,000) for acquiring land and making improvements to drainage, utilities, streets, sidewalks and facilities for the Las Cruces affordable housing development to provide houses for the mentally ill in Las Cruces in Dona Ana county;

237. twenty-five thousand dollars (\$25,000) to design and construct lighting, bleachers, landscaping and infrastructure improvements at the New Mexico soccer tournament complex in Sandoval county;

238. fifty thousand dollars (\$50,000) to renovate, construct and equip the southwest velodrome park in Albuquerque in Bernalillo county;

239. fifty thousand dollars (\$50,000) for athletic equipment and furnishings at Cesar Chavez and Mesa Verde community centers in Albuquerque in Bernalillo county;

240. twenty-five thousand dollars (\$25,000) for a building purchase or renovation and equipment for Channel 27 and Quote Unquote organizations in Albuquerque in Bernalillo county;

241. fifty thousand dollars (\$50,000) for a concession stand and improvements to Caja del Rio road and infrastructure at the Santa Fe recreational fields in Santa Fe county;

242. fifteen thousand dollars (\$15,000) to purchase and install Olympic power-lifting equipment at High Desert athletic club in Santa Fe county;

243. twenty-five thousand dollars (\$25,000) for international market development capital projects for Albuquerque development services in Albuquerque in Bernalillo county;

244. twenty thousand dollars (\$20,000) for improvements to the seventh judicial district court complex in Estancia in Torrance county;

245. fifty thousand dollars (\$50,000) to construct and equip phase 2 of the youth shelter and family services complex in Santa Fe county;

246. twenty thousand dollars (\$20,000) for a feasibility study to develop a plan, including an implementation schedule, for a protected river corridor for the Santa Fe river between Osage street and New Mexico highway 599 in Santa Fe county;

247. ninety thousand dollars (\$90,000) to purchase and upgrade furniture, equipment and technology for the boys' and girls' clubs in the Alto street and Valle Vista neighborhoods in Santa Fe county;

248. thirty thousand dollars (\$30,000) to acquire land and make improvements to secure a protective corridor for the Camino Real river trail in Santa Fe county;

249. fifty thousand dollars (\$50,000) for improving the fairgrounds in Santa Fe county;

250. fifty thousand dollars (\$50,000) to design, construct and equip a branch library in the south area of Santa Fe in Santa Fe county;

251. twenty-five thousand dollars (\$25,000) to plan, design and construct a collaborative model teen and family services multipurpose center in Tierra Contenta in Santa Fe county;

252. twenty thousand dollars (\$20,000) for information technology, a TTY machine and supporting equipment to operate a 211 call center in Santa Fe county;

253. forty thousand dollars (\$40,000) for phase 2 construction of a child care and teacher resource center for the Santa Fe civic housing authority in Santa Fe county;

254. forty thousand dollars (\$40,000) for construction and infrastructure for the Vista del Sol affordable housing development in Santa Fe in Santa Fe county;

255. forty thousand dollars (\$40,000) for expanding the facility at La Familia medical center in Santa Fe in Santa Fe county;

256. fifty thousand dollars (\$50,000) for equipment, information technology, furniture and supplies to assist the hard of hearing and the deaf in Santa Fe in Santa Fe county;

257. one hundred thousand dollars (\$100,000) to plan, design, construct, equip and furnish an administrative office for the mid-region New Mexico council of governments in Albuquerque in Bernalillo county;

258. ten thousand dollars (\$10,000) for phase 3 implementation of a reforestation, irrigation and landscaping plan for the Silver Hill neighborhood in Albuquerque in Bernalillo county;

259. forty thousand dollars (\$40,000) for an architectural plan and master plan for the Wheels museum in Albuquerque in Bernalillo county;

260. twenty-five thousand dollars (\$25,000) for construction of the "entrada memorial wall" at Nineteenth street and Mountain road in Albuquerque in Bernalillo county;

261. one hundred thousand dollars (\$100,000) for improvements to Martineztown park in Albuquerque in Bernalillo county;

262. fifty thousand dollars (\$50,000) for improvements to Rio Grande triangle dog park in Albuquerque in Bernalillo county;

263. twenty thousand dollars (\$20,000) to plan, design, construct or renovate the West Mesa community center in Albuquerque in Bernalillo county;

264. five thousand dollars (\$5,000) for planning, design and construction of the east Atrisco Kimbar park in Albuquerque in Bernalillo county;

265. two hundred thousand dollars (\$200,000) to develop the site for, plan, design, construct and equip phase 1 of a multipurpose family service center in the south valley of Bernalillo county;

266. thirty thousand dollars (\$30,000) to renovate Alamosa park in Albuquerque in Bernalillo county;

267. one hundred fifty thousand dollars (\$150,000) to plan, design and construct the Unser children's discovery center and racing museum in Albuquerque in Bernalillo county;

268. one hundred fifty-three thousand dollars (\$153,000) for phase 3 improvements, including an addition, to the Daniel Fernandez multipurpose youth center in Los Lunas in Valencia county;

269. two hundred one thousand dollars (\$201,000) for improvements to the multipurpose recreation park, including lighting, roads, parking lots, landscaping and furnishings, in Belen in Valencia county;

270. twenty-five thousand dollars (\$25,000) for a needs assessment for improvements at the county road department in Valencia county;

271. six thousand dollars (\$6,000) for purchasing defibrillators for the Valencia county sheriff's department;

272. one hundred fifty thousand dollars (\$150,000) to purchase land for and plan, design, construct and equip Los Chavez fire department in Valencia county;

273. fifty thousand dollars (\$50,000) for video equipment to be used in the making of testimonials by members of the community at the library in Los Lunas in Valencia county;

274. fifty thousand dollars (\$50,000) for video and audio equipment to be used in the making of testimonials by members of the community at the library in Belen in Valencia county;

275. one hundred thousand dollars (\$100,000) for planning, designing and constructing a community center in the Tome-Adelino area of Valencia county;

276. five hundred thousand dollars (\$500,000) to plan, design and construct facilities at the San Juan regional medical center in Farmington in San Juan county;

277. seventy-five thousand dollars (\$75,000) to construct a jail in Hidalgo county;

278. one hundred twenty-five thousand dollars (\$125,000) to replace the roof at the old clinic building in Lordsburg in Hidalgo county;

279. ninety-three thousand dollars (\$93,000) for acquisition of a fire truck in Williamsburg in Sierra county;

280. forty-five thousand dollars (\$45,000) to purchase screens for windows, resurface, install lighting and construct a retaining wall for the tennis courts at Hillsboro community center in Hillsboro in Sierra county;

281. one hundred thirty-seven thousand dollars (\$137,000) to renovate Luna county courthouse in Luna county;

282. sixty-two thousand dollars (\$62,000) to plan, design and construct an addition to the village hall in Williamsburg in Sierra county;

283. one hundred thousand dollars (\$100,000) to renovate and repair the southwest New Mexico fairgrounds building in Luna county;

284. one hundred thousand dollars (\$100,000) to plan, design and construct a civic events center building, including governmental office space, in Sierra county;

285. two hundred seventy-five thousand dollars (\$275,000) to design, construct and renovate Alvarado park in Albuquerque in Bernalillo county;

286. ten thousand dollars (\$10,000) for the acquisition of land adjacent to the Roadrunner little league park in Albuquerque in Bernalillo county;

~~287. ninety-five thousand dollars (\$95,000) to plan, design and construct median landscaping on McKinney between Forrest Hills drive and Harper drive in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

288. twenty-five thousand dollars (\$25,000) to purchase thermal imaging cameras for the fire department in Albuquerque in Bernalillo county;

289. fifteen thousand dollars (\$15,000) to plan, design, construct, equip and furnish the Unser children's discovery center and racing museum in Albuquerque in Bernalillo county;

290. ten thousand dollars (\$10,000) for improvements, including hill stabilization, sewer, drainage, road construction, fencing and gates, for Balloon Fiesta park in Albuquerque in Bernalillo county;

~~291. twenty thousand dollars (\$20,000) for design, construction and purchase of exhibits and related equipment and furnishings for the Anderson-Abruzzo international balloon museum in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

292. twenty thousand dollars (\$20,000) to design, develop, construct, purchase and install exhibits, furniture, fixtures and equipment and to purchase vans, trucks, shade

structures and window coverings for the Explora science center and children's museum in Albuquerque in Bernalillo county;

~~[293. fifty-five thousand dollars (\$55,000) for median landscaping on Burlison drive between Academy road and Esther avenue in Albuquerque in Bernalillo county;]and
[LINE-ITEM VETO]~~

294. twenty-five thousand dollars (\$25,000) to purchase road maintainers for building and maintaining roads in Roosevelt county.

Chapter 126 Section 135 Laws 2004

Section 135. MARTIN LUTHER KING, JR. COMMISSION PROJECT--CAPITAL PROJECT FUND.--Ten thousand dollars (\$10,000) is appropriated from the capital project fund to the Martin Luther King, Jr. commission for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, to construct and equip a resource library and purchase and install information technology for the Martin Luther King, Jr. commission in Albuquerque in Bernalillo county.

Chapter 126 Section 136 Laws 2004

Section 136. PUBLIC EDUCATION PROJECTS--PUBLIC EDUCATION DEPARTMENT--CAPITAL PROJECTS FUND.--The following amounts are appropriated from the capital projects fund to the public education department for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, for the following purposes:

1. five thousand dollars (\$5,000) to purchase athletic equipment and supplies for the Capitan municipal school district in Lincoln county;
2. twenty-five thousand dollars (\$25,000) for improvements, including lights, bleachers and other construction, to the Goddard high school baseball field in the Roswell independent school district in Chaves county;
3. ten thousand dollars (\$10,000) for educational technology and athletic equipment and for construction and maintenance at Del Norte elementary school in the Roswell independent school district in Chaves county;
4. twenty thousand dollars (\$20,000) for equipment for the football program at the high school in the Ruidoso municipal school district in Lincoln county;
5. eight thousand dollars (\$8,000) for educational technology for the Central elementary school in the Artesia public school district in Eddy county;
- ~~6. ten thousand dollars (\$10,000) for purchasing equipment for the football program at the high school in the Artesia public school district in Eddy county;][LINE-ITEM VETO]~~

7. eight thousand dollars (\$8,000) for educational technology for the special education life skills program at Mesa middle school in the Roswell independent school district in Chaves county;

8. eight thousand dollars (\$8,000) for educational technology for the special education life skills program at Sierra middle school in the Roswell independent school district in Chaves county;

9. five thousand dollars (\$5,000) for educational technology for Military Heights elementary school in the Roswell independent school district in Chaves county;

10. twenty-five thousand dollars (\$25,000) for equipment for the girls' softball program at Goddard high school in the Roswell independent school district in Chaves county;

11. seventeen thousand dollars (\$17,000) to purchase equipment for the Capitan municipal school district in Lincoln county;

12. twenty thousand dollars (\$20,000) for improvements for the family and consumer science program at the high school and middle school in the Capitan municipal school district in Lincoln county;

13. thirty thousand dollars (\$30,000) to design and replace the roof on the elementary school in the Capitan municipal school district in Lincoln county;

14. twenty-five thousand dollars (\$25,000) for educational technology for schools in the Corona public school district in Lincoln county;

15. one hundred thousand dollars (\$100,000) to purchase furniture for the six school sites in the Cobre consolidated school district in Grant county;

16. one hundred thousand dollars (\$100,000) for educational technology for the Socorro consolidated school district in Socorro county;

17. one hundred seventy-five thousand dollars (\$175,000) to repair and upgrade the roof of Reserve high school in the Reserve independent school district in Catron county;

18. fifty thousand dollars (\$50,000) to replace [football] bleachers [at Silver high school] in the Silver consolidated school district in Grant county;[LINE-ITEM VETO]

19. eighty-five thousand dollars (\$85,000) for educational technology in the Silver consolidated school district in Grant county;

20. one hundred seventy-five thousand dollars (\$175,000) to plan, design, remodel, furnish and equip a library and restroom at Lowell elementary school in the Albuquerque public school district in Bernalillo county;

21. forty thousand dollars (\$40,000) for educational technology for Apache elementary school in the Albuquerque public school district in Bernalillo county;

22. twenty thousand dollars (\$20,000) to purchase equipment for the physical education program at A. Montoya elementary school in the Albuquerque public school district in Bernalillo county;

23. twenty thousand dollars (\$20,000) for educational technology, including computers, cameras, scanners and printers, for A. Montoya elementary school in the Albuquerque public school district in Bernalillo county;

24. fifty thousand dollars (\$50,000) for educational technology for Roosevelt middle school in the Albuquerque public school district in Bernalillo county;

25. forty thousand dollars (\$40,000) for educational technology for San Antonio elementary school in the Albuquerque public school district in Bernalillo county;

26. fifteen thousand dollars (\$15,000) for development of a "smart lab" at the creative education preparatory institute number 2 charter school in the Albuquerque public school district in Bernalillo county;

27. twenty-five thousand dollars (\$25,000) for educational technology, including classroom computers, printers, scanners, digital cameras and flash drives, for the Manzano high school in the Albuquerque public school district in Bernalillo county;

28. forty-eight thousand dollars (\$48,000) to plan, design and construct a performing arts theater for the Moriarty municipal school district in Torrance county;

29. ten thousand dollars (\$10,000) for educational technology at Martin Luther King, Jr. elementary school in the Rio Rancho public school district in Sandoval county;

30. ten thousand dollars (\$10,000) for educational technology at Puesta del Sol elementary school in the Rio Rancho public school district in Sandoval county;

31. ten thousand dollars (\$10,000) for capital improvements to Lyndon B. Johnson middle school in the Albuquerque public school district in Bernalillo county;

32. ten thousand dollars (\$10,000) for capital improvements to Marie M. Hughes elementary school in the Albuquerque public school district in Bernalillo county;

33. ten thousand dollars (\$10,000) for educational technology for Chamiza elementary school in the Albuquerque public school district in Bernalillo county;

34. ten thousand dollars (\$10,000) for educational technology for Lyndon B. Johnson middle school in the Albuquerque public school district in Bernalillo county;

35. ten thousand dollars (\$10,000) for educational technology for Sierra Vista elementary school in the Albuquerque public school district in Bernalillo county;

36. ten thousand dollars (\$10,000) for educational technology for Marie M. Hughes elementary school in the Albuquerque public school district in Bernalillo county;

37. ten thousand dollars (\$10,000) for capital improvements to Chamiza elementary school in the Albuquerque public school district in Bernalillo county;
38. ten thousand dollars (\$10,000) for educational technology for Chaparral elementary school in the Albuquerque public school district in Bernalillo county;
39. ten thousand dollars (\$10,000) for educational technology for James Monroe middle school in the Albuquerque public school district in Bernalillo county;
40. thirty-five thousand dollars (\$35,000) for improvements to Martin Luther King, Jr. elementary school in the Albuquerque public school district in Bernalillo county;
41. thirty-five thousand dollars (\$35,000) for capital improvements to Puesta del Sol elementary school in the Albuquerque public school district in Bernalillo county;
42. ten thousand dollars (\$10,000) for capital improvements to Sierra Vista elementary school in the Albuquerque public school district in Bernalillo county;
43. ten thousand dollars (\$10,000) for capital improvements at Chaparral elementary school in the Albuquerque public school district in Bernalillo county;
44. ten thousand dollars (\$10,000) for educational technology for Jimmy E. Carter middle school in the Albuquerque public school district in Bernalillo county;
45. ten thousand dollars (\$10,000) for capital improvements to Jimmy E. Carter middle school in the Albuquerque public school district in Bernalillo county;
46. eleven thousand dollars (\$11,000) for educational technology for Cibola high school in the Albuquerque public school district in Bernalillo county;
47. twelve thousand dollars (\$12,000) for capital improvements to Cibola high school in the Albuquerque public school district in Bernalillo county;
48. ten thousand dollars (\$10,000) for the purchase of a bus for the athletic teams at West Mesa high school in the Albuquerque public school district in Bernalillo county;
49. ten thousand dollars (\$10,000) for library improvements at Eisenhower middle school in the Albuquerque public school district in Bernalillo county;
- ~~50. five thousand dollars (\$5,000) for building improvements at East Mountain charter high school in the Albuquerque public school district in Bernalillo county;~~
- ~~51. five thousand dollars (\$5,000) for library improvements at Hubert Humphrey elementary school in the Albuquerque public school district in Bernalillo county;][LINE-ITEM VETO]~~
52. twenty thousand dollars (\$20,000) for renovations at the charter vocational high school in the Albuquerque public school district in Bernalillo county;

~~53. five thousand dollars (\$5,000) for educational technology at Eisenhower middle school in the Albuquerque public school district in Bernalillo county;~~

~~54. five thousand dollars (\$5,000) for educational technology at La Cueva high school in the Albuquerque public school district in Bernalillo county;~~

~~55. five thousand dollars (\$5,000) for educational technology at Georgia O'Keefe elementary school in the Albuquerque public school district in Bernalillo county;~~

~~56. five thousand dollars (\$5,000) for educational technology at Hubert Humphrey elementary school in the Albuquerque public school district in Bernalillo county;~~

~~57. five thousand dollars (\$5,000) for educational technology for Desert Ridge middle school in the Albuquerque public school district in Bernalillo county;~~

~~58. five thousand dollars (\$5,000) for educational technology for James Madison middle school in the Albuquerque public school district in Bernalillo county;~~

~~59. five thousand dollars (\$5,000) for educational technology for Double Eagle elementary school in the Albuquerque public school district in Bernalillo county;~~

~~60. five thousand dollars (\$5,000) for educational technology for Dennis Chavez elementary school in the Albuquerque public school district in Bernalillo county;~~

~~61. five thousand dollars (\$5,000) for playground equipment and improvements at Osuna elementary school in the Albuquerque public school district in Bernalillo county;][*LINE-ITEM VETO*]~~

62. ten thousand dollars (\$10,000) for educational technology for the Twenty-First Century charter school in the Albuquerque public school district in Bernalillo county;

63. one hundred thousand dollars (\$100,000) to resurface the running track at Tularosa high school in the Tularosa municipal school district in Otero county;

64. twenty-five thousand dollars (\$25,000) to purchase and install outdoor portable bleachers for Mountain View middle school in the Alamogordo public school district in Otero county;

~~[65. three thousand dollars (\$3,000) to purchase and install indoor bleachers for the Chaparral middle school gymnasium in the Alamogordo public school district in Otero county;][*LINE-ITEM VETO*]~~

66. fifty thousand dollars (\$50,000) for educational technology and a wireless mobile computer laboratory at Duranes elementary school in the Albuquerque public school district in Bernalillo county;

67. twenty-two thousand dollars (\$22,000) for educational technology, including the purchase of digital video cameras, at Taft middle school in the Albuquerque public school district in Bernalillo county;

68. ninety thousand dollars (\$90,000) for educational technology and network wiring at Valley high school in the Albuquerque public school district in Bernalillo county;

69. seventy-five thousand dollars (\$75,000) for educational technology for Cochiti elementary school in the Albuquerque public school district in Bernalillo county;

70. seventy-five thousand dollars (\$75,000) for educational technology for Griegos elementary school in the Albuquerque public school district in Bernalillo county;

71. seventy-five thousand dollars (\$75,000) for educational technology for La Luz elementary school in the Albuquerque public school district in Bernalillo county;

72. seventy-five thousand dollars (\$75,000) for educational technology for Mission Avenue elementary school in the Albuquerque public school district in Bernalillo county;

73. twenty-five thousand dollars (\$25,000) to renovate and equip instructional space, common areas and administrative areas at the Amy Biehl charter high school in Albuquerque in Bernalillo county;

74. seventy thousand dollars (\$70,000) to purchase materials and books for the libraries in the Belen consolidated school district in Valencia county;

75. one hundred thousand dollars (\$100,000) for improvements to the running track at Grants high school in the Grants-Cibola county school district in Cibola county;

76. five thousand dollars (\$5,000) to acquire land and to construct a baseball field for Pecos elementary school in the Pecos independent school district in San Miguel county;

77. two thousand dollars (\$2,000) to purchase equipment [~~for the football program~~] for Pecos high school in the Pecos independent school district in San Miguel county;[*LINE-ITEM VETO*]

78. fifteen thousand dollars (\$15,000) for renovations and purchase of age-appropriate equipment for playgrounds at Raton public schools in Raton in Colfax county;

79. one hundred thousand dollars (\$100,000) to renovate the performing arts center at Portales high school in the Portales municipal school district in Roosevelt county;

80. ten thousand dollars (\$10,000) for educational technology for the Fort Sumner municipal school district in De Baca county;

81. fifteen thousand dollars (\$15,000) for purchase of vocational agricultural equipment for the Fort Sumner municipal school district in De Baca county;

82. fifteen thousand dollars (\$15,000) to upgrade the auditorium and replace the stage curtains and carpet in the Texico municipal school district in Curry county;

83. twenty-five thousand dollars (\$25,000) to renovate the performing arts center at Portales high school in the Portales municipal school district in Roosevelt county;

84. fifty thousand dollars (\$50,000) for educational technology in the Clovis municipal school district in Curry county;

85. two hundred thousand dollars (\$200,000) to replace the roof on the Cloudcroft elementary and middle school in the Cloudcroft municipal school district in Otero county;

86. thirty-five thousand dollars (\$35,000) to plan, design, construct and equip multipurpose fields for the Vista Grande elementary school in the Rio Rancho public school district in Sandoval county;

87. thirty thousand dollars (\$30,000) to purchase vehicles for the Rio Rancho public school district in Sandoval county;

88. twenty-five thousand dollars (\$25,000) for new batting cages to be utilized by both the girls' softball and boys' baseball programs at the Cibola high school baseball facility in the Albuquerque public school district in Bernalillo county;

89. one hundred thousand dollars (\$100,000) for restoration of the Bloomfield high school swimming pool and the addition of an outdoor facility in Bloomfield in San Juan county;

90. one hundred thousand dollars (\$100,000) for renovations to the sports complex in the Aztec municipal school district in San Juan county;

91. fifty thousand dollars (\$50,000) to purchase and install equipment for the collision repair facility at Carlsbad high school in the Carlsbad municipal school district in Eddy county;

92. twenty thousand dollars (\$20,000) for educational technology at Mary Ann Binford elementary school in the Albuquerque public school district in Bernalillo county;

93. ten thousand dollars (\$10,000) for library books at Harrison middle school in the Albuquerque public school district in Bernalillo county;

94. ten thousand dollars (\$10,000) for library books at Ernie Pyle middle school in the Albuquerque public school district in Bernalillo county;

95. ten thousand dollars (\$10,000) for library books at Jimmy E. Carter middle school in the Albuquerque public school district in Bernalillo county;

96. ten thousand dollars (\$10,000) for library books at Barcelona elementary school in the Albuquerque public school district in Bernalillo county;

97. ten thousand dollars (\$10,000) for library books at Mary Ann Binford elementary school in the Albuquerque public school district in Bernalillo county;

98. ten thousand dollars (\$10,000) for library books at Navajo elementary school in the Albuquerque public school district in Bernalillo county;

99. twenty thousand dollars (\$20,000) for educational technology at Carlos Rey elementary school in the Albuquerque public school district in Bernalillo county;

100. twenty thousand dollars (\$20,000) for educational technology at Navajo elementary school in the Albuquerque public school district in Bernalillo county;

101. ten thousand dollars (\$10,000) for library books at Carlos Rey elementary school in the Albuquerque public school district in Bernalillo county;

102. twenty thousand dollars (\$20,000) for educational technology at Pajarito elementary school in the Albuquerque public school district in Bernalillo county;

103. twenty thousand dollars (\$20,000) for educational technology at Atrisco elementary school in the Albuquerque public school district in Bernalillo county;

104. ten thousand dollars (\$10,000) for library books at Truman middle school in the Albuquerque public school district in Bernalillo county;

105. twenty thousand dollars (\$20,000) for educational technology at Los Padillas elementary school in the Albuquerque public school district in Bernalillo county;

106. ten thousand dollars (\$10,000) for library books at Polk middle school in the Albuquerque public school district in Bernalillo county;

107. twenty thousand dollars (\$20,000) for educational technology at Adobe Acres elementary school in the Albuquerque public school district in Bernalillo county;

108. twenty thousand dollars (\$20,000) for educational technology at Kit Carson elementary school in the Albuquerque public school district in Bernalillo county;

109. twenty thousand dollars (\$20,000) for educational technology at Polk middle school in the Albuquerque public school district in Bernalillo county;

110. twenty thousand dollars (\$20,000) for educational technology at Ernie Pyle middle school in the Albuquerque public school district in Bernalillo county;

111. twenty thousand dollars (\$20,000) for educational technology at Harrison middle school in the Albuquerque public school district in Bernalillo county;

112. twenty thousand dollars (\$20,000) for educational technology at Truman middle school in the Albuquerque public school district in Bernalillo county;

113. ten thousand dollars (\$10,000) for library books at Atrisco elementary school in the Albuquerque public school district in Bernalillo county;

114. ten thousand dollars (\$10,000) for library books at Adobe Acres elementary school in the Albuquerque public school district in Bernalillo county;

115. twenty thousand dollars (\$20,000) for educational technology at Jimmy E. Carter middle school in the Albuquerque public school district in Bernalillo county;

116. twenty-five thousand dollars (\$25,000) for educational technology at Barcelona elementary school in the Albuquerque public school district in Bernalillo county;

117. ten thousand dollars (\$10,000) for library books at Pajarito elementary school in the Albuquerque public school district in Bernalillo county;

118. twenty thousand dollars (\$20,000) for educational technology for Painted Sky elementary school in the Albuquerque public school district in Bernalillo county;

119. ten thousand dollars (\$10,000) for library books at Los Padillas elementary school in the Albuquerque public school district in Bernalillo county;

120. ten thousand dollars (\$10,000) for library books for Painted Sky elementary school in the Albuquerque public school district in Bernalillo county;

121. ten thousand dollars (\$10,000) for library books at Kit Carson elementary school in the Albuquerque public school district in Bernalillo county;

122. twenty thousand dollars (\$20,000) for developing a "smart lab" for the creative education preparatory institute number 2 charter school in the Albuquerque public school district in Bernalillo county;

123. twenty thousand dollars (\$20,000) to renovate and equip instructional space, common areas and administrative areas at the Amy Biehl charter high school in Albuquerque in Bernalillo county;

124. fifty thousand dollars (\$50,000) to plan, design, construct and furnish a technology learning laboratory at Espanola middle school in the Espanola public school district in Rio Arriba county;

125. eighty-five thousand dollars (\$85,000) to plan, design, construct and furnish a technology learning laboratory at Carlos F. Vigil middle school in the Espanola public school district in Rio Arriba county;

126. fifty thousand dollars (\$50,000) for educational technology and supplies for Jefferson middle school in the Albuquerque public school district in Bernalillo county;

127. seventeen thousand five hundred dollars (\$17,500) for educational technology for Berino elementary school in the Gadsden independent school district in Dona Ana county;

128. sixty thousand dollars (\$60,000) to design and construct a rock wall around the playground at Berino elementary school in the Gadsden independent school district in Dona Ana county;

129. twenty-five thousand dollars (\$25,000) for equipping the playground at Mesilla elementary school in the Las Cruces public school district in Dona Ana county;

130. twenty thousand dollars (\$20,000) for purchasing and installing playground equipment at Fairacres elementary school in the Las Cruces public school district in Dona Ana county;

131. sixty-five thousand dollars (\$65,000) for library improvements for the Eldorado cluster in the Albuquerque public school district in Bernalillo county;

132. thirty thousand dollars (\$30,000) for improvements at Chelwood elementary school, including a bus lane and parent loading zone, in the Albuquerque public school district [~~in Albuquerque~~] in Bernalillo county;[*LINE-ITEM VETO*]

133. one hundred fifty thousand dollars (\$150,000) for educational technology for schools in the Eldorado high school cluster in the Albuquerque public school district in Bernalillo county;

134. one hundred thousand dollars (\$100,000) for educational technology for schools in the Manzano high school cluster in the Albuquerque public school district in Bernalillo county;

135. twenty-five thousand dollars (\$25,000) for improvements for fields and athletic facilities at Gallup high school in the Gallup-McKinley county public school district in McKinley county;

136. twenty-five thousand dollars (\$25,000) for improvements and equipment at the Highland high school weight room in the Albuquerque public school district in Bernalillo county;

137. twenty-five thousand dollars (\$25,000) for improvements and equipment at the Manzano and Highland high school weight rooms in the Albuquerque public school district in Bernalillo county;

138. fifty thousand dollars (\$50,000) for upgrading and equipping the baseball field at Highland high school in the Albuquerque public school district in Bernalillo county;

139. five thousand dollars (\$5,000) to purchase library books for Hayes middle school in the Albuquerque public school district in Bernalillo county;

140. five thousand dollars (\$5,000) to purchase library books for Van Buren middle school in the Albuquerque public school district in Bernalillo county;

141. five thousand dollars (\$5,000) to purchase library books for Whittier elementary school in the Albuquerque public school district in Bernalillo county;

142. five thousand dollars (\$5,000) to purchase library books for La Mesa elementary school in the Albuquerque public school district in Bernalillo county;

143. five thousand dollars (\$5,000) to purchase library books for Emerson elementary school in the Albuquerque public school district in Bernalillo county;
144. five thousand dollars (\$5,000) to purchase library books for Hawthorne elementary school in the Albuquerque public school district in Bernalillo county;
145. five thousand dollars (\$5,000) for purchasing rare musical instruments at Jefferson middle school in the Albuquerque public school district in Bernalillo county;
146. thirty thousand dollars (\$30,000) to plan, design and construct facilities for the Monte del Sol charter school in the Santa Fe public school district in Santa Fe county;
147. twenty-five thousand dollars (\$25,000) for equipment and construction for the Nuestros Valores charter school in the Albuquerque public school district in Bernalillo county;
148. thirty-two thousand dollars (\$32,000) for educational technology at Kirtland elementary school in the Albuquerque public school district in Bernalillo county;
149. twenty-four thousand dollars (\$24,000) for educational technology for Montezuma elementary school in the Albuquerque public school district in Bernalillo county;
150. twenty-five thousand dollars (\$25,000) for purchasing and installing playground equipment and outdoor landscaping at Bel-Air elementary school in the Albuquerque public school district in Bernalillo county;
151. thirty thousand dollars (\$30,000) for educational technology for East San Jose elementary school in the Albuquerque public school district in Bernalillo county;
152. forty thousand dollars (\$40,000) for purchase of a band equipment vehicle for Del Norte high school in the Albuquerque public school district in Bernalillo county;
153. ten thousand dollars (\$10,000) for educational technology at Valle Vista elementary school in the Albuquerque public school district in Bernalillo county;
154. twenty-five thousand dollars (\$25,000) for developing a "smart" lab for the creative education preparatory institute number 2 charter school in the Albuquerque public school district in Bernalillo county;
155. twenty-five thousand seven hundred dollars (\$25,700) for educational technology at Lew Wallace elementary school in the Albuquerque public school district in Bernalillo county;
156. thirty-five thousand dollars (\$35,000) for electrical upgrades to Rio Grande high school in the Albuquerque public school district in Bernalillo county;
157. thirty-five thousand three hundred dollars (\$35,300) for educational technology for Dolores Gonzales elementary school in the Albuquerque public school district in Bernalillo county;

158. twenty thousand dollars (\$20,000) for educational technology at Valle Vista elementary school in the Albuquerque public school district in Bernalillo county;

159. twenty thousand dollars (\$20,000) for educational technology at Chaparral elementary school in the Albuquerque public school district in Bernalillo county;

160. five thousand dollars (\$5,000) for educational technology for Stronghurst alternative school in the Albuquerque public school district in Bernalillo county;

161. five thousand dollars (\$5,000) for educational technology for the Family school in the Albuquerque public school district in Bernalillo county;

162. five thousand dollars (\$5,000) for educational technology for the Vision Quest alternative middle school in the Albuquerque public school district in Bernalillo county;

163. five thousand dollars (\$5,000) for educational technology for the New Futures school in the Albuquerque public school district in Bernalillo county;

164. five thousand dollars (\$5,000) for educational technology for the Continuation school in the Albuquerque public school district in Bernalillo county;

165. twenty-five thousand dollars (\$25,000) for renovation of the girls' baseball fields at West Mesa high school in the Albuquerque public school district in Bernalillo county;

166. thirty thousand dollars (\$30,000) for educational technology at John Adams middle school in the Albuquerque public school district in Bernalillo county;

167. twenty thousand dollars (\$20,000) for educational technology at Susie R. Marmon elementary school in the Albuquerque public school district in Bernalillo county;

168. twenty thousand dollars (\$20,000) for educational technology at Painted Sky elementary school in the Albuquerque public school district in Bernalillo county;

169. twenty thousand dollars (\$20,000) for educational technology at Alamosa elementary school in the Albuquerque public school district in Bernalillo county;

170. twenty thousand dollars (\$20,000) for educational technology at Jimmy E. Carter middle school in the Albuquerque public school district in Bernalillo county;

171. twenty thousand dollars (\$20,000) for educational technology at Lavaland elementary school in the Albuquerque public school district in Bernalillo county;

172. ten thousand dollars (\$10,000) for equipping the swim team at West Mesa high school in the Albuquerque public school district in Bernalillo county;

173. sixty thousand dollars (\$60,000) for capital improvements for the West Mesa high school boys' baseball team, including backstop renovation, club house, scoreboard, public address system and equipment, in the Albuquerque public school district in Bernalillo county;

174. twenty-five thousand dollars (\$25,000) for educational technology at McKinley middle school in the Albuquerque public school district in Bernalillo county;

175. twenty-five thousand dollars (\$25,000) for educational technology at Cleveland middle school in the Albuquerque public school district in Bernalillo county;

176. twenty-five thousand dollars (\$25,000) for educational technology at Sandia high school in the Albuquerque public school district in Bernalillo county;

177. ten thousand dollars (\$10,000) for educational technology at Zuni elementary school in the Albuquerque public school district in Bernalillo county;

178. ten thousand dollars (\$10,000) for educational technology at Del Norte high school in the Albuquerque public school district in Bernalillo county;

179. thirty-five thousand dollars (\$35,000) to plan, design, construct and equip multipurpose fields for the Vista Grande elementary school in the Rio Rancho public school district in Sandoval county;

180. eighty thousand dollars (\$80,000) for constructing a driveway and for other capital improvements for Red Rock elementary school in the Gallup-McKinley county public school district in McKinley county;

181. twenty-five thousand dollars (\$25,000) for educational technology at the Southwest secondary learning center in the Albuquerque public school district in Bernalillo county; and

182. twenty thousand dollars (\$20,000) for educational technology at the Southwest secondary learning center in the Albuquerque public school district in Bernalillo county.

Chapter 126 Section 137 Laws 2004

Section 137. UNIVERSITIES AND COLLEGES--CAPITAL PROJECTS FUND.--The following amounts are appropriated from the capital projects fund to the following institutions of higher learning for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, for the following purposes:

A. to the governing board of Clovis community college, one hundred thousand dollars (\$100,000) to plan, design and construct a building for allied health programs at Clovis community college in Curry county;

B. to the board of regents of eastern New Mexico university:

(1) fifteen thousand dollars (\$15,000) for phase 1 expansion and roof replacement at the Ruidoso branch in Lincoln county;

~~[(2) seven thousand dollars (\$7,000) to purchase equipment and upgrade information technology for remote broadcasting for KENW-TV News 3 at eastern New Mexico university in Portales in Roosevelt county;][LINE-ITEM VETO]~~

(3) ten thousand dollars (\$10,000) to purchase and install bleachers for the Lewis Cooper arena at eastern New Mexico university in Portales in Roosevelt county;

(4) forty thousand dollars (\$40,000) to purchase and install portable bleachers for the soccer and track programs at eastern New Mexico university in Roosevelt county;

(5) fifteen thousand dollars (\$15,000) to purchase an activity bus for the program for students with special needs at the Roswell branch of eastern New Mexico university in Chaves county; and

~~[(6) fifty thousand eight hundred thirty dollars (\$50,830) to purchase a journalism and public relations technology system for eastern New Mexico university in Portales in Roosevelt county;~~

~~C. to the governing board of Luna vocational technical institute, forty-five thousand dollars (\$45,000) to plan, design and construct remodeling of the Forester building for the satellite campus of the Luna vocational technical institute in Springer in Colfax county;][LINE-ITEM VETO]~~

D. to the board of regents of New Mexico institute of mining and technology, ten thousand dollars (\$10,000) for technology equipment for a professional development program for the math, engineering and science achievements program at the New Mexico institute of mining and technology in Socorro county;

E. to the board of regents of New Mexico state university:

~~[(1) five thousand dollars (\$5,000) to purchase equipment for the football program at New Mexico state university in Las Cruces in Dona Ana county;][LINE-ITEM VETO]~~

(2) thirty thousand dollars (\$30,000) to plan and design an environmental education center for New Mexico state university at Mesa del Sol in Bernalillo county;

(3) fifty thousand dollars (\$50,000) for equipment and improvements to the cooperative extension service at the agriculture science center at the Clovis branch in Curry county;

(4) forty thousand dollars (\$40,000) for planning and designing a legal center for New Mexico state university in Las Cruces in Dona Ana county;

(5) thirty thousand dollars (\$30,000) for improvements and equipment for a volleyball locker room for the athletic department at New Mexico state university in Las Cruces in Dona Ana county;

(6) twenty-five thousand dollars (\$25,000) for installation of lights for the intramural fields at New Mexico state university in Las Cruces in Dona Ana county;

(7) twenty-five thousand dollars (\$25,000) for acquiring equipment to convert to digital television broadcast technology for KRWG-TV at New Mexico state university in Las Cruces in Dona Ana county;

(8) twenty-five thousand dollars (\$25,000) for improvements and equipment for the baseball and softball complexes for the athletic department at New Mexico state university in Las Cruces in Dona Ana county;

~~[(9) seventy-five thousand dollars (\$75,000) for infrastructure for recreational and bicycle trails at "A" mountain park at New Mexico state university in Las Cruces in Dona Ana county;]~~ and [*LINE-ITEM VETO*]

(10) thirty thousand dollars (\$30,000) to plan and design an environmental education center for New Mexico state university at Mesa del Sol in Bernalillo county;

~~[F. to the governing board of San Juan college, two hundred thousand dollars (\$200,000) for an outdoor learning center at San Juan college in San Juan county;][*LINE-ITEM VETO*]~~

G. to the board of regents of the university of New Mexico:

(1) twenty thousand dollars (\$20,000) to purchase equipment and information technology for the Lady Lobo basketball program at the university of New Mexico in Albuquerque in Bernalillo county;

(2) seventy-one thousand four hundred twenty-nine dollars (\$71,429) for improvements to the women's softball complex at the university of New Mexico in Albuquerque in Bernalillo county;

~~[(3) five thousand dollars (\$5,000) for improvements to the women's softball complex at the university of New Mexico in Albuquerque in Bernalillo county;][*LINE-ITEM VETO*]~~

(4) twenty thousand dollars (\$20,000) for improvements to the women's softball complex at the university of New Mexico in Albuquerque in Bernalillo county;

(5) thirty thousand dollars (\$30,000) for phase 2 technology and equipment at the university of New Mexico college of fine arts Carlisle performance space in Albuquerque in Bernalillo county;

(6) twenty-five thousand dollars (\$25,000) for improvements to the women's softball complex at the university of New Mexico in Albuquerque in Bernalillo county;

(7) twenty-five thousand dollars (\$25,000) for equipment and information technology for student support services programs at the university of New Mexico in Albuquerque in Bernalillo county;

(8) ten thousand dollars (\$10,000) to purchase land and a building at 4121 Cutler avenue for use as a sound studio by the media arts program at the university of New Mexico in Albuquerque in Bernalillo county;

~~[(9) ten thousand dollars (\$10,000) to purchase equipment, furniture and fixtures for student support services at the university of New Mexico in Albuquerque in Bernalillo county;]~~ and [*LINE-ITEM VETO*]

(10) fifteen thousand dollars (\$15,000) for improvements to the women's softball complex at the university of New Mexico in Albuquerque in Bernalillo county; and

H. to the board of regents of western New Mexico university, thirty thousand dollars (\$30,000) to provide western New Mexico university with information technology in Gallup in McKinley county.

Chapter 126 Section 138 Laws 2004

Section 138. TRANSPORTATION PROJECTS--DEPARTMENT OF TRANSPORTATION--CAPITAL PROJECTS FUND.--The following amounts are appropriated from the capital projects fund to the department of transportation for expenditure in fiscal years 2004 through 2009, unless otherwise provided in Section 2 of this act, for the following purposes:

1. ten thousand dollars (\$10,000) for road improvements at the intersection of Carrizo Canyon road and United States highway 70 in Lincoln county;

2. ten thousand dollars (\$10,000) to repair the railroad crossing at United States highway 285 at the entrance to the Roswell industrial air center in Roswell in Chaves county;

~~[3. sixty thousand dollars (\$60,000) for road improvements, including chip sealing gravel roads, in subdivisions in Capitan in Lincoln county;]~~*[LINE-ITEM VETO]*

4. fifty thousand dollars (\$50,000) for street improvements to pave Santa Rita and E streets in Hurley in Grant county;

5. seventy-five thousand dollars (\$75,000) for street chip sealing projects in Santa Clara in Grant county;

6. twenty thousand dollars (\$20,000) to improve Diaz avenue in Hurley in Grant county;

7. two hundred thousand dollars (\$200,000) for the Paseo del Norte extension project in Albuquerque in Bernalillo county;

8. seventy-one thousand four hundred twenty-nine dollars (\$71,429) to plan, design and construct median landscaping along Montgomery boulevard beginning at Morris and continuing west to Eubank in Albuquerque in Bernalillo county;

9. five hundred thousand dollars (\$500,000) for the Paseo del Norte extension project in Albuquerque in Bernalillo county;

10. one hundred thousand dollars (\$100,000) for improvements to El Llano road in San Miguel county;

11. seven hundred thousand dollars (\$700,000) for the Paseo del Norte extension project in Albuquerque in Bernalillo county;

12. twenty thousand dollars (\$20,000) for culverts on county roads for the Arroyo Hondo acequia association in Taos county;

13. seventy-seven thousand dollars (\$77,000) for the purchase of material to repave El Carmen road in Mora in Mora county;

14. two hundred thousand dollars (\$200,000) for the Paseo del Norte extension project in Albuquerque in Bernalillo county;

~~15. fifty thousand dollars (\$50,000) to improve south Florida avenue to handle increased traffic flow in Alamogordo in Otero county;~~

~~16. forty thousand dollars (\$40,000) to construct sidewalks and Americans with Disabilities Act of 1990-compliant ramps at the cemetery and in Washington park along east First street in Alamogordo in Otero county;][LINE-ITEM VETO]~~

17. fifty thousand dollars (\$50,000) for constructing the streetscape at Los Candelarias village center at Twelfth street and Candelaria NW in Albuquerque in Bernalillo county;

18. one hundred thousand dollars (\$100,000) to design and construct street improvements to Fourth, Fifth and Sixth streets in the Wells Park neighborhood of Albuquerque in Bernalillo county;

19. fifty thousand dollars (\$50,000) for paving and lighting streets and roads in El Milagro in Dona Ana county;

~~20. one hundred fifty thousand dollars (\$150,000) for road improvements in Los Ranchos de Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

21. two hundred thousand dollars (\$200,000) for the Paseo del Norte extension project in Albuquerque in Bernalillo county;

22. thirty thousand dollars (\$30,000) for repair and construction of county road B-41-F in El Ancon in San Miguel county;

23. fifty thousand dollars (\$50,000) for road improvements to county road B-47-A in Tecolote in San Miguel county;

24. forty thousand dollars (\$40,000) to plan, design and construct Santa Barbara road in Taos county;

~~25. seventy five thousand dollars (\$75,000) to improve roads, streets and bridges for the liberty square project in Angel Fire in Colfax county;][LINE-ITEM VETO]~~

26. fifty thousand dollars (\$50,000) to improve the road and drainage at Conchas dam in San Miguel county;

27. one hundred thousand dollars (\$100,000) for road improvements, including chip sealing and reconstruction, in Roosevelt county;

28. one hundred thousand dollars (\$100,000) for improvements to streets, including rights-of-way acquisition, in Portales in Roosevelt county;

29. fifty thousand dollars (\$50,000) for repairs and chip sealing to county road RR2N in Curry county;

30. fifty thousand dollars (\$50,000) for improvements to the railroad crossings at United States highway 285 and Hobson road providing access to the Roswell industrial air center in Chaves county;

31. fifty thousand dollars (\$50,000) for road improvements to McGaffey street from the relief route to Wyoming avenue in Roswell in Chaves county;

32. fifty thousand dollars (\$50,000) to engineer and construct the To'hajiilee administration area access road and parking lot in the To'hajiilee chapter of the Navajo Nation in Bernalillo county.

33. fifty thousand dollars (\$50,000) to improve county road K from county road 4 to county road 6 in Curry county;

34. fifty thousand dollars (\$50,000) for repairing, repaving and related street improvements in Tatum in Lea county;

35. fifty thousand dollars (\$50,000) to improve west Seventh street in Clovis in Curry county;

36. thirty thousand dollars (\$30,000) to construct phase 2 of the main street streetscape master plan in Hobbs in Lea county;

37. ten thousand dollars (\$10,000) to plan, design and construct improvements for the street scape in the historic district related to the main street project in Clovis in Curry county;

38. one hundred thousand dollars (\$100,000) for road improvements, including resurfacing and reconstruction, in Lea county;

39. one hundred two thousand dollars (\$102,000) for road improvements for the intersection of Fortieth street and Northern boulevard in Rio Rancho in Sandoval county;

40. seventy thousand dollars (\$70,000) for obtaining publicly dedicated access from the intersection of New Mexico highway 528 and Northern boulevard to the Corrales boundary and creating a four-way signalized intersection, including property acquisition, traffic signal work, subgrade preparation, paving, striping of roadway and engineering, in Corrales in Sandoval county;

~~41. one hundred thousand dollars (\$100,000) for county road 3500 improvements in San Juan county;][LINE-ITEM VETO]~~

42. sixty-nine thousand five hundred dollars (\$69,500) for road improvements, including resurfacing and reconstruction, in Lea county;

43. seventy thousand dollars (\$70,000) for main street streetscape master plan phase 2 construction in Hobbs in Lea county;

44. five thousand dollars (\$5,000) to construct downtown streetscapes in Carlsbad in Eddy county;

~~45. twenty five thousand dollars (\$25,000) to construct a wall on the east side of Ninety eighth street south of San Ignacio in senate district 11 in Albuquerque in Bernalillo county;][LINE-ITEM VETO]~~

46. one hundred thousand dollars (\$100,000) for paving, grading and drainage for construction of Camino de los Montoyas from New Mexico highway 599 north to the city line at Vista Chicoma in Santa Fe in Santa Fe county;

47. fifty thousand dollars (\$50,000) for paving and street improvements in Chama in Rio Arriba county;

48. twenty thousand dollars (\$20,000) for paving and improvements to county road 64 in Rio Arriba county;

49. ten thousand dollars (\$10,000) for improvements to county road 62 in Rio Arriba county;

50. thirty thousand dollars (\$30,000) to design a conversion of Lead and Coal avenues to two-way traffic in Albuquerque in Bernalillo county;

51. thirty thousand dollars (\$30,000) to design and construct phase 2 of the Silver Hill streetscape restoration project in Albuquerque in Bernalillo county;

52. ninety thousand dollars (\$90,000) for street improvements in La Mesilla in Dona Ana county;

53. one hundred thousand dollars (\$100,000) for improving road and utility infrastructure and storm drainage on Bell and Manzo streets in Las Cruces in Dona Ana county;

54. one hundred thousand dollars (\$100,000) to make improvements to Holguin, Moyers, Lechuga and Cilantro roads in Mesquite and Vado to improve access for emergency response vehicles in these areas of Dona Ana county;

55. five hundred thousand dollars (\$500,000) for the Paseo del Norte extension project in Albuquerque in Bernalillo county;

56. fifty thousand dollars (\$50,000) for road improvements and a maintenance yard at the Bread Springs chapter of the Navajo Nation in McKinley county;

57. sixty thousand dollars (\$60,000) for improvements to Twin Buttes and Crestview Loop roads in Gallup in McKinley county;

~~58. two hundred fifty thousand dollars (\$250,000) to construct improvements, including paving, curbs, gutters, sidewalks and lighting, to Reynolds drive from Porter road to Inspiration lane in the east mesa area of Las Cruces in Dona Ana county;][LINE-ITEM VETO]~~

59. two hundred ten thousand dollars (\$210,000) to plan, design and construct improvements to Luna Vista drive in Dona Ana county;

60. one hundred thousand dollars (\$100,000) to plan, design and construct improvements to Sandhill road in Dona Ana county;

61. one hundred fifty thousand dollars (\$150,000) to plan, design and construct improvements to Morningside road in Las Cruces in Dona Ana county;

62. twenty-five thousand dollars (\$25,000) for improvements and stabilization of a low-water crossing and river bank on Camino Carlos Rael in Santa Fe county;

63. seventy-eight thousand dollars (\$78,000) for road improvements on Townsend and Trujillo SW in Albuquerque in Bernalillo county;

64. one hundred thousand dollars (\$100,000) for road improvements on Curfman and Don Andres roads and Los Chavez loop in Valencia county;

~~65. two hundred thousand dollars (\$200,000) for phase 3 improvements to county road 3500 in San Juan county;][LINE-ITEM VETO]~~

66. one hundred thousand dollars (\$100,000) for street improvements in Lordsburg in Hidalgo county; and

67. three hundred thousand dollars (\$300,000) for the Paseo del Norte extension project in Albuquerque in Bernalillo county.

Chapter 126 Section 139 Laws 2004

Section 139. UNEXPENDED BOND PROCEEDS--CHANGE OF PURPOSE.--

A. Except as provided in Subsection B of this section, all balances of severance tax bond proceeds from capital outlay projects authorized by the legislature prior to 1998 and unexpended as of September 1, 2004 shall not be expended for the original purposes but are reappropriated as follows:

(1) fifty percent of the available funds are appropriated to the capital projects fund for renovations and improvements to the veterans' center in Truth or Consequences in Sierra county; and

(2) fifty percent are appropriated to the office of cultural affairs for an education complex at the national Hispanic cultural center in Albuquerque in Bernalillo county.

B. The provisions of Subsection A of this section do not apply to bond proceeds if the certifying agency demonstrates to the board of finance division of the department of finance and administration, by September 1, 2004, that:

(1) the project is active and there are valid encumbrances on the appropriation; or

(2) the legislature reauthorized the project after June 1, 1999 or extended its life beyond July 1, 2004 and the project is active.

C. Any unexpended balance of the appropriations shall revert to the severance tax bonding fund by July 1, 2009.

Chapter 126 Section 140 Laws 2004

Section 140. AGING PROJECT--GENERAL FUND.--Seventy-two thousand dollars (\$72,000) is appropriated from the general fund to the state agency on aging for expenditure in fiscal years 2004 and 2005 for program development for services to grandparents raising grandchildren in Dona Ana county. Any unexpended or unencumbered balance remaining at the end of fiscal year 2005 shall revert to the general fund.

Chapter 126 Section 141 Laws 2004

Section 141. DEVELOPMENTAL DISABILITIES PLANNING COUNCIL--GENERAL FUND.--One hundred thousand dollars (\$100,000) is appropriated from the general fund to the developmental disabilities planning council for expenditure in fiscal years 2004 and 2005 for development of the advocacy resource center for citizen use statewide. Any unexpended or unencumbered balance remaining at the end of fiscal year 2005 shall revert to the general fund.

Chapter 126 Section 142 Laws 2004

Section 142. HEALTH PROJECTS--GENERAL FUND.--

A. Fifty thousand dollars (\$50,000) is appropriated from the general fund to the department of health for expenditure in fiscal years 2004 and 2005 for comprehensive community-based cancer patient support services, including education, patient library services, one-to-one matching with cancer veterans, survivorship support groups and an annual survivorship conference, to be provided statewide. Any unexpended or unencumbered balance remaining at the end of fiscal year 2005 shall revert to the general fund.

B. One hundred thousand dollars (\$100,000) is appropriated from the general fund to the department of health for expenditure in fiscal years 2004 and 2005 to contract for behavioral health services for the Totah behavioral health authority in Farmington in San Juan county. Any unexpended or unencumbered balance remaining at the end of fiscal year 2005 shall revert to the general fund.

Chapter 126 Section 143 Laws 2004

Section 143. HIGHER EDUCATION PROJECTS--GENERAL FUND.--

A. Two hundred thousand dollars (\$200,000) is appropriated from the general fund to the commission on higher education for expenditure in fiscal years 2004 and 2005 for program development of a workplace literacy program in rural areas statewide for employed adults without high school diplomas. Any unexpended or unencumbered balance remaining at the end of fiscal year 2005 shall revert to the general fund.

B. One hundred thousand dollars (\$100,000) is appropriated from the general fund to the board of regents of eastern New Mexico university for fiscal years 2004 and 2005 for nonrecurring operating expenses at the main campus in Portales in Roosevelt county. Any unexpended or unencumbered balance remaining at the end of fiscal year 2005 shall revert to the general fund.

C. One hundred thousand dollars (\$100,000) is appropriated from the general fund to the board of regents of New Mexico state university for expenditure in fiscal years 2004 and 2005 for planning and designing a marketing plan for the construction of a cooperative for socially disadvantaged farmers statewide.

D. The following amounts are appropriated from the general fund to the board of regents of the university of New Mexico for expenditure in fiscal years 2004 and 2005 for the following purposes, and any unexpended or unencumbered balance remaining at the end of fiscal year 2005 shall revert to the general fund:

(1) one hundred thousand dollars (\$100,000) for implementation of college preparatory mentoring programs for eighth graders in the Albuquerque public school district;

(2) one hundred thousand dollars (\$100,000) for development of Latin American student recruitment programs; and

(3) fifty thousand dollars (\$50,000) for programs provided for the school of nursing.

Chapter 126 Section 144 Laws 2004

Section 144. INTERSTATE STREAM COMMISSION PROJECTS--GENERAL FUND.--
The following amounts are appropriated from the general fund to the interstate stream commission for expenditure in fiscal years 2004 and 2005 for the following purposes, and any unexpended or unencumbered balance remaining at the end of fiscal year 2005 shall revert to the general fund:

A. one hundred fifty thousand dollars (\$150,000) for funding weather modification programs in Roosevelt and Lea counties; and

B. fifty thousand dollars (\$50,000) for funding weather modification programs in Roosevelt and Lea counties.

Chapter 126 Section 145 Laws 2004

Section 145. PUBLIC EDUCATION DEPARTMENT--GENERAL FUND.--Five hundred thousand dollars (\$500,000) is appropriated from the general fund to the public education department for expenditure in fiscal years 2004 and 2005 for support of a statewide dropout prevention, leadership development and family education program plan for at-risk Hispanic teenagers, including professional teacher training, development of academic and culturally based language arts and social science curricula and family orientation and goal planning initiatives. Any unexpended or unencumbered balance remaining at the end of fiscal year 2005 shall revert to the general fund.

Chapter 126 Section 146 Laws 2004

Section 146. TOURISM DEPARTMENT--GENERAL FUND.--

A. One hundred thousand dollars (\$100,000) is appropriated from the general fund to the tourism department for expenditure in fiscal years 2004 and 2005 to develop and conduct statewide marketing programs for New Mexico. Any unexpended or unencumbered balance remaining at the end of fiscal year 2005 shall revert to the general fund.

B. One hundred thousand dollars (\$100,000) is appropriated from the general fund to the tourism department for expenditure in fiscal years 2004 and 2005 for personnel and services for the film museum in Santa Fe in Santa Fe county. Any unexpended or unencumbered balance remaining at the end of fiscal year 2005 shall revert to the general fund.

Chapter 126 Section 147 Laws 2004

Section 147. GENERAL SERVICES DEPARTMENT--GENERAL FUND OPERATING RESERVE.--Eight million eleven thousand dollars (\$8,011,000) is appropriated from the general fund operating reserve to the general services department for expenditure in fiscal years 2004 and 2005 for payments pursuant to a contract to develop or modify procurement practices statewide. Any expenditure of the appropriation is contingent upon a realization of the minimum savings guarantee under the contract in an amount equal to at least twice the amount of the proposed expenditure. The realized savings will be captured by the department of finance and

administration for credit to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2005 shall revert to the general fund operating reserve.

Chapter 126 Section 148 Laws 2004

Section 148. ECONOMIC DEVELOPMENT DEPARTMENT--GENERAL FUND OPERATING RESERVE.--Five hundred thousand dollars (\$500,000) is appropriated from the general fund operating reserve to the economic development department for expenditure in fiscal years 2004 and 2005 for an appropriation for statewide economic development marketing and advertising. Any unexpended or unencumbered balance remaining at the end of fiscal year 2005 shall revert to the general fund operating reserve.

Chapter 126 Section 149 Laws 2004

Section 149. LOCAL GOVERNMENT PROJECTS--GENERAL FUND OPERATING RESERVE.--

A. Three hundred thousand dollars (\$300,000) is appropriated from the general fund operating reserve to the local government division of the department of finance and administration for expenditure in fiscal years 2004 and 2005 for construction of the Bosque Redondo memorial in De Baca county. Any unexpended or unencumbered balance remaining at the end of fiscal year 2005 shall revert to the general fund operating reserve.

B. One hundred thousand dollars (\$100,000) is appropriated from the general fund operating reserve to the local government division of the department of finance and administration for expenditure in fiscal years 2004 and 2005 for phase 1 planning, design and construction of a fire station in Red River in Taos county. Any unexpended or unencumbered balance remaining at the end of fiscal year 2005 shall revert to the general fund operating reserve.

Chapter 126 Section 150 Laws 2004

Section 150. PUBLIC SCHOOL CAPITAL OUTLAY FUND.--

A. Contingent upon the enactment into law by the second session of the forty-sixth legislature of Senate Finance Committee Substitute for Senate Bill 399 or House Taxation and Revenue Committee Substitute for House Bill 393, the following amounts are appropriated from the public school capital outlay fund to the public school capital outlay council to provide funding for the specified continuation projects that were partially funded by the council in September 2003:

(1) an amount not to exceed twenty-two million dollars (\$22,000,000) toward the completion of continuation projects in Gadsden school district, including at least eighteen million dollars (\$18,000,000) toward the completion of Chaparral high school[;]

~~(2) an amount not to exceed five million dollars (\$5,000,000) toward the completion of Grants-Cibola high school in the Grants-Cibola county school district;~~

~~(3) an amount not to exceed four million dollars (\$4,000,000) toward the completion of the Deming elementary-middle school complex in the Deming school district; and~~

~~(4) an amount not to exceed one million dollars (\$1,000,000) toward the completion of replacement classrooms in the Portales school district]. [LINE-ITEM VETO]~~

B. The appropriations made in Subsection A of this section are subject to the following provisions:

(1) because the appropriations are for the continuation of projects previously partially funded pursuant to the Public School Capital Outlay Act, the appropriations shall not be subject to the formula prescribed in Section 22-24-5 NMSA 1978 to reduce any future grant assistance awarded to the subject school districts;

(2) the appropriations shall be used only to complete the projects as planned and shall not be used for project expansion; and

(3) each of the appropriations is contingent upon the maintenance of continued local support by the subject school district.

C. Any unexpended balances remaining at the end of the projects shall revert to the public school capital outlay fund.

Chapter 126 Section 151 Laws 2004

Section 151. SHORT-TERM SEVERANCE TAX BONDS--STATEWIDE HUMAN RESOURCES, ACCOUNTING AND MANAGEMENT REPORTING PROJECT.--In addition to the bonds issued pursuant to Section 7-27-14 NMSA 1978 and notwithstanding the limitations of that section, in compliance with the Severance Tax Bonding Act, in fiscal year 2004 the state board of finance may issue and sell severance tax bonds with a term that does not extend beyond the fiscal year in which they are issued in an amount not exceeding ten million dollars (\$10,000,000) when the secretary of finance and administration certifies the need for the issuance of the bonds. The proceeds from the sale of the bonds are appropriated to the department of finance and administration for the statewide human resources, accounting and management project; provided that no severance tax bonds shall be issued pursuant to this section unless the balance in the severance tax bonding fund as of the date that the bonds are issued is greater than the sum of:

A. the debt service on the severance tax bonds to be issued pursuant to this section;

B. the debt service scheduled to be paid during the remainder of the fiscal year on all outstanding severance tax bonds and supplemental severance tax bonds; and

C. the amount necessary to meet all principal and interest payments on outstanding bonds payable from the severance tax bonding fund on the next two ensuing semiannual payment dates.

Chapter 126 Section 152 Laws 2004

Section 152. SHORT-TERM SEVERANCE TAX BONDS--PUBLIC SCHOOL CAPITAL OUTLAY.--In addition to the bonds issued pursuant to Section 7-27-14 NMSA 1978 and notwithstanding the limitations of that section, in compliance with the Severance Tax Bonding Act, in fiscal year 2004 the state board of finance may issue and sell severance tax bonds with a term that does not extend beyond the fiscal year in which they are issued in an amount not exceeding ten million dollars (\$10,000,000) when the public school capital outlay council certifies by resolution the need for the issuance of the bonds. The proceeds from the sale of the bonds are appropriated to the public school capital outlay fund for the purpose of making awards of grant assistance for correcting deficiencies pursuant to the Public School Capital Outlay Act; provided that no severance tax bonds shall be issued pursuant to this section:

A. until all other severance tax bonds and supplemental severance tax bonds to be issued in fiscal year 2004 have been issued; and

B. unless the balance in the severance tax bonding fund as of the date that the bonds are issued is greater than the sum of:

(1) the debt service on the supplemental severance tax bonds to be issued pursuant to this section;

(2) the debt service scheduled to be paid during the remainder of the fiscal year on all outstanding severance tax bonds and supplemental severance tax bonds; and

(3) the amount necessary to meet all principal and interest payments on outstanding bonds payable from the severance tax bonding fund on the next two ensuing semiannual payment dates.

Chapter 126 Section 153 Laws 2004

Section 153. REAUTHORIZING A SEVERANCE TAX BOND APPROPRIATION FOR THE PLANNING, DESIGN AND CONSTRUCTION OF A SENIOR CENTER IN DIXON IN RIO ARRIBA COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection 459 of Section 22 of Chapter 110 of Laws 2002 to plan, design and construct a multipurpose community center in Dixon in Rio Arriba county shall not be expended for the original purpose but are reauthorized and appropriated to the state agency on aging to plan, design and construct a senior center in Dixon in Rio Arriba county.

Chapter 126 Section 154 Laws 2004

Section 154. REAUTHORIZATION TO CHANGE THE PURPOSE OF A SEVERANCE TAX BOND APPROPRIATION FOR CONSTRUCTION OF A WATER TANK FOR THE TABLE TOP AREA FOR THE PUERTO DE LUNA MUTUAL DOMESTIC WATER CONSUMERS AND SEWAGE WORKS ASSOCIATION IN SANTA ROSA IN GUADALUPE COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the department of environment pursuant to Subsection GG of Section 10 of Chapter 2 of Laws 1999 (1st S.S.) and reauthorized in Laws 2003, Chapter 429, Section 134 to the department of environment to extend the expenditure period for the construction of a water delivery system for the Table Top water users association in Santa Rosa in Guadalupe county shall not be expended for the original purpose

but are reauthorized and appropriated for the construction of a water tank for the Table Top area by the Puerto de Luna mutual domestic water consumers and sewage works association in Santa Rosa in Guadalupe county.

Chapter 126 Section 155 Laws 2004

Section 155. CHANGING THE PURPOSE AND AGENCY OF A SEVERANCE TAX BOND APPROPRIATION TO PLAN, DESIGN AND CONSTRUCT A RAW WATER STORAGE FACILITY IN AZTEC IN SAN JUAN COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the office of the state engineer pursuant to Subsection 13 of Section 12 of Chapter 429 of Laws 2003 for construction of raw water reservoir 3 in Aztec in San Juan county shall not be expended for the original purpose but are reauthorized and appropriated to the department of environment to engineer, design and construct, including archaeological and environmental assessments, a raw water storage facility in Aztec in San Juan county.

Chapter 126 Section 156 Laws 2004

Section 156. CHANGING THE PURPOSE OF A SEVERANCE TAX BOND APPROPRIATION FOR THE AGUA FRIA WATER ASSOCIATION IN SANTA FE COUNTY.--The project authorized to the department of environment pursuant to Subsection 87 of Section 14 of Chapter 429 of Laws 2003 for the domestic water association in the community of Agua Fria in Santa Fe county shall be changed to improvements to the domestic water system, including the well, for the Agua Fria water association in Santa Fe county.

Chapter 126 Section 157 Laws 2004

Section 157. CHANGING THE PURPOSE OF A SEVERANCE TAX BOND APPROPRIATION FOR PAVING AND IMPROVING COUNTY ROAD 001 IN HERNANDEZ IN RIO ARRIBA COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the state highway and transportation department pursuant to Subsection 118 of Section 18 of Chapter 429 of Laws 2003 to place base course on county road 0001 in Hernandez in Rio Arriba county shall not be expended for the original purpose but are reauthorized and appropriated to the department of transportation to pave and improve county road 001 in Hernandez in Rio Arriba county.

Chapter 126 Section 158 Laws 2004

Section 158. CHANGING THE PURPOSE OF A SEVERANCE TAX BOND APPROPRIATION FOR ON-SITE ACCESS AND TRAIL IMPROVEMENTS TO SABINO CANYON OPEN SPACE IN BERNALILLO COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection XXXXXXXXXXXXX of Section 15 of Chapter 23 of Laws 2000 (2nd S.S.) to acquire property for Sabino canyon open space in Bernalillo county shall not be expended for the original purpose but are reauthorized and appropriated for on-site access and trail improvements to Sabino canyon open space in Bernalillo county.

Chapter 126 Section 159 Laws 2004

Section 159. EXTENDING THE EXPENDITURE PERIOD OF A SEVERANCE TAX BOND APPROPRIATION FOR THE EXPLORA SCIENCE CENTER AND CHILDREN'S MUSEUM IN ALBUQUERQUE IN BERNALILLO COUNTY.--The period of time in which the proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection 443 of Section 22 of Chapter 429 of Laws 2003 for exhibits, furniture, fixtures and equipment for the Explora science center and children's museum in Albuquerque in Bernalillo county may be expended is extended through fiscal year 2006. Any unexpended balance remaining at the end of fiscal year 2006 shall revert to the severance tax bonding fund.

Chapter 126 Section 160 Laws 2004

Section 160. EXTENDING THE EXPENDITURE PERIOD OF A SEVERANCE TAX BOND APPROPRIATION FOR THE EXPLORA SCIENCE CENTER AND CHILDREN'S MUSEUM IN ALBUQUERQUE IN BERNALILLO COUNTY.--The period of time in which the proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection 592 of Section 22 of Chapter 429 of Laws 2003 for exhibits, furniture, fixtures and equipment for the Explora science center and children's museum in Albuquerque in Bernalillo county may be expended is extended through fiscal year 2006. Any unexpended balance remaining at the end of fiscal year 2006 shall revert to the severance tax bonding fund.

Chapter 126 Section 161 Laws 2004

Section 161. CHANGING THE PURPOSE OF A SEVERANCE TAX BOND APPROPRIATION FOR THE JERRY CLINE PARK TENNIS COMPLEX IN ALBUQUERQUE IN BERNALILLO COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection RRRRRRRRRRR of Section 15 of Chapter 23 of Laws 2000 (2nd S.S.) to plan and design the Cesar Chavez community center swimming pool in Albuquerque in Bernalillo county shall not be expended for the original purpose but are reauthorized and appropriated for construction of the support building and court renovation at the Jerry Cline park tennis complex in Albuquerque in Bernalillo county.

Chapter 126 Section 162 Laws 2004

Section 162. CHANGING THE PURPOSE AND AGENCY OF A SEVERANCE TAX BOND APPROPRIATION FOR THE PURCHASE AND INSTALLATION OF STATUARY FOR THE CHAVES COUNTY COURTHOUSE AND THE PAT GARRETT PARK IN ROSWELL IN CHAVES COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the office of the state engineer pursuant to Subsection 8 of Section 14 of Chapter 110 of Laws 2002 for riverbed improvements in the Spring river to eliminate stagnant waters in and around the entrance to the Roswell museum and art center in Chaves county shall not be expended for the original purpose but are reauthorized and appropriated to the local government division of the department of finance and administration for the purchase of statuary for the Chaves county courthouse and Pat Garrett park in Roswell in Chaves county.

Chapter 126 Section 163 Laws 2004

Section 163. CHANGING THE PURPOSE AND EXTENDING THE EXPENDITURE PERIOD OF A SEVERANCE TAX BOND APPROPRIATION FOR A PORTABLE BUILDING IN GRANTS IN CIBOLA COUNTY.--Severance tax bond proceeds appropriated to the local government division of the department of finance and administration pursuant to Subsection OOOOOOOO of Section 15 of Chapter 23 of Laws 2000 (2nd S.S.) and reauthorized in Laws 2002, Chapter 99, Section 23 for the purpose of purchasing, relocating, setting up and carpeting portable buildings in Cibola county shall not be expended for the original or reauthorized purpose but are reauthorized and appropriated for purchasing and renovating a portable building for Grants in Cibola county. The period of time in which this appropriation may be expended is extended through fiscal year 2006. Any unexpended balance remaining at the end of fiscal year 2006 shall revert to the severance tax bonding fund.

Chapter 126 Section 164 Laws 2004

Section 164. CHANGING THE PURPOSE OF A SEVERANCE TAX BOND APPROPRIATION FOR THE DONA ANA VILLAGE REVITALIZATION PROJECT IN DONA ANA COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection 460 of Section 22 of Chapter 429 of Laws 2003 to improve the Dona Ana recreation facility in Dona Ana county shall not be expended for the original purpose but are reauthorized and appropriated for the Dona Ana village revitalization project in Dona Ana county.

Chapter 126 Section 165 Laws 2004

Section 165. CHANGING THE PURPOSE OF A SEVERANCE TAX BOND APPROPRIATION FOR THE PLANNING, DESIGN AND CONSTRUCTION OF THE SAM GRAFF PARK IN LAS CRUCES IN DONA ANA COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection 399 of Section 22 of Chapter 110 of Laws 2002 for site development, landscaping and equipment purchase and installation for a neighborhood park on Hillrise drive in Las Cruces in Dona Ana county shall not be expended for the original purpose but are reauthorized and appropriated to plan, design and construct the Sam Graff park in Las Cruces in Dona Ana county.

Chapter 126 Section 166 Laws 2004

Section 166. CHANGING THE AGENCY AND EXPENDITURE PERIOD OF A SEVERANCE TAX BOND APPROPRIATION FOR A VAN FOR THE GALLUP HEAD START PROGRAM IN MCKINLEY COUNTY.--Severance tax bond proceeds appropriated to the state department of public education pursuant to Subsection 368 of Section 23 of Chapter 110 of Laws 2002 for purchasing a van for the Gallup head start program in McKinley county are reauthorized and appropriated to the local government division of the department of finance and administration for purchasing a van for the Gallup head start program in McKinley county. The period of time in which this appropriation may be expended is extended through fiscal year 2007. Any unexpended balance remaining at the end of fiscal year 2007 shall revert to the severance tax bonding fund.

Chapter 126 Section 167 Laws 2004

Section 167. CHANGING THE AGENCY OF A SEVERANCE TAX BOND APPROPRIATION TO ACQUIRE TECHNOLOGY FOR THE PUBLIC ACCESS CHANNEL AND TELEVISION PRODUCTION FACILITY IN ESPANOLA IN RIO ARRIBA COUNTY.--The project authorized in Subsection F of Section 26 of Chapter 429 of Laws 2003 to the board of regents of the northern New Mexico state school to acquire technology for Espanola's public access channel and television production facility in Rio Arriba county shall be changed to the local government division of the department of finance and administration to acquire technology for the public access channel and television production facility in Espanola in Rio Arriba county.

Chapter 126 Section 168 Laws 2004

Section 168. EXPANDING THE PURPOSE OF A SEVERANCE TAX BOND APPROPRIATION FOR A BUSINESS CENTER IN JEMEZ SPRINGS IN SANDOVAL COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the local government division of the department of finance and administration pursuant to Subsection TTTTTTTTTT of Section 15 of Chapter 23 of Laws 2000 (2nd S.S.) to plan and design a business center in Jemez Springs in Sandoval county may also be expended to construct a business center in Jemez Springs in Sandoval county.

Chapter 126 Section 169 Laws 2004

Section 169. CHANGING THE PURPOSE OF A SEVERANCE TAX BOND APPROPRIATION FOR IMPROVEMENTS AND INFRASTRUCTURE AT THE SANTA FE RECREATIONAL FIELDS IN SANTA FE.--The project authorized to the board of regents at the university of New Mexico in Paragraph (31) of Subsection I of Section 26 of Chapter 429 of Laws 2003 to purchase land and a building at 4121 Cutler avenue for use as a sound studio by the media arts program at the university of New Mexico in Albuquerque in Bernalillo county is void. The state board of finance may issue and sell severance tax bonds upon certification by the local government division of the department of finance and administration that the need exists for the issuance of the bonds in the amount of five thousand dollars (\$5,000) for a concession stand, improvements and infrastructure at the Santa Fe recreational fields in Santa Fe county.

Chapter 126 Section 170 Laws 2004

Section 170. CHANGING THE PURPOSE OF A SEVERANCE TAX BOND APPROPRIATION FOR IMPROVEMENTS AND INFRASTRUCTURE AT THE SANTA FE RECREATIONAL FIELDS IN SANTA FE.--The project authorized to the economic development department in Subsection 4 of Section 12 of Chapter 110 of Laws 2002 to purchase and install technology infrastructure for e-commerce initiatives statewide is void. The state board of finance may issue and sell severance tax bonds upon certification by the local government division of the department of finance and administration that the need exists for the issuance of the bonds in the amount of five thousand dollars (\$5,000) to the local government division for a concession stand, improvements and infrastructure at the Santa Fe recreational fields in Santa Fe county.

Chapter 126 Section 171 Laws 2004

Section 171. CHANGING THE PURPOSE OF A SEVERANCE TAX BOND APPROPRIATION FOR IMPROVEMENTS AND INFRASTRUCTURE AT THE SANTA FE

RECREATIONAL FIELDS IN SANTA FE.--The project authorized to the local government division of the department of finance and administration in Subsection 328 of Section 22 of Chapter 110 of Laws 2002 for building and infrastructure improvements at the Albuquerque Indian center in Bernalillo county is void. The state board of finance may issue and sell severance tax bonds upon certification by the local government division that the need exists for the issuance of the bonds in the amount of forty thousand dollars (\$40,000) to the local government division for a concession stand, improvements and infrastructure at the Santa Fe recreational fields in Santa Fe county.

Chapter 126 Section 172 Laws 2004

Section 172. CHANGING THE PURPOSE OF A SEVERANCE TAX BOND APPROPRIATION FOR IMPROVEMENTS AND INFRASTRUCTURE AT THE SANTA FE RECREATIONAL FIELDS IN SANTA FE.--The project authorized to the state department of public education in Subsection 294 of Section 23 of Chapter 110 of Laws 2002 for educational technology at Our Lady's Assumption school in Albuquerque in Bernalillo county is void. The state board of finance may issue and sell severance tax bonds upon certification by the local government division of the department of finance and administration that the need exists for the issuance of the bonds in the amount of ten thousand dollars (\$10,000) to the local government division for a concession stand, improvements and infrastructure at the Santa Fe recreational fields in Santa Fe county.

Chapter 126 Section 173 Laws 2004

Section 173. CHANGING THE PURPOSE OF A SEVERANCE TAX BOND APPROPRIATION FOR IMPROVEMENTS AND INFRASTRUCTURE AT THE SANTA FE RECREATIONAL FIELDS IN SANTA FE.--The project authorized to the state department of public education in Subsection 295 of Section 23 of Chapter 110 of Laws 2002 for educational technology at Holy Ghost school in Albuquerque in Bernalillo county is void. The state board of finance may issue and sell severance tax bonds upon certification by the local government division of the department of finance and administration that the need exists for the issuance of the bonds in the amount of ten thousand dollars (\$10,000) to the local government division for a concession stand, improvements and infrastructure at the Santa Fe recreational fields in Santa Fe county.

Chapter 126 Section 174 Laws 2004

Section 174. CLARIFYING A SEVERANCE TAX BOND APPROPRIATION FOR THE AMALIA COMMUNITY CENTER IN TAOS COUNTY.--The project authorized to the local government division of the department of finance and administration pursuant to Subsection 495 of Section 22 of Chapter 429 of Laws 2003 to make improvements to the Amalia community center in Taos county shall be appropriated to the local government division for Taos county to make improvements to the Amalia community center in Taos county.

Chapter 126 Section 175 Laws 2004

Section 175. CHANGING THE PURPOSE OF A SEVERANCE TAX BOND APPROPRIATION FOR EQUIPMENT FOR THE ROY E. DISNEY CENTER FOR PERFORMING ARTS OF THE NATIONAL HISPANIC CULTURAL CENTER IN

ALBUQUERQUE IN BERNALILLO COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the office of cultural affairs pursuant to Subsection 9 of Section 9 of Chapter 429 of Laws 2003 to plan, design and construct the education building at the national Hispanic cultural center in Albuquerque in Bernalillo county shall not be expended for the original purpose but are reauthorized and appropriated for equipment for the Roy E. Disney center for performing arts at the national Hispanic cultural center in Albuquerque in Bernalillo county.

Chapter 126 Section 176 Laws 2004

Section 176. CHANGING THE PURPOSE OF A SEVERANCE TAX BOND APPROPRIATION FOR EQUIPMENT FOR THE ROY E. DISNEY CENTER FOR PERFORMING ARTS OF THE NATIONAL HISPANIC CULTURAL CENTER IN ALBUQUERQUE IN BERNALILLO COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the office of cultural affairs pursuant to Subsection 5 of Section 5 of Chapter 385 of Laws 2003 to plan, design and construct the education building at the national Hispanic cultural center in Albuquerque in Bernalillo county shall not be expended for the original purpose but are reauthorized and appropriated for equipment for the Roy E. Disney center for performing arts at the national Hispanic cultural center in Albuquerque in Bernalillo county.

Chapter 126 Section 177 Laws 2004

Section 177. CHANGING THE PURPOSE OF A SEVERANCE TAX BOND APPROPRIATION TO MAKE IMPROVEMENTS AT THE NEW MEXICO MUSEUM OF SPACE HISTORY IN ALAMOGORDO IN OTERO COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the office of cultural affairs pursuant to Subsection 4 of Section 10 of Chapter 110 of Laws 2002 for repairs and replacement of the windows at the New Mexico museum of space history in Alamogordo in Otero county shall not be expended for the original purpose but are reauthorized and appropriated for improvements to the facility, equipment or exhibits of the New Mexico museum of space history in Alamogordo in Otero county.

Chapter 126 Section 178 Laws 2004

Section 178. CHANGING THE PURPOSE OF A SEVERANCE TAX BOND APPROPRIATION FOR SEPTIC TANK INSTALLATION FOR INDIGENT RESIDENTS IN THE TO'HAJIILEE CHAPTER OF THE NAVAJO NATION IN BERNALILLO COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the New Mexico office of Indian affairs pursuant to Subsection 32 of Section 20 of Chapter 110 of Laws 2002 to plan, design and construct a sewage lagoon in the To'hajiilee chapter of the Navajo Nation in Bernalillo county shall not be expended for the original purpose but are reauthorized and appropriated to the New Mexico office of Indian affairs to install septic tanks for indigent residents as part of a community-wide wastewater project in the To'hajiilee chapter of the Navajo nation in Bernalillo county.

Chapter 126 Section 179 Laws 2004

Section 179. CHANGING THE PURPOSE OF A SEVERANCE TAX BOND APPROPRIATION FOR A COMMUNITY WELLNESS CENTER AT THE PUEBLO OF ACOMA

IN CIBOLA COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the economic development department pursuant to Subsection 2 of Section 12 of Chapter 110 of Laws 2002 to purchase and install technology infrastructure for e-commerce initiatives statewide and reauthorized in Laws 2003, Chapter 429, Section 200 to the New Mexico office of Indian affairs for planning and conducting a feasibility study for a dialysis unit at the Pueblo of Acoma in Cibola county shall not be expended for the original or reauthorized purpose but are reauthorized and appropriated to plan, design and construct a community wellness center at the Pueblo of Acoma in Cibola county.

Chapter 126 Section 180 Laws 2004

Section 180. EXPANDING THE PURPOSE OF A SEVERANCE TAX BOND APPROPRIATION FOR THE DIALYSIS UNIT AT THE PUEBLO OF ACOMA IN CIBOLA COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the New Mexico office of Indian affairs pursuant to Laws 2003, Chapter 429, Section 200 for planning and conducting a feasibility study for a dialysis unit at the Pueblo of Acoma in Cibola county may also be expended for construction of the dialysis unit at the Pueblo of Acoma in Cibola county.

Chapter 126 Section 181 Laws 2004

Section 181. EXTENDING THE EXPENDITURE PERIOD OF A SEVERANCE TAX BOND APPROPRIATION TO CONSTRUCT TSE DE TAH CANYON COMMUNITY WATER SUPPLY AND WASTE DISPOSAL FACILITIES IN MANUELITO IN MCKINLEY COUNTY.--The period of time in which severance tax bond proceeds appropriated to the New Mexico office of Indian affairs pursuant to Subsection HH of Section 13 of Chapter 23 of Laws 2000 (2nd S.S.) to construct Tse de Tah canyon community water supply and waste disposal facilities in Manuelito in McKinley county may be expended is extended through fiscal year 2009. Any unexpended balance remaining at the end of fiscal year 2009 shall revert to the severance tax bonding fund.

Chapter 126 Section 182 Laws 2004

Section 182. CHANGING THE PURPOSE AND EXTENDING THE EXPENDITURE PERIOD OF A SEVERANCE TAX BOND APPROPRIATION TO PURCHASE A BUS FOR THE HEAD START PROGRAM AT THE PUEBLO OF SANTA ANA IN SANDOVAL COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the New Mexico office of Indian affairs pursuant to Subsection 76 of Section 21 of Chapter 429 of Laws 2003 to purchase a van for the head start program at the Pueblo of Santa Ana in Sandoval county shall not be expended for the original purpose but are reauthorized and appropriated to purchase a bus for the head start program at the Pueblo of Santa Ana in Sandoval county. The period of time in which the appropriation may be expended is extended through fiscal year 2005. Any unexpended balance remaining at the end of fiscal year 2005 shall revert to the severance tax bonding fund.

Chapter 126 Section 183 Laws 2004

Section 183. CHANGING THE PURPOSE AND AGENCY AND EXTENDING THE EXPENDITURE PERIOD OF A SEVERANCE TAX BOND APPROPRIATION FROM THE SANTA FE RELIEF ROUTE PROJECT TO A TRADITIONAL ADMINISTRATIVE BUILDING AT THE PUEBLO OF POJOAQUE IN SANTA FE COUNTY.--The proceeds from the sale of

severance tax bonds appropriated to the state highway and transportation department pursuant to Subsection SSSS of Section 12 of Chapter 23 of Laws 2000 (2nd S.S.) for constructing a berm and landscaping improvements along the Santa Fe relief route between Caja del Rio road and county road 70 in Santa Fe county shall not be expended for the original purpose but are reauthorized and appropriated to the New Mexico office of Indian affairs to plan, design and construct the renovation of a traditional administrative building, including an addition, at the Pueblo of Pojoaque in Santa Fe county. The period of time in which this appropriation may be expended is extended through fiscal year 2009. Any unexpended balance remaining at the end of fiscal year 2009 shall revert to the severance tax bonding fund.

Chapter 126 Section 184 Laws 2004

Section 184. CHANGING THE PURPOSE AND AGENCY OF A SEVERANCE TAX BOND APPROPRIATION FROM A SEWER LINE EXTENSION IN SANTA FE COUNTY TO A TRADITIONAL ADMINISTRATIVE BUILDING AT THE PUEBLO OF POJOAQUE IN SANTA FE COUNTY.--The proceeds from the sale of severance tax bonds appropriated to the department of environment pursuant to Subsection 87 of Section 15 of Chapter 110 of Laws 2002 to extend a sewer line from Rufina street to Agua Fria road through Camino Polvoso in Santa Fe county shall not be expended for the original purpose but are reauthorized and appropriated to the New Mexico office of Indian affairs to plan, design and construct the renovation of a traditional administrative building, including an addition, at the Pueblo of Pojoaque in Santa Fe county.

Chapter 126 Section 185 Laws 2004

Section 185. CHANGING THE PURPOSE OF A SEVERANCE TAX BOND APPROPRIATION FOR A SOCCER FIELD HOUSE IN THE CARLSBAD MUNICIPAL SCHOOL DISTRICT IN EDDY COUNTY.--The balance of the proceeds from the sale of severance tax bonds appropriated to the state department of public education pursuant to Subsection 354 of Section 23 of Chapter 110 of Laws 2002 to remodel a former school building in the Carlsbad municipal school district being leased by the college of the southwest in Eddy county shall not be expended for the original purpose but are reauthorized and appropriated to plan, design and construct a soccer field house in the Carlsbad municipal school district in Eddy county.

Chapter 126 Section 186 Laws 2004

Section 186. CHANGING THE PURPOSE OF A GENERAL FUND APPROPRIATION FOR A SOCCER FIELD HOUSE IN THE CARLSBAD MUNICIPAL SCHOOL DISTRICT IN EDDY COUNTY.--The appropriation made from the general fund to the state department of public education pursuant to Subsection 10 of Section 14 of Chapter 385 of Laws 2003 for infrastructure improvements at Jefferson Montessori academy in the Carlsbad municipal school district in Eddy county shall not be expended for the original purpose but is appropriated to plan, design and construct a soccer field house in the Carlsbad municipal school district in Eddy county. Any unexpended balance remaining at the end of fiscal year 2009 shall revert to the general fund.

Chapter 126 Section 187 Laws 2004

Section 187. CHANGING THE PURPOSE OF AND EXTENDING THE EXPENDITURE PERIOD FOR A GENERAL FUND APPROPRIATION TO PLAN, DESIGN AND CONSTRUCT

TENNIS COURTS IN LOS RANCHOS DE ALBUQUERQUE IN BERNALILLO COUNTY.--The general fund appropriation made to the local government division of the department of finance and administration pursuant to Subsection YYYY of Section 44 of Chapter 23 of Laws 2000 (2nd S.S.) to construct a community center at Los Ranchos de Albuquerque in Bernalillo county shall not be expended for the original purpose but is appropriated for the planning, design and construction of tennis courts in Los Ranchos de Albuquerque in Bernalillo county. The period of time in which the appropriation may be expended is extended through fiscal year 2009. Any unexpended balance remaining at the end of fiscal year 2009 shall revert to the general fund.

Chapter 126 Section 188 Laws 2004

Section 188. CHANGING THE PURPOSE OF A NEW MEXICO IRRIGATION WORKS CONSTRUCTION FUND APPROPRIATION FOR THE CEBOLLETA IRRIGATION RESERVOIR IN CIBOLA COUNTY.--The New Mexico irrigation works construction fund appropriation made in Subsection 1 of Section 60 of Chapter 110 of Laws 2002 to the office of the state engineer for phase 1 of the reconstruction of the irrigation reservoir in Cebolleta in Cibola county shall not be expended for the original purpose but is appropriated to make improvements to the irrigation reservoir in Cebolleta in Cibola county.

Chapter 126 Section 189 Laws 2004

Section 189. EXTENDING THE EXPENDITURE PERIOD OF A STATE ROAD FUND APPROPRIATION FOR A MAINTENANCE PATROL FACILITY NEAR VAUGHN IN GUADALUPE COUNTY.--The period of time in which the state road fund appropriation made pursuant to Paragraph (1) of Subsection A of Section 32 of Chapter 2 of Laws 1999 (1st S.S.) to acquire land, plan, design, make site improvements, construct and equip a maintenance patrol facility near Vaughn in Guadalupe county may be expended is extended through fiscal year 2009. Any unexpended balance remaining at the end of fiscal year 2009 shall revert to the state road fund.

Chapter 126 Section 190 Laws 2004

Section 190. EXTENDING THE EXPENDITURE PERIOD OF A CAPITAL PROJECTS FUND APPROPRIATION FOR THE EXPLORA SCIENCE CENTER IN ALBUQUERQUE IN BERNALILLO COUNTY.--The period of time in which the balance of the capital projects fund appropriation made in Subsection 75 of Section 37 of Chapter 429 of Laws 2003 to the local government division of the department of finance and administration for exhibits, furniture, fixtures and equipment for the Explora science center and children's museum in Albuquerque in Bernalillo county may be expended is extended through fiscal year 2006. Any unexpended balance remaining at the end of fiscal year 2006 shall revert to the capital projects fund.

Chapter 126 Section 191 Laws 2004

Section 191. 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 126 Section 192 Laws 2004

Section 192. REPEAL.--Laws 2003, Chapter 429, Section 99 is repealed.

Chapter 126 Section 193 Laws 2004

Section 193. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

HTRC/House Bill 293, aa, w/ec, w/cc
Approved March 10, 2004

LAWS 2004, SENATE JOINT RESOLUTION 3

A JOINT RESOLUTION

AUTHORIZING THE TRANSFER OF A PORTION OF THE EAGLE NEST LAKE PROPERTY FOR THE DEVELOPMENT OF A STATE PARK.

WHEREAS, Section 16-2-11 NMSA 1978 requires legislative approval of any acquisition of land for state park purposes prior to the execution of a written agreement binding the state to an expenditure of funds; and

WHEREAS, in 2002, the legislature appropriated funds to the state game commission for the purchase of Eagle Nest lake and environs in Colfax county for the purpose of providing hunting, fishing, boating and recreation and promoting tourism; and

WHEREAS, the state game commission and the state parks division of the energy, minerals and natural resources department agree that it would benefit the state to transfer ownership of part of the property to the state parks division for use and operation as a state park; and

WHEREAS, the land to be transferred is located on the north, west and south sides of Eagle Nest lake and comprises approximately eight hundred seventy-two acres as shall be determined by a survey prior to the transfer of the property;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the transfer of the described property from the state game commission to the state parks division of the energy, minerals and natural resources department be hereby approved; and

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to the state game commission and to the state parks division of the energy, minerals and natural resources department.

LAWS 2004, SENATE JOINT RESOLUTION 5

A JOINT RESOLUTION

AUTHORIZING THE SALE OF THE COTTONWOOD-WALNUT CREEK PROPERTY IN EDDY COUNTY; AUTHORIZING THE PURCHASE OF ADJACENT LANDS AT SUGARITE AND MANZANO STATE PARKS.

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

WHEREAS, Section 13-6-3 NMSA 1978 requires legislative ratification and approval of a sale of real property of the state for a consideration of one hundred thousand dollars (\$100,000) or more; and

WHEREAS, the Cottonwood-Walnut Creek property was purchased in 1972 for the purpose of creating a state park; and

WHEREAS, plans to proceed with a state park changed due to the development of another state park in the same area and a lack of progress in implementing a dam project originally envisioned; and

WHEREAS, the state parks division of the energy, minerals and natural resources department has leased the Cottonwood-Walnut Creek property for agricultural use from 1974 to 2004; and

WHEREAS, the state parks division has terminated the lease effective February 15, 2004 in expectation of disposing of the property; and

WHEREAS, the state parks division plans to use the proceeds from the sale of the Cottonwood-Walnut Creek property to match federal funds for state park land acquisition and development in other locations; and

WHEREAS, the Cottonwood-Walnut Creek property is located in Eddy county and legally described as:

Township 16 South, Range 25 East, N.M.P.M.

Section 2: W $\frac{1}{2}$ SW $\frac{1}{4}$ (save and except that certain tract described in Deed Book 51 at Page 479 of the records of Eddy County, New Mexico, and described as follows: Beginning 238 feet west of the southeast corner of the SW 3 SW 3, thence at right angle north 144 feet, thence west 262 feet, thence south 150 feet, thence east 262 feet to the point of beginning)

SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 3: Lots 12, 13, 14, 15 and 16, SW $\frac{1}{4}$ and SE $\frac{1}{4}$

Section 4: Lots 9, 10, 11, 14, 15 and 16, E $\frac{1}{2}$ SE $\frac{1}{4}$.

TOGETHER WITH all water rights appurtenant to the lands herein conveyed, and all improvements thereon.

EXCEPTING all oil, gas and other minerals heretofore reserved; And EXCEPTING, FURTHER, and reserving to the grantor, Geraldine L. Lumley, all oil gas and other minerals not heretofore reserved; and SUBJECT TO the oil and gas lease on record on February 13, 1972, provided however, that any future oil gas or mineral leases or conveyances entered into by the grantor Geraldine L. Lumley, or her heirs or assigns, shall carry a provision that said lessees or grantees will not create, or permit to exist, any unsightly excavation fills, or installations, or drill for or explore for oil, gas or any other minerals on the said lands, or permit waste on said property in any location which will interfere with or create a condition that would interfere with the use by the grantee or the general public in the use of said lands for park and recreation purposes, or which will impair the scenic or esthetic value of such land.

With warranty covenants."; and

WHEREAS, Section 16-2-11 NMSA 1978 requires legislative approval of acquisition of lands for state park or recreation purposes; and

WHEREAS, the state parks division should be authorized to purchase lands adjacent to Sugarite and Manzano state parks;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the sale of the described property be hereby ratified and approved pursuant to Section 13-6-3 NMSA 1978; and

BE IT FURTHER RESOLVED that the state parks division be authorized to purchase lands adjacent to Sugarite and Manzano state parks; and

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to the secretary of energy, minerals and natural resources and the director of the state parks division.

LAWS 2004, SENATE JOINT RESOLUTION 11

A JOINT RESOLUTION

AUTHORIZING THE PROPERTY DONATED TO THE STATE THAT INCLUDES THE VIETNAM VETERANS MEMORIAL IN COLFAX COUNTY TO BE DESIGNATED AS A STATE PARK.

WHEREAS, Section 16-2-11 NMSA 1978 requires legislative approval of any acquisition of land for state park purposes prior to the execution of a written agreement binding the state to an expenditure of funds; and

WHEREAS, the property that includes the Vietnam veterans memorial in Colfax county is in negotiations to be gifted to the state of New Mexico by the David Westphall veterans foundation; and

WHEREAS, the property to be gifted would meet the requirements for property to be used as a state park and is of historical importance to the citizens of the state; and

WHEREAS, the David Westphall veterans foundation would like to continue to be involved in the funding and operations of the park through donations, fundraising efforts and volunteers to be coordinated through office spaces on the property if approved;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that when the property gifted by the David Westphall veterans foundation, including the Vietnam veterans memorial, becomes in possession of the state of New Mexico, the land be approved pursuant to Section 16-2-11 NMSA 1978 to become a state park; and

BE IT FURTHER RESOLVED that the state parks division of the energy, minerals and natural resources department consult with the New Mexico veterans' service commission concerning the operations of the park; and

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to the David Westphall veterans foundation, the property control division of the general services department, the New Mexico veterans' service commission and the state parks division of the energy, minerals and natural resources department.

LAWS 2004, HOUSE JOINT RESOLUTION 12

A JOINT RESOLUTION

PROPOSING THE SALE OF STATE-OWNED LABOR DEPARTMENT PROPERTY AT 301 WEST DE VARGAS IN SANTA FE.

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

WHEREAS, Section 13-6-3 NMSA 1978 requires ratification and approval of any sale, trade or lease of state property for a period exceeding twenty-five years and of over one hundred thousand dollars (\$100,000) in value; and

WHEREAS, the state, through the property control division of the general services department, owns the building at 301 west De Vargas street in Santa Fe; and

WHEREAS, the labor department occupies the property and the property no longer adequately meets the needs of the department's programs; and

WHEREAS, the labor department has requested that the general services department sell the property and use proceeds toward acquisition of a more suitable location for its Santa Fe office; and

WHEREAS, the property is described in the warranty deed dated 72 April 13, A.M. 9.39, Book 289, page 845-846 records of Santa Fe county as:

Beginning at a point on the Westerly line of Sandoval Street
marked by an iron pipe, from which point the center of a sanitary

sewer manhole located in said Sandoval Street, Southerly from West DeVargas Street, bears North 62° 51' East, 158.52 feet; thence North 70° 24' West, 131.76 feet to an iron pipe; thence North 65° 59' West, 41.27 feet to an iron pipe; thence South 18° 24' West 81.65 feet to an iron pipe; thence North 72° 28' West, 60.76 feet to an iron pipe; thence North 71° 02' West, 65.79 feet to an iron pipe; thence North 19° 24' East, 66.68 feet to an iron pipe; thence South 71° 33' East, 97.94 feet to an iron pipe, a point on the Easterly line of Guadalupe Street; thence along the Easterly line of Guadalupe Street North 19° 04' East, 17.45 feet to an iron pipe; thence continuing along the Easterly line of said Guadalupe Street on a curve to the right Δ - 11° 01' D- 15.1874° T- 36.38' L- 72.54' R- 377.26' to an iron pipe; thence along the Southerly line of West De Vargas Street on a curve to the right Δ - 96° 15' D- 301.5568° T- 21.9' L- 31.92' R- 19.00' to an iron pipe; thence continuing along the Southerly line of said West De Vargas Street South 53° 40' East, 11.49 feet to an iron pipe; thence continuing along the Southerly line of said West De Vargas Street on a curve to the right Δ - 36° 13' D- 23.0771° T- 81.19' L- 156.94' R- 248.28' to an iron pipe; thence continuing along the Southerly line of said West De Vargas Street South 89° 53' East, 192.19 feet to an iron pipe; thence continuing along the Southerly line of said West De Vargas Street on a curve to the right Δ - 44° 36' D- 59.5654° T- 39.45' L- 74.88' R- 96.19' to an iron pipe; thence along the Westerly line of Sandoval Street on a curve to the right Δ - 100° 29' D- 238.733° T- 28.85' L- 42.09' R- 24.00' to an iron pipe; thence continuing along the Westerly line of said Sandoval Street on a curve to the left Δ - 12° 50' D- 9.9243° T- 64.93' L- 129.31' R- 577.33' to an iron pipe, the point and place of beginning, containing 57,576.91 square feet more or less, With warranty covenants;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the property control division of the general services department be authorized to sell the described property at a value not less than the appraised market value as determined by the taxation and revenue department; and

BE IT FURTHER RESOLVED that the sale is contingent upon federal approval, if required; and

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to the general services department and the labor department.

OFFICIAL ROSTER OF THE STATE OF NEW MEXICO

UNITED STATES SENATORS

Jeff Bingaman, Democrat, Silver City

Pete V. Domenici, Republican, Albuquerque

UNITED STATES REPRESENTATIVES

Heather Wilson, Republican, 1st Congressional District - Albuquerque

Steve Pearce, Republican, 2nd Congressional District - Hobbs

Tom Udall, Democrat, 3rd Congressional District - Santa Fe

STATE OFFICIALS

Bill Richardson, Democrat	Governor
Diane D. Denish, Democrat	Lieutenant Governor
Rebecca Vigil-Giron, Democrat	Secretary of State
Domingo P. Martinez, Democrat	State Auditor
Robert E. Vigil, Democrat	State Treasurer
Patricia A. Madrid, Democrat	Attorney General
Patrick H. Lyons, Republican	Commissioner of Public Lands
Herb J. Hughes, Republican	Public Regulation Commissioner, District 1
David W. King, Republican	Public Regulation Commissioner, District 2
Jerome Block, Democrat	Public Regulation Commissioner, District 3
Lynda M. Lovejoy, Democrat	Public Regulation Commissioner, District 4
E. Shirley Baca, Democrat	Public Regulation Commissioner, District 5

JUSTICES OF THE SUPREME COURT

Petra J. Maes, Chief Justice

Pamela B. Minzner

Patricio M. Serna

Richard C. Bosson

Edward L. Chavez

JUDGES OF THE COURT OF APPEALS

James J. Wechsler, Chief Judge

A. Joseph Alarid

Lynn Pickard

Michael D. Bustamante

Jonathan B. Sutin

Cynthia A. Fry

Celia Foy Castillo

Ira Robinson

Roderick T. Kennedy

Michael E. Vigil

DISTRICT COURTS

DISTRICT JUDGES

FIRST JUDICIAL DISTRICT

Santa Fe, Los Alamos & Rio Arriba Counties

Division I	Barbara J. Vigil	Santa Fe
Division II	Jim Hall	Santa Fe
Division III	Carol J. Vigil	Santa Fe
Division IV	Michael Vigil	Santa Fe
Division V	Timothy L. Garcia	Santa Fe
Division VI	Steve Pfeffer	Santa Fe
Division VII	Daniel Sanchez	Santa Fe

SECOND JUDICIAL DISTRICT

Bernalillo County

Division I	Marie A. Baca	Albuquerque
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Division II	James F. Blackmer	Albuquerque
Division III	Tommy Jewell	Albuquerque
Division IV	Frank Allen, Jr.	Albuquerque
Division V	Ted C. Baca	Albuquerque
Division VI	Neil C. Candelaria	Albuquerque
Division VII	Dan Schneider	Albuquerque
Division VIII	Ross C. Sanchez	Albuquerque
Division IX	Mark A. Macaron	Albuquerque
Division X	Theresa Baca	Albuquerque
Division XI	Ernesto J. Romero	Albuquerque
Division XII	Wendy E. York	Albuquerque
Division XIII	Robert Hayes Scott	Albuquerque
Division XIV	W. John Brennan	Albuquerque
Division XV	Richard J. Knowles	Albuquerque
Division XVI	Robert L. Thompson	Albuquerque
Division XVII	Nan G. Nash	Albuquerque
Division XVIII	Susan M. Conway	Albuquerque
Division XIX	Albert S. "Pat" Murdoch	Albuquerque
Division XX	William F. Lang	Albuquerque
Division XXI	Angela Jewell	Albuquerque
Division XXII	Deborah Davis Walker	Albuquerque
Division XXIII	Geraldine E. Rivera	Albuquerque

THIRD JUDICIAL DISTRICT

Doña Ana County

Division I	Robert E. Robles	Las Cruces
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Division II	Stephen Bridgforth	Las Cruces
Division III	Lou Martinez	Las Cruces
Division IV	Jerald A. Valentine	Las Cruces
Division V	Silvia E. Cano-Garcia	Las Cruces
Division VI	Grace Duran	Las Cruces

FOURTH JUDICIAL DISTRICT

Guadalupe, Mora & San Miguel Counties

Division I	Eugenio S. Mathis	Las Vegas
Division II	Jay Gwynne Harris	Las Vegas

FIFTH JUDICIAL DISTRICT

Lea, Eddy & Chaves Counties

Division I	Jay W. Forbes	Carlsbad
Division II	Alvin F. Jones	Roswell
Division III	William A. McBee	Lovington
Division IV	Don Maddox	Lovington
Division V	James L. Shuler	Carlsbad
Division VI	William P. Lynch	Roswell
Division VII	Gary L. Clingman	Lovington
Division VIII	Charles C. Currier, III	Roswell

SIXTH JUDICIAL DISTRICT

Grant, Hidalgo & Luna Counties

Division I	Henry R. Quintero	Silver City
Division II	Gary M. Jeffreys	Deming

SEVENTH JUDICIAL DISTRICT

Catron, Sierra, Socorro & Torrance Counties

Division I	Edmund H. Kase, III	Socorro
Division II	Thomas G. Fitch	Socorro
Division III	Kevin R. Sweaza	Socorro

EIGHTH JUDICIAL DISTRICT

Colfax, Union & Taos Counties

Division I	Peggy Jean Nelson	Taos
Division II	Sam B. Sanchez	Raton

NINTH JUDICIAL DISTRICT

Curry & Roosevelt Counties

Division I	Stephen Quinn	Clovis
Division II	Robert C. Brack	Clovis
Division III	Ted Lowe Hartley	Clovis, Portales

TENTH JUDICIAL DISTRICT

Quay, DeBaca, & Harding Counties

Division I	Ricky D. Purcell	Tucumcari
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ELEVENTH JUDICIAL DISTRICT

McKinley & San Juan Counties

Division I	William C. Birdsall	Aztec
Division II	Joseph L. Rich	Gallup
Division III	Douglas Allen Echols	Farmington
Division IV	John Arthur Dean, Jr.	Farmington
Division V	Grant Foutz	Gallup
Division VI	Thomas J. Hynes	Aztec

TWELFTH JUDICIAL DISTRICT

Lincoln & Otero Counties

Division I	Jerry H. Ritter, Jr.	Alamogordo
Division II	James Waylon Counts	Alamogordo
Division III	Karen Parsons	Carrizozo
Division IV	Frank K. Wilson	Alamogordo

THIRTEENTH JUDICIAL DISTRICT

Sandoval, Cibola & Valencia Counties

Division I	John W. Pope	Los Lunas
Division II	Kenneth G. Brown	Bernalillo
Division III	William "Bill" Sanchez	Los Lunas
Division IV	Camille E. Olguin	Grants
Division V	Louis P. McDonald	Bernalillo

DISTRICT ATTORNEYS

Los Alamos	First Judicial District	Henry R. Valdez	Santa Fe, Rio Arriba &
	Second Judicial District	Kari E. Brandenburg	Bernalillo
	Third Judicial District	Susana Martinez	Doña Ana
	Fourth Judicial District	Matthew J. Sandoval	Guadalupe, Mora & San Miguel
	Fifth Judicial District	Thomas A. Rutledge	Chaves, Eddy & Lea
Torrance	Sixth Judicial District	Jim Foy	Grant, Hidalgo & Luna
	Seventh Judicial District	Clint Wellborn	Catron, Sierra, Socorro &
	Eighth Judicial District	Donald A. Gallegos	Colfax, Union & Taos
	Ninth Judicial District	Brett J. Carter	Curry & Roosevelt
	Tenth Judicial District	Ronald W. Reeves	Quay, DeBaca & Harding
	Eleventh Judicial District	Gregory M. Tucker	Division 1: San Juan
	Karl Gillson	Division 2: McKinley	

	Twelfth Judicial District	Scot D. Key	Lincoln & Otero
Cibola	Thirteenth Judicial District	Lemuel L. Martinez	Sandoval, Valencia &

STATE SENATORS SERVING IN THE FORTY-SIXTH LEGISLATURE

STATE OF NEW MEXICO

SECOND SESSION

CONVENED JANUARY 20, 2004

District	County	Name	City
1	San Juan	William E. Sharer	Farmington
2	San Juan	Allen V. Hurt	Waterflow
3	McKinley & San Juan Tohatchi	John Pinto	
4	Cibola & McKinley Gallup	Lidio G. Rainaldi	
5	Los Alamos, Rio Arriba & Santa Fe Española	Richard C. Martinez	
6	Los Alamos, Rio Arriba, Santa Fe & Taos	Carlos R. Cisneros	Questa
7	Colfax, Curry, Harding, Quay, San Miguel, Taos & Union	Clinton D. Harden, Jr.	Clovis
8	Guadalupe, Mora, San Miguel, Santa Fe & Torrance	Pete Campos	Las Vegas
9	Sandoval Corrales	Steve Komadina	
10	Bernalillo & Sandoval Albuquerque	Ramsay L. Gorham	
11	Bernalillo	Linda M. Lopez	Albuquerque
12	Bernalillo	Richard M. Romero	Albuquerque
13	Bernalillo	Dede Feldman	Albuquerque

	14	Bernalillo & Valencia Albuquerque	Manny M. Aragon	
	15	Bernalillo Albuquerque	H. Diane Snyder	
	16	Bernalillo	Cisco McSorley	Albuquerque
	17	Bernalillo	Shannon Robinson	Albuquerque
	18	Bernalillo	Mark Boitano	Albuquerque
	19	Bernalillo, Sandoval, Santa Fe & Torrance Albuquerque	Sue F. Wilson Beffort	
	20	Bernalillo Albuquerque	William H. Payne	
	21	Bernalillo & Sandoval Albuquerque	Kent L. Cravens	
	22	Bernalillo, Cibola, McKinley, Rio Arriba & Sandoval	Leonard Tsosie	Crownpoint
	23	Bernalillo & Sandoval Albuquerque	Joseph J. Carraro	
Fe	24	Santa Fe	Nancy Rodriguez	Santa
	25	Santa Fe	Roman M. Maes III	Santa Fe
	26	Bernalillo	Bernadette M. Sanchez	Albuquerque
	27	Chaves, Curry, De Baca & Roosevelt Portales	Stuart Ingle	
	28	Catron, Grant & Socorro	Ben D. Altamirano	Silver City
	29	Valencia	Michael S. Sanchez	Belen
	30	Cibola, Socorro & Valencia	Joseph A. Fidel	Grants
	31	Doña Ana	Cynthia Nava	Las Cruces
	32	Chaves, Eddy, Lincoln & Otero	Timothy Z. Jennings	Roswell
	33	Chaves & Lincoln	Rod Adair	Roswell
	34	Eddy & Otero	Don Kidd	Carlsbad

	35	Hidalgo, Luna & Sierra	John Arthur Smith	Deming
	36	Doña Ana	Mary Jane M. Garcia	Doña Ana
Cruces	37	Doña Ana & Sierra	Leonard Lee Rawson	Las
Cruces	38	Doña Ana	Mary Kay Papen	Las
Jose	39	Los Alamos, Mora, Sandoval, San Miguel, Santa Fe & Taos	Phil A. Griego	San
	40	Doña Ana & Otero Tularosa	Dianna J. Duran	
	41	Eddy & Lea	Carroll H. Leavell	Jal
	42	Chaves, Curry, Eddy, Lea & Roosevelt	Gay Gottshall Kernan	Hobbs

STATE REPRESENTATIVES SERVING IN THE FORTY-SIXTH LEGISLATURE

STATE OF NEW MEXICO

SECOND SESSION

CONVENED JANUARY 20, 2004

District	County	Name	City
1	San Juan	Thomas C. Taylor	Farmington
2	San Juan	Nick Tinnin	Farmington
3	San Juan	Sandra L. Townsend	Aztec
4	San Juan	Ray Begaye	Shiprock
5	McKinley & San Juan	Irvin Harrison	Gallup
6	Cibola & McKinley Grants	George J. Hanosh	
7	Valencia	Kandy Cordova	Belen
8	Valencia	Fred Luna	Los Lunas

9	McKinley & San Juan	Patricia Lundstrom	Gallup
10	Bernalillo & Valencia Albuquerque	Henry "Kiki" Saavedra	
11	Bernalillo	Rick Miera	Albuquerque
12	Bernalillo Albuquerque	James G. Taylor	
13	Bernalillo	Daniel P. Silva	Albuquerque
14	Bernalillo Albuquerque	Miguel P. Garcia	
15	Bernalillo Albuquerque	Teresa A. Zanetti	
16	Bernalillo	Raymond M. Ruiz	Albuquerque
17	Bernalillo	Edward C. Sandoval	Albuquerque
18	Bernalillo	Gail C. Beam	Albuquerque
19	Bernalillo	Sheryl M. Williams Stapleton	Albuquerque
20	Bernalillo	Ted Hobbs	Albuquerque
21	Bernalillo	Mimi Stewart	Albuquerque
22	Bernalillo, Sandoval & Santa Fe	Ron Godbey	Cedar Crest
23	Bernalillo & Sandoval Corrales	Eric A. Youngberg	
24	Bernalillo	Janice E. Arnold-Jones	Albuquerque
25	Bernalillo	Danice R. Picraux	Albuquerque
26	Bernalillo	Al Park	Albuquerque
27	Bernalillo	Lorenzo A. Larrañaga	Albuquerque
28	Bernalillo	Rory Ogle	Albuquerque
29	Bernalillo	Thomas Anthony Anderson	Albuquerque
30	Bernalillo Albuquerque	Robert W. White	
31	Bernalillo	Joseph M. Thompson	Albuquerque

	32	Luna	Dona G. Irwin	Deming
	33	Doña Ana	J. Paul Taylor	Mesilla
	34	Doña Ana	Mary Helen Garcia	Las Cruces
	35	Doña Ana	Antonio Lujan	Las Cruces
	36	Doña Ana	Andrew "Andy" Nuñez	Hatch
	37	Doña Ana	William Ed Boykin	Las Cruces
City	38	Grant, Hidalgo & Sierra	Dianne Hamilton	Silver
	39	Hidalgo & Grant	Manuel G. Herrera	Bayard
Pueblo	40	Mora, Rio Arriba, San Miguel,	Nick L. Salazar	San Juan
		Santa Fe & Taos		
Pueblo	41	Rio Arriba, Sandoval & Taos	Debbie A. Rodella	San Juan
	42	Taos	Roberto J. Gonzales	Taos
Alamos	43	Los Alamos, Sandoval & Santa Fe	Jeannette O. Wallace	Los
	44	Sandoval Corrales	Jane E. Powdrell-Culbert	
	45	Santa Fe	Jim R. Trujillo	Santa Fe
	46	Santa Fe	Ben Lujan	Santa Fe
	47	Santa Fe	Max Coll	Santa Fe
	48	Santa Fe	Luciano "Lucky" Varela	Santa Fe
	49	Catron, Socorro & Valencia	Don Tripp	Socorro
	50	Torrance, Bernalillo & Santa Fe	Rhonda S. King	Stanley
	51	Otero Alamogordo	Gloria C. Vaughn	
Cruces	52	Doña Ana	Joseph Cervantes	Las

53	Otero & Doña Ana Alamogordo	Terry T. Marquardt	
54	Eddy & Otero	Joe M Stell	Carlsbad
55	Eddy	John A. Heaton	Carlsbad
56	Lincoln & Otero	Dub Williams	Glencoe
57	Chaves, Lincoln & Otero	Daniel Foley	Roswell
58	Chaves	Pauline J. Ponce	Roswell
59	Chaves, Lincoln & Otero	Avon W. Wilson	Roswell
60	Sandoval	Thomas E. Swisstack	Rio Rancho
61	Lea	Donald L. Whitaker	Eunice
62	Lea	Donald E. Bratton	Hobbs
63	Curry, De Baca, Guadalupe & Roosevelt	Jose A. Campos, II	Santa Rosa
64	Curry	Anna M. Crook	Clovis
65	Bernalillo, Rio Arriba, McKinley & Sandoval	James Roger Madalena	Jemez
	Pueblo		
66	Chaves, Eddy, Lea & Roosevelt Lovington	Earlene Roberts	
67	Curry, Harding, Quay, Roosevelt, San Miguel & Union	Brian K. Moore	Clayton
68	Colfax, Guadalupe, Mora, San Miguel Cleveland & Taos	Bengie Regensberg	
69	Cibola, McKinley & San Juan	W. Ken Martinez	Grants
70	San Miguel & Torrance	Richard D. Vigil	Ribera